United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, FIRST SESSION

Vol. 149 WASHINGTON, THURSDAY, JULY 24, 2003 No. 111

House of Representatives

The House met at 10 a.m.

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

Lord God, Your people lived in security from all their enemies for a long time when Joshua summoned all the people, their elders, heads of families, their judges, and representatives together, and he said, ''You have seen for yourselves all that the Lord our God has done for you. It was the Lord who fought for you in time of war. It was the Lord who granted you the gift of peace. Be resolute, therefore: Observe and perform everything written in the book of the Law without swerving to right or left.''

May the words of Joshua pierce the hearts of all in Congress and all Americans today. Having seen You, Lord, guiding our history in the past, help us to be resolute today. In the formulation of law and national policy, let Members of the House hear Your voice. In their adherence to the law, let all citizens be Your people of promise and bring Your kingdom to reality. Free Your people from labels or postures that dictate right or left; rather, may they be so in tune to Your living word and Your dynamic spirit that they may be the fulfillment of Your law, now and forever. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. REHBERG led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 285. An act to authorize the integration and consolidation of alcohol and substance abuse programs and services provided by Indian tribal governments, and for other purposes.

S. 650. An act 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.

The message also announced that pursuant to section 2761 of title 22, United States Code, as amended, the Chair, on behalf of the President pro tempore, and upon the recommendation of the Minority Leader, appoints the Honorable PAUL SARBANES of Maryland as a delegate of the Senate Delegation to the British-American Interparliamentary Group conference during the One Hundred Eighth Congress.

The message also announced that pursuant to Public Law 101–549, the Chair, on behalf of the Majority Leader, appoints Dr. Bernard Coldstein, of Pennsylvania, to the Board of Directors of the Mickey Leland National Urban Air Toxics Research Center, vice M.M. Key.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain 5 1-minutes on each side.

IMPORTATION OF PRESCRIPTION DRUGS BAD FOR AMERICA

(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, today the House will be considering legislation that would allow for the importation of prescription drugs from foreign lands, H.R. 2427. The supporters of this bill will tell us that this legislation will give millions of Americans access to safe, cheap drugs from foreign countries. I believe them to be wrong. Instead, this bill will only serve to undercut important safety protections and place foreign price controls on American businesses.

We are all concerned about the cost of prescription drugs, but this bill is not the way to go about holding down prices.

This bill is not about free trade. In other industries, we do not permit the imposition of foreign price controls on American businesses, and we should not in this case, either.

This bill is not about safe drugs. In Operation Safeguard, the U.S. Customs agency determined that 80 to 90 percent of pharmaceuticals that enter the United States via mail violate FDA and DEA requirements.

We all want cheaper drugs, but not at any cost. But that is the question the supporters of this bill put to this body: At what price we are willing to make sure cheap drugs are available to our constituents? I do not think that price should be their safety.

Let us work on constructive solutions to bring down the cost of health care in this country, not promote ideas that will do more harm than good.

SCHOOL READINESS ACT ADVERSELY AFFECTS MINORITIES

(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, I rise this morning

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to discuss how the School Readiness Act will adversely affect minority children. What we are talking about here is Head Start. Of the 900,000 children in Head Start, 300,000 are Hispanic. This is something very near and dear to my heart. I am a former Head Start child.

The Republicans argue that the School Readiness Act will not allow States to supplant Federal funding, but, in fact, CRS, the Congressional Research Service, indicates that that is just the case.

Why should we care? I will tell my colleagues that every kindergarten, first grade and second grade teacher in my district that I have visited in every school, and I have gone to all of them, has told me that the number one thing that the Federal Government can do at the education level is to fund Head Start, to give our children the ability to start even at the starting line of education.

So why, why would the Republicans take a program that is working and try to change it, to put more barriers in front of our minority children?

OPENING AMERICAN MARKETS TO IMPORTATION OF PRESCRIPTION DRUGS

(Mrs. EMERSON asked and was given permission to address the House for 1 minute.)

Mrs. EMERSON. Mr. Speaker, today we may be voting on a measure to open American markets to the reimportation of prescription drugs. I say we may be voting because, as a Member of this House, I have never seen an issue so important to me, to our colleagues, and to the American people treated so unfairly.

Access to affordable prescription drugs is too important an issue to only be debated on the House Floor for 1 hour.

Under the rule formulated for the debate on reimportation, the Speaker may pull this bill at any time. If that happens, Americans may remain under the thumb of the pharmaceutical industry for the foreseeable future.

In America, breast cancer kills over 40,000 people, especially women, each year. Mr. Speaker, a bottle of Tamoxifen used to fight breast cancer costs $360 in the United States. It costs $60 in Germany. How long will American women who cannot afford Tamoxifen continue to subsidize those in Europe who can? And if the drug companies have their way in this debate, Mr. Speaker, the sorry status quo will persist. Lives will be shortened, lives will be lost. This is bad process, bad form, and a bad rule. Our seniors deserve better.

MOURNING THE LOSS OF NEW YORK CITY COUNCILMAN JAMES DAVIS

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

Mr. TOWNS. Mr. Speaker, I rise today with a heavy heart as New York City lost a true public servant yesterday in a violent shooting at City Hall.

Councilman James Davis of Brooklyn was an intelligent, passionate, and energetic young man who had an extremely bright future. He worked very hard and took his duties as a public servant very, very seriously.

With James, it was always about the community. He was dedicated to his community, having served as a police officer and district leader before being elected to the city council. One could always see the love he had for his community.

I met James through the Youth March Against Violence that he organized. He was only 41 years old and had served almost one term in the New York City Council at the time of his murder. But he had already made his mark. I will miss him greatly, as will the entire city and Nation, especially those of us from Brooklyn.

My sympathies and prayers go out to his family, to his staff, and friends. Farewell, James. You fought a good fight. Farewell, farewell.

A GRATEFUL NATION HONORS JEFF ALLEN AND SHANE HEATH, BRAVE IDAHO FIREFIGHTERS

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

Mr. OTTER. Mr. Speaker, I rise today in solemn humility to remember Jeff Allen and Shane Heath, two young Idaho firefighters who were killed on the afternoon of July 22 while battling a wildfire in Idaho's Salmon-Challis National Forest.

The loss of life is always tragic. The deaths of people working to protect our lives, property, and resources are especially painful; and I extend my heartfelt condolences to the families of these brave Americans.

Those with the skills and the courage to defend us against the ravages of nature and the folly of man are among the best and the brightest, and we must do all we can as a Nation to ensure that their lives are not put at unnecessary risk and that their sacrifice is never forgotten.

My own son, John, once served with a hotshot first strike crew for the Sawtooth National Firefighting crews, so I can empathize with the fear and the pain that comes from incidences like this that these families now face.

Today we pause to remember that wildfire does more than just damage our economy and our environment. It kills. May the loved ones of Jeff Allen and Shane Heath take what comfort they can in the sure knowledge that a grateful Nation honors them today and all those who follow them into the forests on our behalf.

AMERICANS NEED TO KNOW THE TRUTH

(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, the death toll in Iraq of the United States military has now reached and will exceed the number of deaths in the Persian Gulf War. I stand again to acknowledge and respect the brave young men and women who stand for justice and freedom and fight for our beliefs in the war in Iraq. But as Ambassador Bremer has made his rounds in Washington, there is still a missing element: a lack of a plan.

It is now time for the administration to announce a collaborative and understandable plan for Iraq, for the aftermath of Iraq; a similar plan to the Marshall concept that brings together all of our allies, not whispering and suggesting that these allies are with us, but a pronounced plan where we know who are the ones that are sending troops and paying for the costs of those troops.

What is the humanitarian aid? What are the humanitarian groups that are there on the ground helping to rebuild Iraq?

And, yes, the American people must know the truth: An independent commission on the understanding or the question of intelligence and the paper trail that caused this administration to pronounce to the American public that we are about to be under imminent attack and that was the reason for the unilateral preemptive attack against Iraq.

All we need is the truth. All we need is facts. All we need is a collective, collaborative plan in order to ensure that there is a good exit strategy for Iraq and that the American people know that we are not going to be there 1 year, we are not going to be there 6 months, we may be there 4 or 5 years, and there may be continued loss of life.

The American people need to know the truth.

SUPPORT THE SCHOOL READINESS ACT OF 2003

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

Mr. REHBERG. Mr. Speaker, today this body will consider the School Readiness Act of 2003, better known as Head Start.

Since its inception in 1965, America's taxpayers have funded the Head Start program which has served nearly 20 million low-income children and their families. Unfortunately, the lobbying against this reauthorization legislation has been intense and, in many cases, misleading.

When did we lose the desire in this country to make a program better? Despite the millions invested each year,

test scores continue to remain low. There still has been a wide achievement gap between Head Start kids and their more advantaged peers. We have a long ways to go.

Meanwhile, since 1996, funding for Head Start has nearly doubled in this Republican Congress. Do we think we can do better for these children? Yes. This is a modest attempt to improve a program.

The demonstration program in this bill is voluntary, I repeat, voluntary, on the part of eight States who want local control to try and do better. Why not? What could possibly be wrong with that?

The School Readiness Act of 2003 is a good bill and an improvement to the program.

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FDA'S LOBBYING QUESTIONED

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

Mr. BROWN of Ohio. Mr. Speaker, in today's Roll Call, the Capitol Hill newspaper of record, there is an article, FDA's Lobbying Questioning. Let me read a couple of paragraphs:

''In a rare lobbying campaign by a Federal agency, the Food and Drug Administration has formed an unofficial alliance with the pharmaceutical industry to urge House Members to vote against a bill that could flood the Nation with cheap prescription drugs from Canada and overseas.

''The FDA's extraordinary moves to kill the bill'' this article says, ''and the informal lobbying partnership between a Federal regulator and an industry it oversees, has coming under fire from several Members who support this legislation.''

Mr. Speaker, this may not be illegal, what the Food and Drug Administration has done, but it is certainly untoward, it is certainly unprecedented.

In my 11 years as a Member of Congress I have never seen a Federal agency use its civil servants to lobby Congress so directly and so brazenly; and what is particularly outrageous is that they are doing that against American consumers, against America's elderly, against people who need lower-priced prescription drugs. The drug industry's contributions to the Bush administration and to far too many people in this Chamber unfortunately might be paying off.

HELPING CONGRESS MAKE BETTER DECISIONS

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

Mr. ISAKSON. Mr. Speaker, I rise quickly to make a couple of points. Sometimes we change legislation through impassioned speeches on the floor of this House. Sometimes, in the quiet of committees, members offer amendments that make substantial changes in law. Sometimes you can make substantial change in our practices through change in the way we do business.

Yesterday, I introduced a change to the rules of House as a bill introduced in this House, which I would like to ask everybody to be a part of, that simply says this: Whenever a conference committee appropriates new moneys, expands a program or adds a program that was not incorporated within the House and Senate bills as they went through their normal procedure in this House, that those programs be delineated on the surface of that conference report, and that that conference report lie on the Members' desks for 24 hours before its vote.

When the sun shines in on the knowledge of last-minute appropriations and deals that are made, then we in Congress will make more intelligent votes on the bills that come before us than the late night and late hours of the conference committee reports and votes.

BALANCED BUDGET AND NATIONAL DEBT

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

Mr. TAYLOR of Mississippi. Mr. Speaker, if has been 804 days since the angels of debt, led by President Bush and the Republican majority in this House, embarked on the economic plan for our Nation. During that time the national debt has increased by $1,085,680,723,163.

According to the Web site for the Bureau of Public Debt at the U.S. Department of Treasury, yesterday at 4 o'clock, Eastern Daylight Time, the Nation's outstanding debt was $6,726,006,109,521.

Furthermore, in fiscal year 2003, interest on our national debt, or the debt tax, is $277,768,492,816 as of June 30.

Mr. Speaker, it is time for you to schedule a vote on this House floor for a balanced budget amendment to the American Constitution.

UNITED STATES-CHILE FREE TRADE AGREEMENT IMPLEMENTATION ACT

Mr. THOMAS. Mr. Speaker, pursuant to House Resolution 329, I call up the bill (H.R. 2738) to implement the United States-Chile Free Trade Agreement, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of H.R. 2738 is as follows:

HR. 2738

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''United States-Chile Free Trade Agreement Implementation Act''.

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.
Sec. 2. Purposes.
Sec. 3. Definitions.
TITLE I—APPROVAL OF, AND GENERAL PROVISIONS RELATING TO, THE AGREEMENT
Sec. 101. Approval and entry into force of the agreement.
Sec. 102. Relationship of the agreement to United States and State law.
Sec. 103. Consultation and layover provisions for, and effective date of, proclaimed actions.
Sec. 104. Implementing actions in anticipation of entry into force and initial regulations.
Sec. 105. Administration of dispute settlement proceedings.
Sec. 106. Arbitration of claims.
Sec. 107. Effective dates; effect of termination.
TITLE II—CUSTOMS PROVISIONS
Sec. 201. Tariff modifications.
Sec. 202. Rules of origin.
Sec. 203. Drawback.
Sec. 204. Customs user fees.
Sec. 205. Disclosure of incorrect information; denial of preferential tariff treatment; false certificates of origin.
Sec. 206. Reliquidation of entries.
Sec. 207. Recordkeeping requirements.
Sec. 208. Enforcement of textile and apparel rules of origin.
Sec. 209. Conforming amendments.
Sec. 210. Regulations.
TITLE III—RELIEF FROM IMPORTS
Sec. 301. Definitions.
Subtitle A—Relief From Imports Benefiting From the Agreement
Sec. 311. Commencing of action for relief.
Sec. 312. Commission action on petition.
Sec. 313. Provision of relief.
Sec. 314. Termination of relief authority.
Sec. 315. Compensation authority.
Sec. 316. Confidential business information.
Subtitle B—Textile and Apparel Safeguard Measures
Sec. 321. Commencement of action for relief.
Sec. 322. Determination and provision of relief.
Sec. 323. Period of relief.
Sec. 324. Articles exempt from relief.
Sec. 325. Rate after termination of import relief.
Sec. 326. Termination of relief authority.
Sec. 327. Compensation authority.
Sec. 328. Business confidential information.
TITLE IV—TEMPORARY ENTRY OF BUSINESS PERSONS
Sec. 401. Nonimmigrant traders and investors.
Sec. 402. Nonimmigrant professionals; labor attestation.
Sec. 403. Labor disputes.
Sec. 404. Conforming amendments.

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to approve and implement the Free Trade Agreement between the United States and the Republic of Chile entered into under the authority of section 2103(b) of the Bipartisan Trade Promotion Authority Act of 2002;

(2) to strengthen and develop economic relations between the United States and Chile for their mutual benefit;

(3) to establish free trade between the two nations through the reduction and elimination of barriers to trade in goods and services and to investment; and

(4) to lay the foundation for further cooperation to expand and enhance the benefits of such Agreement.

SEC. 3. DEFINITIONS.

In this Act:

(1) AGREEMENT.—The term ''Agreement'' means the United States-Chile Free Trade Agreement approved by the Congress under section 101(a)(1).

(2) HTS.—The term ''HTS'' means the Harmonized Tariff Schedule of the United States.

(3) TEXTILE OR APPAREL GOOD.—The term ''textile or apparel good'' means a good listed in the Annex to the Agreement on Textiles and Clothing referred to in section 101(d)(4) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(4)).

TITLE I—APPROVAL OF, AND GENERAL PROVISIONS RELATING TO, THE AGREEMENT

SEC. 101. APPROVAL AND ENTRY INTO FORCE OF THE AGREEMENT.

(a) APPROVAL OF AGREEMENT AND STATEMENT OF ADMINISTRATIVE ACTION.—Pursuant to section 2105 of the Bipartisan Trade Promotion Authority Act of 2002 (19 U.S.C. 3805) and section 151 of the Trade Act of 1974 (19 U.S.C. 2191), the Congress approves—

(1) the United States-Chile Free Trade Agreement entered into on June 6, 2003, with the Government of Chile and submitted to the Congress on July 15, 2003; and

(2) the statement of administrative action proposed to implement the Agreement that was submitted to the Congress on July 15, 2003.

(b) CONDITIONS FOR ENTRY INTO FORCE OF THE AGREEMENT.—At such time as the President determines that Chile has taken measures necessary to bring it into compliance with the provisions of the Agreement that take effect on the date on which the Agreement enters into force, the President is authorized to exchange notes with the Government of Chile providing for the entry into force, on or after January 1, 2004, of the Agreement for the United States.

SEC. 102. RELATIONSHIP OF THE AGREEMENT TO UNITED STATES AND STATE LAW.

(a) RELATIONSHIP TO UNITED STATES LAW.—

(1) UNITED STATES LAW TO PREVAIL IN CONFLICT.—No provision of the Agreement, nor the application of any such provision to any person or circumstance, which is inconsistent with any law of the United States shall have effect.

(2) CONSTRUCTION.—Nothing in this Act shall be construed—

(A) to amend or modify any law of the United States, or

(B) to limit any authority conferred under any law of the United States,

unless specifically provided for in this Act.

(b) RELATIONSHIP OF AGREEMENT TO STATE LAW.—

(1) LEGAL CHALLENGE.—No State law, or the application thereof, may be declared invalid as to any person or circumstance on the ground that the provision or application is inconsistent with the Agreement, except in an action brought by the United States for the purpose of declaring such law or application invalid.

(2) DEFINITION OF STATE LAW.—For purposes of this subsection, the term ''State law'' includes—

(A) any law of a political subdivision of a State; and

(B) any State law regulating or taxing the business of insurance.

(c) EFFECT OF AGREEMENT WITH RESPECT TO PRIVATE REMEDIES.—No person other than the United States—

(1) shall have any cause of action or defense under the Agreement or by virtue of Congressional approval thereof; or

(2) may challenge, in any action brought under any provision of law, any action or inaction by any department, agency, or other instrumentality of the United States, any State, or any political subdivision of a State on the ground that such action or inaction is inconsistent with the Agreement.

SEC. 103. CONSULTATION AND LAYOVER PROVISIONS FOR, AND EFFECTIVE DATE OF, PROCLAIMED ACTIONS.

(a) CONSULTATION AND LAYOVER REQUIREMENTS.—If a provision of this Act provides that the implementation of an action by the President by proclamation is subject to the consultation and layover requirements of this section, such action may be proclaimed only if—

(1) the President has obtained advice regarding the proposed action from—

(A) the appropriate advisory committees established under section 135 of the Trade Act of 1974 (19 U.S.C. 2155); and

(B) the United States International Trade Commission;

(2) the President has submitted a report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate that sets forth—

(A) the action proposed to be proclaimed and the reasons therefor; and

(B) the advice obtained under paragraph (1);

(3) a period of 60 calendar days, beginning on the first day on which the requirements set forth in paragraphs (1) and (2) have been met has expired; and

(4) the President has consulted with such Committees regarding the proposed action during the period referred to in paragraph (3).

(b) EFFECTIVE DATE OF CERTAIN PROCLAIMED ACTIONS.—Any action proclaimed by the President under the authority of this Act that is not subject to the consultation and layover provisions under subsection (a) may not take effect before the 15th day after the date on which the text of the proclamation is published in the Federal Register.

SEC. 104. IMPLEMENTING ACTIONS IN ANTICIPATION OF ENTRY INTO FORCE AND INITIAL REGULATIONS.

(a) IMPLEMENTING ACTIONS.—

(1) PROCLAMATION AUTHORITY.—After the date of enactment of this Act—

(A) the President may proclaim such actions, and

(B) other appropriate officers of the United States Government may issue such regulations,

as may be necessary to ensure that any provision of this Act, or amendment made by this Act, that takes effect on the date the Agreement enters into force is appropriately implemented on such date, but no such proclamation or regulation may have an effective date earlier than the date of entry into force.

(2) WAIVER OF 15-DAY RESTRICTION.—The 15-day restriction contained in section 103(b) on the taking effect of proclaimed actions is waived to the extent that the application of such restriction would prevent the taking effect on the date the Agreement enters into force of any action proclaimed under this section.

(b) INITIAL REGULATIONS.—Initial regulations necessary or appropriate to carry out the actions required by or authorized under this Act or proposed in the statement of administrative action referred to in section 101(a)(2) to implement the Agreement shall, to the maximum extent feasible, be issued within 1 year after the date of entry into force of the Agreement. In the case of any implementing action that takes effect on a date after the date of entry into force of the Agreement, initial regulations to carry out that action shall, to the maximum extent feasible, be issued within 1 year after such effective date.

SEC. 105. ADMINISTRATION OF DISPUTE SETTLEMENT PROCEEDINGS.

(a) ESTABLISHMENT OR DESIGNATION OF OFFICE.—The President is authorized to establish or designate within the Department of Commerce an office that shall be responsible for providing administrative assistance to panels established under chapter 22 of the Agreement. The office may not be considered to be an agency for purposes of section 552 of title 5, United States Code.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each fiscal year after fiscal year 2003 to the Department of Commerce such sums as may be necessary for the establishment and operations of the office under subsection (a) and for the payment of the United States share of the expenses of panels established under chapter 22 of the Agreement.

SEC. 106. ARBITRATION OF CLAIMS.

(a) SUBMISSION OF CERTAIN CLAIMS.—The United States is authorized to resolve any claim against the United States covered by article 10.15(1)(a)(i)(C) or 10.15(1)(b)(i)(C) of the Agreement, pursuant to the Investor-State Dispute Settlement procedures set forth in section B of chapter 10 of the Agreement.

(b) CONTRACT CLAUSES.—All contracts executed by any agency of the United States on or after the date of entry into force of the Agreement shall contain a clause specifying the law that will apply to resolve any breach of contract claim.

SEC. 107. EFFECTIVE DATES; EFFECT OF TERMINATION.

(a) EFFECTIVE DATES.—Except as provided in subsection (b), the provisions of this Act and the amendments made by this Act take effect on the date the Agreement enters into force.

(b) EXCEPTIONS.—Sections 1 through 3 and this title take effect on the date of the enactment of this Act.

(c) TERMINATION OF THE AGREEMENT.—On the date on which the Agreement ceases to be in force, the provisions of this Act (other than this subsection) and the amendments made by this Act shall cease to be effective.

TITLE II—CUSTOMS PROVISIONS

SEC. 201. TARIFF MODIFICATIONS.

(a) TARIFF MODIFICATIONS PROVIDED FOR IN THE AGREEMENT.—

(1) PROCLAMATION AUTHORITY.—The President may proclaim—

(A) such modifications or continuation of any duty,

(B) such continuation of duty-free or excise treatment, or

(C) such additional duties,

as the President determines to be necessary or appropriate to carry out or apply articles 3.3, 3.7, 3.9, article 3.20 (8), (9), (10), and (11), and Annex 3.3 of the Agreement.

(2) EFFECT ON CHILEAN GSP STATUS.—Notwithstanding section 502(a)(1) of the Trade Act of 1974 (19 U.S.C. 2462(a)(1)), the President shall terminate the designation of Chile as a beneficiary developing country for purposes of title V of the Trade Act of 1974 on the date of entry into force of the Agreement.

(b) OTHER TARIFF MODIFICATIONS.—Subject to the consultation and layover provisions of section 103(a), the President may proclaim—

(1) such modifications or continuation of any duty,

(2) such modifications as the United States may agree to with Chile regarding the staging of any duty treatment set forth in Annex 3.3 of the Agreement,

(3) such continuation of duty-free or excise treatment, or

(4) such additional duties,

as the President determines to be necessary or appropriate to maintain the general level

of reciprocal and mutually advantageous concessions with respect to Chile provided for by the Agreement.

(c) ADDITIONAL TARIFFS ON AGRICULTURAL SAFEGUARD GOODS.—

(1) IN GENERAL.—In addition to any duty proclaimed under subsection (a) or (b), and subject to paragraphs (3) through (5), the Secretary of the Treasury shall assess a duty, in the amount prescribed under paragraph (2), on an agricultural safeguard good if the Secretary of the Treasury determines that the unit import price of the good when it enters the United States, determined on an F.O.B. basis, is less than the trigger price indicated for that good in Annex 3.18 of the Agreement or any amendment thereto.

(2) CALCULATION OF ADDITIONAL DUTY.—The amount of the additional duty assessed under this subsection shall be determined as follows:

(A) If the difference between the unit import price and the trigger price is less than, or equal to, 10 percent of the trigger price, no additional duty shall be imposed.

(B) If the difference between the unit import price and the trigger price is greater than 10 percent, but less than or equal to 40 percent, of the trigger price, the additional duty shall be equal to 30 percent of the difference between the preferential tariff rate and the column 1 general rate of duty imposed under the HTS on like articles at the time the additional duty is imposed.

(C) If the difference between the unit import price and the trigger price is greater than 40 percent, but less than or equal to 60 percent, of the trigger price, the additional duty shall be equal to 50 percent of the difference between the preferential tariff rate and the column 1 general rate of duty imposed under the HTS on like articles at the time the additional duty is imposed.

(D) If the difference between the unit import price and the trigger price is greater than 60 percent, but less than or equal to 75 percent, of the trigger price, the additional duty shall be equal to 70 percent of the difference between the preferential tariff rate and the column 1 general rate of duty imposed under the HTS on like articles at the time the additional duty is imposed.

(E) If the difference between the unit import price and the trigger price is greater than 75 percent of the trigger price, the additional duty shall be equal to 100 percent of the difference between the preferential tariff rate and the column 1 general rate of duty imposed under the HTS on like articles at the time the additional duty is imposed.

(3) EXCEPTIONS.—No additional duty under this subsection shall be assessed on an agricultural safeguard good if, at the time of entry, the good is subject to import relief under—

(A) subtitle A of title III of this Act; or

(B) chapter 1 of title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.).

(4) TERMINATION.—This subsection shall cease to apply on the date that is 12 years after the date on which the Agreement enters into force.

(5) TARIFF-RATE QUOTAS.—If an agricultural safeguard good is subject to a tariff-rate quota, and the in-quota duty rate for the good proclaimed pursuant to subsection (a) or (b) is zero, any additional duty assessed under this subsection shall be applied only to over-quota imports of the good.

(6) NOTICE.—Not later than 60 days after the Secretary of the Treasury first assesses additional duties on an agricultural safeguard good under this subsection, the Secretary shall notify the Government of Chile in writing of such action and shall provide to the Government of Chile data supporting the assessment of additional duties.

(7) MODIFICATION OF TRIGGER PRICES.—Not later than 60 calendar days before agreeing with the Government of Chile pursuant to article 3.18(2)(b) of the Agreement on a modification to a trigger price for a good listed in Annex 3.18 of the Agreement, the President shall notify the Committees on Ways and Means and Agriculture of the House of Representatives and the Committees on Finance and Agriculture of the Senate of the proposed modification and the reasons therefor.

(8) DEFINITIONS.—In this subsection:

(A) AGRICULTURAL SAFEGUARD GOOD.—The term ''agricultural safeguard good'' means a good—

(i) that qualifies as an originating good under section 202;

(ii) that is included in the United States Agricultural Safeguard Product List set forth in Annex 3.18 of the Agreement; and

(iii) for which a claim for preferential tariff treatment under the Agreement has been made.

(B) F.O.B.—The term ''F.O.B.'' means free on board, regardless of the mode of transportation, at the point of direct shipment by the seller to the buyer.

(C) UNIT IMPORT PRICE.—The term ''unit import price'' means the price expressed in dollars per kilogram.

(d) CONVERSION TO AD VALOREM RATES.—For purposes of subsections (a) and (b), with respect to any good for which the base rate in the Schedule of the United States to Annex 3.3 of the Agreement is a specific or compound rate of duty, the President may substitute for the base rate an ad valorem rate that the President determines to be equivalent to the base rate.

SEC. 202. RULES OF ORIGIN.

(a) ORIGINATING GOODS.—

(1) IN GENERAL.—For purposes of this Act and for purposes of implementing the tariff treatment provided for under the Agreement, except as otherwise provided in this section, a good is an originating good if—

(A) the good is wholly obtained or produced entirely in the territory of Chile, the United States, or both;

(B) the good—

(i) is produced entirely in the territory of Chile, the United States, or both, and

(I) each of the nonoriginating materials used in the production of the good undergoes an applicable change in tariff classification specified in Annex 4.1 of the Agreement, or

(II) the good otherwise satisfies any applicable regional value-content or other requirements specified in Annex 4.1 of the Agreement; and

(ii) satisfies all other applicable requirements of this section; or

(C) the good is produced entirely in the territory of Chile, the United States, or both, exclusively from materials described in subparagraph (A) or (B).

(2) SIMPLE COMBINATION OR MERE DILUTION.—A good shall not be considered to be an originating good and a material shall not be considered to be an originating material by virtue of having undergone—

(A) simple combining or packaging operations; or

(B) mere dilution with water or another substance that does not materially alter the characteristics of the good or material.

(b) DE MINIMIS AMOUNTS OF NONORIGINATING MATERIALS.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), a good that does not undergo a change in tariff classification pursuant to Annex 4.1 of the Agreement is an originating good if—

(A) the value of all nonoriginating materials that are used in the production of the good and do not undergo the applicable change in tariff classification does not exceed 10 percent of the adjusted value of the good;

(B) the value of such nonoriginating materials is included in the value of nonoriginating materials for any applicable regional value-content requirement; and

(C) the good meets all other applicable requirements of this section.

(2) EXCEPTIONS.—Paragraph (1) does not apply to the following:

(A) A nonoriginating material provided for in chapter 4 of the HTS, or a nonoriginating dairy preparation containing over 10 percent by weight of milk solids provided for in subheading 1901.90 or 2106.90 of the HTS, that is used in the production of a good provided for in chapter 4 of the HTS.

(B) A nonoriginating material provided for in chapter 4 of the HTS, or nonoriginating dairy preparations containing over 10 percent by weight of milk solids provided for in subheading 1901.90 of the HTS, that are used in the production of the following goods:

(i) Infant preparations containing over 10 percent in weight of milk solids provided for in subheading 1901.10 of the HTS.

(ii) Mixes and doughs, containing over 25 percent by weight of butterfat, not put up for retail sale, provided for in subheading 1901.20 of the HTS.

(iii) Dairy preparations containing over 10 percent by weight of milk solids provided for in subheading 1901.90 or 2106.90 of the HTS.

(iv) Goods provided for in heading 2105 of the HTS.

(v) Beverages containing milk provided for in subheading 2202.90 of the HTS.

(vi) Animal feeds containing over 10 percent by weight of milk solids provided for in subheading 2309.90 of the HTS.

(C) A nonoriginating material provided for in heading 0805 of the HTS, or any of subheadings 2009.11.00 through 2009.39 of the HTS, that is used in the production of a good provided for in any of subheadings 2009.11.00 through 2009.39 of the HTS, or in fruit or vegetable juice of any single fruit or vegetable, fortified with minerals or vitamins, concentrated or unconcentrated, provided for in subheading 2106.90 or 2202.90 of the HTS.

(D) A nonoriginating material provided for in chapter 15 of the HTS that is used in the production of a good provided for in any of headings 1501.00.00 through 1508, 1512, 1514, and 1515 of the HTS.

(E) A nonoriginating material provided for in heading 1701 of the HTS that is used in the production of a good provided for in any of headings 1701 through 1703 of the HTS.

(F) A nonoriginating material provided for in chapter 17 of the HTS or in heading 1805.00.00 of the HTS that is used in the production of a good provided for in subheading 1806.10 of the HTS.

(G) A nonoriginating material provided for in any of headings 2203 through 2208 of the HTS that is used in the production of a good provided for in heading 2207 or 2208 of the HTS.

(H) A nonoriginating material used in the production of a good provided for in any of chapters 1 through 21 of the HTS, unless the nonoriginating material is provided for in a different subheading than the good for which origin is being determined under this section.

(3) GOODS PROVIDED FOR IN CHAPTERS 50 THROUGH 63 OF THE HTS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), a good provided for in any of chapters 50 through 63 of the HTS that is not an originating good because certain fibers or yarns used in the production of the component of the good that determines the tariff classification of the good do not undergo an applicable change in tariff classification set out in Annex 4.1 of the Agreement, shall be considered to be an originating good

if the total weight of all such fibers or yarns in that component is not more than 7 percent of the total weight of that component.

(B) CERTAIN TEXTILE OR APPAREL GOODS.—A textile or apparel good containing elastomeric yarns in the component of the good that determines the tariff classification of the good shall be considered to be an originating good only if such yarns are wholly formed in the territory of Chile or the United States.

(c) ACCUMULATION.—

(1) ORIGINATING GOODS INCORPORATED IN GOODS OF OTHER COUNTRY.—Originating goods or materials of Chile or the United States that are incorporated into a good in the territory of the other country shall be considered to originate in the territory of the other country.

(2) MULTIPLE PROCEDURES.—A good that is produced in the territory of Chile, the United States, or both, by 1 or more producers, is an originating good if the good satisfies the requirements of subsection (a) and all other applicable requirements of this section.

(d) REGIONAL VALUE-CONTENT.—

(1) IN GENERAL.—For purposes of subsection (a)(2), the regional value-content of a good referred to in Annex 4.1 of the Agreement shall be calculated, at the choice of the person claiming preferential tariff treatment for the good, on the basis of the build-down method described in paragraph (2) or the build-up method described in paragraph (3), unless otherwise provided in Annex 4.1 of the Agreement.

(2) BUILD-DOWN METHOD.—

(A) IN GENERAL.—The regional value-content of a good may be calculated on the basis of the following build-down method:

$$RVC = \frac{AV - VNM}{AV} \times 100$$

(B) DEFINITIONS.—For purposes of subparagraph (A):

(i) The term ''RVC'' means the regional value-content, expressed as a percentage.

(ii) The term ''AV'' means the adjusted value.

(iii) The term ''VNM'' means the value of nonoriginating materials used by the producer in the production of the good.

(3) BUILD-UP METHOD.—

(A) IN GENERAL.—The regional value-content of a good may be calculated on the basis of the following build-up method:

$$RVC = \frac{VOM}{AV} \times 100$$

(B) DEFINITIONS.—For purposes of subparagraph (A):

(i) The term ''RVC'' means the regional value-content, expressed as a percentage.

(ii) The term ''AV'' means the adjusted value.

(iii) The term ''VOM'' means the value of originating materials used by the producer in the production of the good.

(e) VALUE OF MATERIALS.—

(1) IN GENERAL.—For purposes of calculating the regional value-content of a good under subsection (d), and for purposes of applying the de minimis rules under subsection (b), the value of a material is—

(A) in the case of a material that is imported by the producer of the good, the adjusted value of the material with respect to that importation;

(B) in the case of a material acquired in the territory in which the good is produced, except for a material to which subparagraph (C) applies, the producer's price actually paid or payable for the material;

(C) in the case of a material provided to the producer without charge, or at a price reflecting a discount or similar reduction, the sum of—

(i) all expenses incurred in the growth, production, or manufacture of the material, including general expenses; and

(ii) an amount for profit; or

(D) in the case of a material that is self-produced, the sum of—

(i) all expenses incurred in the production of the material, including general expenses; and

(ii) an amount for profit.

(2) FURTHER ADJUSTMENTS TO THE VALUE OF MATERIALS.—

(A) ORIGINATING MATERIALS.—The following expenses, if not included in the value of an originating material calculated under paragraph (1), may be added to the value of the originating material:

(i) The costs of freight, insurance, packing, and all other costs incurred in transporting the material to the location of the producer.

(ii) Duties, taxes, and customs brokerage fees on the material paid in the territory of Chile, the United States, or both, other than duties and taxes that are waived, refunded, refundable, or otherwise recoverable, including credit against duty or tax paid or payable.

(iii) The cost of waste and spoilage resulting from the use of the material in the production of the good, less the value of renewable scrap or byproduct.

(B) NONORIGINATING MATERIALS.—The following expenses, if included in the value of a nonoriginating material calculated under paragraph (1), may be deducted from the value of the nonoriginating material:

(i) The costs of freight, insurance, packing, and all other costs incurred in transporting the material to the location of the producer.

(ii) Duties, taxes, and customs brokerage fees on the material paid in the territory of Chile, the United States, or both, other than duties and taxes that are waived, refunded, refundable, or otherwise recoverable, including credit against duty or tax paid or payable.

(iii) The cost of waste and spoilage resulting from the use of the material in the production of the good, less the value of renewable scrap or byproducts.

(iv) The cost of originating materials used in the production of the nonoriginating material in the territory of Chile or the United States.

(f) ACCESSORIES, SPARE PARTS, OR TOOLS.—Accessories, spare parts, or tools delivered with a good that form part of the good's standard accessories, spare parts, or tools shall be regarded as a material used in the production of the good, if—

(1) the accessories, spare parts, or tools are classified with and not invoiced separately from the good; and

(2) the quantities and value of the accessories, spare parts, or tools are customary for the good.

(g) FUNGIBLE GOODS AND MATERIALS.—

(1) IN GENERAL.—

(A) CLAIM FOR PREFERENTIAL TREATMENT.—A person claiming preferential tariff treatment for a good may claim that a fungible good or material is originating either based on the physical segregation of each fungible good or material or by using an inventory management method.

(B) INVENTORY MANAGEMENT METHOD.—In this subsection, the term ''inventory management method'' means—

(i) averaging;

(ii) ''last-in, first-out'';

(iii) ''first-in, first-out''; or

(iv) any other method—

(I) recognized in the generally accepted accounting principles of the country in which the production is performed (whether Chile or the United States); or

(II) otherwise accepted by that country.

(2) ELECTION OF INVENTORY METHOD.—A person selecting an inventory management method under paragraph (1) for particular fungible goods or materials shall continue to use that method for those goods or materials throughout the fiscal year of that person.

(h) PACKAGING MATERIALS AND CONTAINERS FOR RETAIL SALE.—Packaging materials and containers in which a good is packaged for retail sale, if classified with the good, shall be disregarded in determining whether all nonoriginating materials used in the production of the good undergo the applicable change in tariff classification set out in Annex 4.1 of the Agreement, and, if the good is subject to a regional value-content requirement, the value of such packaging materials and containers shall be taken into account as originating or nonoriginating materials, as the case may be, in calculating the regional value-content of the good.

(i) PACKING MATERIALS AND CONTAINERS FOR SHIPMENT.—Packing materials and containers for shipment shall be disregarded in determining whether—

(1) the nonoriginating materials used in the production of the good undergo an applicable change in tariff classification set out in Annex 4.1 of the Agreement; and

(2) the good satisfies a regional value-content requirement.

(j) INDIRECT MATERIALS.—An indirect material shall be considered to be an originating material without regard to where it is produced.

(k) TRANSIT AND TRANSSHIPMENT.—A good that has undergone production necessary to qualify as an originating good under subsection (a) shall not be considered to be an originating good if, subsequent to that production, the good undergoes further production or any other operation outside the territory of Chile or the United States, other than unloading, reloading, or any other process necessary to preserve the good in good condition or to transport the good to the territory of Chile or the United States.

(l) TEXTILE AND APPAREL GOODS CLASSIFIABLE AS GOODS PUT UP IN SETS.—Notwithstanding the rules set forth in Annex 4.1 of the Agreement, textile and apparel goods classifiable as goods put up in sets for retail sale as provided for in General Rule of Interpretation 3 of the Harmonized System shall not be considered to be originating goods unless each of the goods in the set is an originating good or the total value of the nonoriginating goods in the set does not exceed 10 percent of the value of the set determined for purposes of assessing customs duties.

(m) APPLICATION AND INTERPRETATION.—In this section:

(1) The basis for any tariff classification is the HTS.

(2) Any cost or value referred to in this section shall be recorded and maintained in accordance with the generally accepted accounting principles applicable in the territory of the country in which the good is produced (whether Chile or the United States).

(n) DEFINITIONS.—In this section:

(1) ADJUSTED VALUE.—The term ''adjusted value'' means the value determined in accordance with articles 1 through 8, article 15, and the corresponding interpretive notes of the Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade 1994 referred to in section 101(d)(8) of the Uruguay Round Agreements Act, except that such value may be adjusted to exclude any costs, charges, or expenses incurred for transportation, insurance, and related services incident to the international shipment of the merchandise from the country of exportation to the place of importation.

(2) FUNGIBLE GOODS OR FUNGIBLE MATERIALS.—The terms ''fungible goods'' and

''fungible materials'' mean goods or materials, as the case may be, that are interchangeable for commercial purposes and the properties of which are essentially identical.

(3) GENERALLY ACCEPTED ACCOUNTING PRINCIPLES.—The term ''generally accepted accounting principles'' means the principles, rules, and procedures, including both broad and specific guidelines, that define the accounting practices accepted in the territory of Chile or the United States, as the case may be.

(4) GOODS WHOLLY OBTAINED OR PRODUCED ENTIRELY IN THE TERRITORY OF CHILE, THE UNITED STATES, OR BOTH.—The term ''goods wholly obtained or produced entirely in the territory of Chile, the United States, or both'' means—

(A) mineral goods extracted in the territory of Chile, the United States, or both;

(B) vegetable goods, as such goods are defined in the Harmonized System, harvested in the territory of Chile, the United States, or both;

(C) live animals born and raised in the territory of Chile, the United States, or both;

(D) goods obtained from hunting, trapping, or fishing in the territory of Chile, the United States, or both;

(E) goods (fish, shellfish, and other marine life) taken from the sea by vessels registered or recorded with Chile or the United States and flying the flag of that country;

(F) goods produced on board factory ships from the goods referred to in subparagraph (E), if such factory ships are registered or recorded with Chile or the United States and fly the flag of that country;

(G) goods taken by Chile or the United States or a person of Chile or the United States from the seabed or beneath the seabed outside territorial waters, if Chile or the United States has rights to exploit such seabed;

(H) goods taken from outer space, if the goods are obtained by Chile or the United States or a person of Chile or the United States and not processed in the territory of a country other than Chile or the United States;

(I) waste and scrap derived from—

(i) production in the territory of Chile, the United States, or both; or

(ii) used goods collected in the territory of Chile, the United States, or both, if such goods are fit only for the recovery of raw materials;

(J) recovered goods derived in the territory of Chile or the United States from used goods, and used in the territory of that country in the production of remanufactured goods; and

(K) goods produced in the territory of Chile, the United States, or both, exclusively—

(i) from goods referred to in any of subparagraphs (A) through (I), or

(ii) from the derivatives of goods referred to in clause (i),

at any stage of production.

(5) HARMONIZED SYSTEM.—The term ''Harmonized System'' means the Harmonized Commodity Description and Coding System.

(6) INDIRECT MATERIAL.—The term ''indirect material'' means a good used in the production, testing, or inspection of a good but not physically incorporated into the good, or a good used in the maintenance of buildings or the operation of equipment associated with the production of a good, including—

(A) fuel and energy;

(B) tools, dies, and molds;

(C) spare parts and materials used in the maintenance of equipment or buildings;

(D) lubricants, greases, compounding materials, and other materials used in production or used to operate equipment or buildings;

(E) gloves, glasses, footwear, clothing, safety equipment, and supplies;

(F) equipment, devices, and supplies used for testing or inspecting the good;

(G) catalysts and solvents; and

(H) any other goods that are not incorporated into the good but the use of which in the production of the good can reasonably be demonstrated to be a part of that production.

(7) MATERIAL.—The term ''material'' means a good that is used in the production of another good, including a part, ingredient, or indirect material.

(8) MATERIAL THAT IS SELF-PRODUCED.—The term ''material that is self-produced'' means a material that is an originating good produced by a producer of a good and used in the production of that good.

(9) NONORIGINATING GOOD OR NONORIGINATING MATERIAL.—The terms ''nonoriginating good'' and ''nonoriginating material'' mean a good or material, as the case may be, that does not qualify as an originating good under this section.

(10) PACKING MATERIALS AND CONTAINERS FOR SHIPMENT.—The term ''packing materials and containers for shipment'' means the goods used to protect a good during its transportation, and does not include the packaging materials and containers in which a good is packaged for retail sale.

(11) PREFERENTIAL TARIFF TREATMENT.—The term ''preferential tariff treatment'' means the customs duty rate that is applicable to an originating good pursuant to chapter 3 of the Agreement.

(12) PRODUCER.—The term ''producer'' means a person who engages in the production of a good in the territory of Chile or the United States.

(13) PRODUCTION.—The term ''production'' means growing, mining, harvesting, fishing, raising, trapping, hunting, manufacturing, processing, assembling, or disassembling a good.

(14) RECOVERED GOODS.—

(A) IN GENERAL.—The term ''recovered goods'' means materials in the form of individual parts that are the result of—

(i) the complete disassembly of used goods into individual parts; and

(ii) the cleaning, inspecting, testing, or other processing of those parts as necessary for improvement to sound working condition by one or more of the processes described in subparagraph (B), in order for such parts to be assembled with other parts, including other parts that have undergone the processes described in this paragraph, in the production of a remanufactured good.

(B) PROCESSES.—The processes referred to in subparagraph (A)(ii) are welding, flame spraying, surface machining, knurling, plating, sleeving, and rewinding.

(15) REMANUFACTURED GOOD.—The term ''remanufactured good'' means an industrial good assembled in the territory of Chile or the United States, that is listed in Annex 4.18 of the Agreement, and—

(A) is entirely or partially comprised of recovered goods;

(B) has the same life expectancy and meets the same performance standards as a new good; and

(C) enjoys the same factory warranty as such a new good.

(o) PRESIDENTIAL PROCLAMATION AUTHORITY.—

(1) IN GENERAL.—The President is authorized to proclaim, as part of the HTS—

(A) the provisions set out in Annex 4.1 of the Agreement; and

(B) any additional subordinate category necessary to carry out this title consistent with the Agreement.

(2) MODIFICATIONS.—

(A) IN GENERAL.—Subject to the consultation and layover provisions of section 103(a), the President may proclaim modifications to the provisions proclaimed under the authority of paragraph (1)(A), other than provisions of chapters 50 through 63 of the HTS, as included in Annex 4.1 of the Agreement.

(B) ADDITIONAL PROCLAMATIONS.—Notwithstanding subparagraph (A), and subject to the consultation and layover provisions of section 103(a), the President may proclaim—

(i) modifications to the provisions proclaimed under the authority of paragraph (1)(A) that are necessary to implement an agreement with Chile pursuant to article 3.20(5) of the Agreement; and

(ii) before the 1st anniversary of the date of the enactment of this Act, modifications to correct any typographical, clerical, or other nonsubstantive technical error regarding the provisions of chapters 50 through 63 of the HTS, as included in Annex 4.1 of the Agreement.

SEC. 203. DRAWBACK.

(a) DEFINITION OF A GOOD SUBJECT TO CHILE FTA DRAWBACK.—For purposes of this Act and the amendments made by subsection (b), the term ''good subject to Chile FTA drawback'' means any imported good other than the following:

(1) A good entered under bond for transportation and exportation to Chile.

(2)(A) A good exported to Chile in the same condition as when imported into the United States.

(B) For purposes of subparagraph (A)—

(i) processes such as testing, cleaning, repacking, inspecting, sorting, or marking a good, or preserving it in its same condition, shall not be considered to change the condition of the good; and

(ii) if a good described in subparagraph (A) is commingled with fungible goods and exported in the same condition, the origin of the good for the purposes of subsection (j)(1) of section 313 of the Tariff Act of 1930 (19 U.S.C. 1313(j)(1)) may be determined on the basis of the inventory methods provided for in the regulations implementing this title.

(3) A good—

(A) that is—

(i) deemed to be exported from the United States;

(ii) used as a material in the production of another good that is deemed to be exported to Chile; or

(iii) substituted for by a good of the same kind and quality that is used as a material in the production of another good that is deemed to be exported to Chile; and

(B) that is delivered—

(i) to a duty-free shop;

(ii) for ship's stores or supplies for a ship or aircraft; or

(iii) for use in a project undertaken jointly by the United States and Chile and destined to become the property of the United States.

(4) A good exported to Chile for which a refund of customs duties is granted by reason of—

(A) the failure of the good to conform to sample or specification; or

(B) the shipment of the good without the consent of the consignee.

(5) A good that qualifies under the rules of origin set out in section 202 that is—

(A) exported to Chile;

(B) used as a material in the production of another good that is exported to Chile; or

(C) substituted for by a good of the same kind and quality that is used as a material in the production of another good that is exported to Chile.

(b) CONSEQUENTIAL AMENDMENTS.—

(1) BONDED MANUFACTURING WAREHOUSES.—Section 311 of the Tariff Act of 1930 (19 U.S.C. 1311) is amended by adding at the end the following new paragraph:

''No article manufactured in a bonded warehouse from materials that are goods subject to Chile FTA drawback, as defined in section 203(a) of the United States-Chile Free Trade Agreement Implementation Act, may be withdrawn from warehouse for exportation to Chile without assessment of a duty on the materials in their condition and quantity, and at their weight, at the time of importation into the United States. The duty shall be paid before the 61st day after the date of exportation, except that the duty may be waived or reduced by—

''(1) 100 percent during the 8-year period beginning on January 1, 2004;

''(2) 75 percent during the 1-year period beginning on January 1, 2012;

''(3) 50 percent during the 1-year period beginning on January 1, 2013; and

''(4) 25 percent during the 1-year period beginning on January 1, 2014.''.

(2) BONDED SMELTING AND REFINING WAREHOUSES.—Section 312 of the Tariff Act of 1930 (19 U.S.C. 1312) is amended—

(A) in paragraph (1) of subsection (b), by striking ''except that'' and all that follows through subparagraph (B) and inserting the following: ''except that—

''(A) in the case of a withdrawal for exportation of such a product to a NAFTA country, as defined in section 2(4) of the North American Free Trade Agreement Implementation Act, if any of the imported metal-bearing materials are goods subject to NAFTA drawback, as defined in section 203(a) of that Act, the duties on the materials shall be paid, and the charges against the bond canceled, before the 61st day after the date of exportation; but upon the presentation, before such 61st day, of satisfactory evidence of the amount of any customs duties paid to the NAFTA country on the product, the duties on the materials may be waived or reduced (subject to section 508(b)(2)(B)) in an amount that does not exceed the lesser of—

''(i) the total amount of customs duties owed on the materials on importation into the United States, or

''(ii) the total amount of customs duties paid to the NAFTA country on the product, and

''(B) in the case of a withdrawal for exportation of such a product to Chile, if any of the imported metal-bearing materials are goods subject to Chile FTA drawback, as defined in section 203(a) of the United States-Chile Free Trade Agreement Implementation Act, the duties on the materials shall be paid, and the charges against the bond canceled, before the 61st day after the date of exportation, except that the duties may be waived or reduced by—

''(i) 100 percent during the 8-year period beginning on January 1, 2004,

''(ii) 75 percent during the 1-year period beginning on January 1, 2012,

''(iii) 50 percent during the 1-year period beginning on January 1, 2013, and

''(iv) 25 percent during the 1-year period beginning on January 1, 2014, or'';

(B) in paragraph (4) of subsection (b), by striking ''except that'' and all that follows through subparagraph (B) and inserting the following: ''except that—

''(A) in the case of a withdrawal for exportation of such a product to a NAFTA country, as defined in section 2(4) of the North American Free Trade Agreement Implementation Act, if any of the imported metal-bearing materials are goods subject to NAFTA drawback, as defined in section 203(a) of that Act, the duties on the materials shall be paid, and the charges against the bond canceled, before the 61st day after the date of exportation; but upon the presentation, before such 61st day, of satisfactory evidence of the amount of any customs duties paid to the NAFTA country on the product, the duties on the materials may be waived or reduced (subject to section 508(b)(2)(B)) in an amount that does not exceed the lesser of—

''(i) the total amount of customs duties owed on the materials on importation into the United States, or

''(ii) the total amount of customs duties paid to the NAFTA country on the product, and

''(B) in the case of a withdrawal for exportation of such a product to Chile, if any of the imported metal-bearing materials are goods subject to Chile FTA drawback, as defined in section 203(a) of the United States-Chile Free Trade Agreement Implementation Act, the duties on the materials shall be paid, and the charges against the bond canceled, before the 61st day after the date of exportation, except that the duties may be waived or reduced by—

''(i) 100 percent during the 8-year period beginning on January 1, 2004,

''(ii) 75 percent during the 1-year period beginning on January 1, 2012,

''(iii) 50 percent during the 1-year period beginning on January 1, 2013, and

''(iv) 25 percent during the 1-year period beginning on January 1, 2014, or'', and

(C) in subsection (d), in the matter preceding paragraph (1), by striking ''except that'' and all that follows through the end of paragraph (2) and inserting the following: ''except that—

''(1) in the case of a withdrawal for exportation to a NAFTA country, as defined in section 2(4) of the North American Free Trade Agreement Implementation Act, if any of the imported metal-bearing materials are goods subject to NAFTA drawback, as defined in section 203(a) of that Act, charges against the bond shall be paid before the 61st day after the date of exportation; but upon the presentation, before such 61st day, of satisfactory evidence of the amount of any customs duties paid to the NAFTA country on the product, the bond shall be credited (subject to section 508(b)(2)(B)) in an amount not to exceed the lesser of—

''(A) the total amount of customs duties paid or owed on the materials on importation into the United States, or

''(B) the total amount of customs duties paid to the NAFTA country on the product; and

''(2) in the case of a withdrawal for exportation to Chile, if any of the imported metal-bearing materials are goods subject to Chile FTA drawback, as defined in section 203(a) of the United States-Chile Free Trade Agreement Implementation Act, charges against the bond shall be paid before the 61st day after the date of exportation, and the bond shall be credited in an amount equal to—

''(A) 100 percent of the total amount of customs duties paid or owed on the materials on importation into the United States during the 8-year period beginning on January 1, 2004,

''(B) 75 percent of the total amount of customs duties paid or owed on the materials on importation into the United States during the 1-year period beginning on January 1, 2012,

''(C) 50 percent of the total amount of customs duties paid or owed on the materials on importation into the United States during the 1-year period beginning on January 1, 2013, and

''(D) 25 percent of the total amount of customs duties paid or owed on the materials on importation into the United States during the 1-year period beginning on January 1, 2014.''.

(3) DRAWBACK.—Section 313 of the Tariff Act of 1930 (19 U.S.C. 1313) is amended—

(A) in paragraph (4) of subsection (j)—

(i) by striking ''(4)'' and inserting ''(4)(A)''; and

(ii) by adding at the end the following new subparagraph:

''(B) Beginning on January 1, 2015, the exportation to Chile of merchandise that is fungible with and substituted for imported merchandise, other than merchandise described in paragraphs (1) through (5) of section 203(a) of the United States-Chile Free Trade Agreement Implementation Act, shall not constitute an exportation for purposes of paragraph (2). The preceding sentence shall not be construed to permit the substitution of unused drawback under paragraph (2) of this subsection with respect to merchandise described in paragraph (2) of section 203(a) of the United States-Chile Free Trade Agreement Implementation Act.'';

(B) in subsection (n)—

(i) by striking ''(n)'' and inserting the following:

''(n) REFUNDS, WAIVERS, OR REDUCTIONS UNDER CERTAIN FREE TRADE AGREEMENTS.—'';

(ii) in paragraph (1)—

(I) by striking ''; and'' at the end of subparagraph (B);

(II) by striking the period at the end of subparagraph (C) and inserting ''; and''; and

(III) by adding at the end the following new subparagraph:

''(D) the term 'good subject to Chile FTA drawback' has the meaning given that term in section 203(a) of the United States-Chile Free Trade Agreement Implementation Act.''; and

(iii) by adding the following new paragraph at the end:

''(4)(A) For purposes of subsections (a), (b), (f), (h), (j)(2), (p), and (q), if an article that is exported to Chile is a good subject to Chile FTA drawback, no customs duties on the good may be refunded, waived, or reduced, except as provided in subparagraph (B).

''(B) The customs duties referred to in subparagraph (A) may be refunded, waived, or reduced by—

''(i) 100 percent during the 8-year period beginning on January 1, 2004;

''(ii) 75 percent during the 1-year period beginning on January 1, 2012;

''(iii) 50 percent during the 1-year period beginning on January 1, 2013; and

''(iv) 25 percent during the 1-year period beginning on January 1, 2014.''; and

(C) in subsection (o)—

(i) by striking ''(o)'' and inserting the following:

''(o) SPECIAL RULES FOR CERTAIN VESSELS AND IMPORTED MATERIALS.—''; and

(ii) by adding at the end the following new paragraphs:

''(3) For purposes of subsection (g), if—

''(A) a vessel is built for the account and ownership of a resident of Chile or the Government of Chile, and

''(B) imported materials that are used in the construction and equipment of the vessel are goods subject to Chile FTA drawback, as defined in section 203(a) of the United States-Chile Free Trade Agreement Implementation Act,

no customs duties on such materials may be refunded, waived, or reduced, except as provided in paragraph (4).

''(4) The customs duties referred to in paragraph (3) may be refunded, waived or reduced by—

''(A) 100 percent during the 8-year period beginning on January 1, 2004;

''(B) 75 percent during the 1-year period beginning on January 1, 2012;

''(C) 50 percent during the 1-year period beginning on January 1, 2013; and

''(D) 25 percent during the 1-year period beginning on January 1, 2014.''.

(4) MANIPULATION IN WAREHOUSE.—Section 562 of the Tariff Act of 1930 (19 U.S.C. 1562) is amended—

(A) in paragraph (3), by striking ''to a NAFTA country'' and inserting ''to Chile, to a NAFTA country,'';

(B) by striking ''; and'' at the end of paragraph (4)(B);

(C) by striking the period at the end of paragraph (5) and inserting ''; and''; and

(D) by inserting after paragraph (5) the following:

''(6)(A) without payment of duties for exportation to Chile, if the merchandise is of a kind described in any of paragraphs (1) through (5) of section 203(a) of the United States-Chile Free Trade Agreement Implementation Act; and

''(B) for exportation to Chile if the merchandise consists of goods subject to Chile FTA drawback, as defined in section 203(a) of the United States-Chile Free Trade Agreement Implementation Act, except that—

''(i) the merchandise may not be withdrawn from warehouse without assessment of a duty on the merchandise in its condition and quantity, and at its weight, at the time of withdrawal from the warehouse with such additions to, or deductions from, the final appraised value as may be necessary by reason of a change in condition, and

''(ii) duty shall be paid on the merchandise before the 61st day after the date of exportation, except that such duties may be waived or reduced by—

''(I) 100 percent during the 8-year period beginning on January 1, 2004,

''(II) 75 percent during the 1-year period beginning on January 1, 2012,

''(III) 50 percent during the 1-year period beginning on January 1, 2013, and

''(IV) 25 percent during the 1-year period beginning on January 1, 2014.''.

(5) FOREIGN TRADE ZONES.—Section 3(a) of the Act of June 18, 1934 (commonly known as the ''Foreign Trade Zones Act''; 19 U.S.C. 81c(a)) is amended by striking the end period and inserting the following: '': *Provided further,* That no merchandise that consists of goods subject to Chile FTA drawback, as defined in section 203(a) of the United States-Chile Free Trade Agreement Implementation Act, that is manufactured or otherwise changed in condition shall be exported to Chile without an assessment of a duty on the merchandise in its condition and quantity, and at its weight, at the time of its exportation (or if the privilege in the first proviso to this subsection was requested, an assessment of a duty on the merchandise in its condition and quantity, and at its weight, at the time of its admission into the zone) and the payment of the assessed duty before the 61st day after the date of exportation of the article, except that the customs duty may be waived or reduced by (1) 100 percent during the 8-year period beginning on January 1, 2004; (2) 75 percent during the 1-year period beginning on January 1, 2012; (3) 50 percent during the 1-year period beginning on January 1, 2013; and (4) 25 percent during the 1-year period beginning on January 1, 2014.''.

(c) INAPPLICABILITY TO COUNTERVAILING AND ANTIDUMPING DUTIES.—Nothing in this section or the amendments made by this section shall be considered to authorize the refund, waiver, or reduction of countervailing duties or antidumping duties imposed on an imported good.

SEC. 204. CUSTOMS USER FEES.

Section 13031(b) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(b)) is amended by inserting after paragraph (11) the following:

''(12) No fee may be charged under subsection (a) (9) or (10) with respect to goods that qualify as originating goods under section 202 of the United States-Chile Free Trade Agreement Implementation Act. Any service for which an exemption from such fee is provided by reason of this paragraph may not be funded with money contained in the Customs User Fee Account.''.

SEC. 205. DISCLOSURE OF INCORRECT INFORMATION; DENIAL OF PREFERENTIAL TARIFF TREATMENT; FALSE CERTIFICATES OF ORIGIN.

(a) DISCLOSURE OF INCORRECT INFORMATION.—Section 592 of the Tariff Act of 1930 (19 U.S.C. 1592) is amended—

(1) in subsection (c)—

(A) by redesignating paragraph (6) as paragraph (7); and

(B) by inserting after paragraph (5) the following new paragraph:

''(6) PRIOR DISCLOSURE REGARDING CLAIMS UNDER THE UNITED STATES-CHILE FREE TRADE AGREEMENT.—An importer shall not be subject to penalties under subsection (a) for making an incorrect claim that a good qualifies as an originating good under section 202 of the United States-Chile Free Trade Agreement Implementation Act if the importer, in accordance with regulations issued by the Secretary of the Treasury, voluntarily makes a corrected declaration and pays any duties owing.''; and

(2) by adding at the end the following new subsection:

''(g) FALSE CERTIFICATIONS OF ORIGIN UNDER THE UNITED STATES-CHILE FREE TRADE AGREEMENT.—

''(1) IN GENERAL.—Subject to paragraph (2), it is unlawful for any person to certify falsely, by fraud, gross negligence, or negligence, in a Chile FTA Certificate of Origin (as defined in section 508(f)(1)(B) of this Act that a good exported from the United States qualifies as an originating good under the rules of origin set out in section 202 of the United States-Chile Free Trade Agreement Implementation Act. The procedures and penalties of this section that apply to a violation of subsection (a) also apply to a violation of this subsection.

''(2) IMMEDIATE AND VOLUNTARY DISCLOSURE OF INCORRECT INFORMATION.—No penalty shall be imposed under this subsection if, immediately after an exporter or producer that issued a Chile FTA Certificate of Origin has reason to believe that such certificate contains or is based on incorrect information, the exporter or producer voluntarily provides written notice of such incorrect information to every person to whom the certificate was issued.

''(3) EXCEPTION.—A person may not be considered to have violated paragraph (1) if—

''(A) the information was correct at the time it was provided in a Chile FTA Certificate of Origin but was later rendered incorrect due to a change in circumstances; and

''(B) the person immediately and voluntarily provides written notice of the change in circumstances to all persons to whom the person provided the certificate.''.

(b) DENIAL OF PREFERENTIAL TARIFF TREATMENT.—Section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) is amended by adding at the end the following new subsection:

''(g) DENIAL OF PREFERENTIAL TARIFF TREATMENT UNDER UNITED STATES-CHILE FREE TRADE AGREEMENT.—If the Bureau of Customs and Border Protection or the Bureau of Immigration and Customs Enforcement finds indications of a pattern of conduct by an importer of false or unsupported representations that goods qualify under the rules of origin set out in section 202 of the United States-Chile Free Trade Agreement Implementation Act, the Bureau of Customs and Border Protection, in accordance with regulations issued by the Secretary of the Treasury, may deny preferential tariff treatment under the United States-Chile Free Trade Agreement to entries of identical goods imported by that person until the person establishes to the satisfaction of the Bureau of Customs and Border Protection that representations of that person are in conformity with such section 202.''.

SEC. 206. RELIQUIDATION OF ENTRIES.

Subsection (d) of section 520 of the Tariff Act of 1930 (19 U.S.C. 1520(d)) is amended—

(1) by striking ''(d)'' and inserting the following:

''(d) GOODS QUALIFYING UNDER FREE TRADE AGREEMENT RULES OF ORIGIN.—'';

(2) in the matter preceding paragraph (1), by inserting ''or section 202 of the United States-Chile Free Trade Agreement Implementation Act'' after ''Act'';

(3) in paragraph (1), by striking ''those'' and inserting ''the applicable''; and

(4) in paragraph (2), by inserting before the semicolon '', or other certificates of origin, as the case may be''.

SEC. 207. RECORDKEEPING REQUIREMENTS.

Section 508 of the Tariff Act of 1930 (19 U.S.C. 1508) is amended—

(1) by striking the heading of subsection (b) and inserting the following: ''EXPORTATIONS TO NAFTA COUNTRIES.—''; and

(2) by adding at the end the following:

''(f) CERTIFICATES OF ORIGIN FOR GOODS EXPORTED UNDER THE UNITED STATES-CHILE FREE TRADE AGREEMENT.—

''(1) DEFINITIONS.—In this subsection:

''(A) RECORDS AND SUPPORTING DOCUMENTS.—The term 'records and supporting documents' means, with respect to an exported good under paragraph (2), records and documents related to the origin of the good, including—

''(i) the purchase, cost, and value of, and payment for, the good;

''(ii) if applicable, the purchase, cost, and value of, and payment for, all materials, including recovered goods, used in the production of the good; and

''(iii) if applicable, the production of the good in the form in which it was exported.

''(B) CHILE FTA CERTIFICATE OF ORIGIN.—The term 'Chile FTA Certificate of Origin' means the certification, established under article 4.13 of the United States-Chile Free Trade Agreement, that a good qualifies as an originating good under such Agreement.

''(2) EXPORTS TO CHILE.—Any person who completes and issues a Chile FTA Certificate of Origin for a good exported from the United States shall make, keep, and, pursuant to rules and regulations promulgated by the Secretary of the Treasury, render for examination and inspection all records and supporting documents related to the origin of the good (including the Certificate or copies thereof).

''(3) RETENTION PERIOD.—Records and supporting documents shall be kept by the person who issued a Chile FTA Certificate of Origin for at least 5 years after the date on which the certificate was issued.

''(g) PENALTIES.—Any person who fails to retain records and supporting documents required by subsection (f) or the regulations issued to implement that subsection shall be liable for the greater of—

''(1) a civil penalty not to exceed $10,000; or

''(2) the general record keeping penalty that applies under the customs laws of the United States.''.

SEC. 208. ENFORCEMENT OF TEXTILE AND APPAREL RULES OF ORIGIN.

(a) ACTION DURING VERIFICATION.—If the Secretary of the Treasury requests the Government of Chile to conduct a verification pursuant to article 3.21 of the Agreement for purposes of determining that—

(1) an exporter or producer in Chile is complying with applicable customs laws, regulations, and procedures regarding trade in textile and apparel goods, or

(2) claims that textile or apparel goods exported or produced by such exporter or producer—

(A) qualify as originating goods under section 202 of this Act, or

(B) are goods of Chile,

are accurate,

the President may direct the Secretary to take appropriate action described in subsection (b) while the verification is being conducted.

(b) APPROPRIATE ACTION DESCRIBED.—Appropriate action under subsection (a) includes—

(1) suspension of liquidation of entries of textile and apparel goods exported or produced by the person that is the subject of the verification, in a case in which the request for verification was based on a reasonable suspicion of unlawful activity related to such goods; and

(2) publication of the name of the person that is the subject of the verification.

(c) ACTION WHEN INFORMATION IS INSUFFICIENT.—If the Secretary of the Treasury determines that the information obtained within 12 months after making a request for a verification under subsection (a) is insufficient to make a determination under subsection (a), the President may direct the Secretary to take appropriate action described in subsection (d) until such time as the Secretary receives information sufficient to make a determination under subsection (a) or until such earlier date as the President may direct.

(d) APPROPRIATE ACTION DESCRIBED.—Appropriate action under subsection (c) includes—

(1) publication of the identity of the person that is the subject of the verification;

(2) denial of preferential tariff treatment under the Agreement to any textile or apparel goods exported or produced by the person that is the subject of the verification; and

(3) denial of entry into the United States of any textile or apparel goods exported or produced by the person that is the subject of the verification.

SEC. 209. CONFORMING AMENDMENTS.

Section 508(b)(2)(B)(i)(I) of the Tariff Act of 1930 (19 U.S.C. 1508(b)(2)(B)(i)(I)) is amended—

(1) by striking ''the last paragraph of section 311'' and inserting ''the eleventh paragraph of section 311''; and

(2) by striking ''the last proviso to section 3(a)'' and inserting ''the proviso preceding the last proviso to section 3(a)''.

SEC. 210. REGULATIONS.

The Secretary of the Treasury shall prescribe such regulations as may be necessary to carry out—

(1) subsections (a) through (n) of section 202, and sections 203 and 204;

(2) amendments made by the sections referred to in paragraph (1); and

(3) proclamations issued under section 202(o).

TITLE III—RELIEF FROM IMPORTS

SEC. 301. DEFINITIONS.

In this title:

(1) COMMISSION.—The term ''Commission'' means the United States International Trade Commission.

(2) CHILEAN ARTICLE.—The term ''Chilean article'' means an article that qualifies as an originating good under section 202(a) of this Act.

(3) CHILEAN TEXTILE OR APPAREL ARTICLE.—The term ''Chilean textile or apparel article'' means an article—

(A) that is listed in the Annex to the Agreement on Textiles and Clothing referred to in section 101(d)(4) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(4)); and

(B) that is a Chilean article.

Subtitle A—Relief From Imports Benefiting From the Agreement

SEC. 311. COMMENCING OF ACTION FOR RELIEF.

(a) FILING OF PETITION.—A petition requesting action under this subtitle for the purpose of adjusting to the obligations of the United States under the Agreement may be filed with the Commission by an entity, including a trade association, firm, certified or recognized union, or group of workers, that is representative of an industry. The Commission shall transmit a copy of any petition filed under this subsection to the United States Trade Representative.

(b) INVESTIGATION AND DETERMINATION.—Upon the filing of a petition under subsection (a), the Commission, unless subsection (d) applies, shall promptly initiate an investigation to determine whether, as a result of the reduction or elimination of a duty provided for under the Agreement, a Chilean article is being imported into the United States in such increased quantities, in absolute terms or relative to domestic production, and under such conditions that imports of the Chilean article constitute a substantial cause of serious injury or threat thereof to the domestic industry producing an article that is like, or directly competitive with, the imported article.

(c) APPLICABLE PROVISIONS.—The following provisions of section 202 of the Trade Act of 1974 (19 U.S.C. 2252) apply with respect to any investigation initiated under subsection (b):

(1) Paragraphs (1)(B) and (3) of subsection (b).

(2) Subsection (c).

(3) Subsection (i).

(d) ARTICLES EXEMPT FROM INVESTIGATION.—No investigation may be initiated under this section with respect to any Chilean article if, after the date that the Agreement enters into force, import relief has been provided with respect to that Chilean article under this subtitle, or if, at the time the petition is filed, the article is subject to import relief under chapter 1 of title II of the Trade Act of 1974.

SEC. 312. COMMISSION ACTION ON PETITION.

(a) DETERMINATION.—Not later than 120 days after the date on which an investigation is initiated under section 311(b) with respect to a petition, the Commission shall make the determination required under that section.

(b) APPLICABLE PROVISIONS.—For purposes of this subtitle, the provisions of paragraphs (1), (2), and (3) of section 330(d) of the Tariff Act of 1930 (19 U.S.C. 1330(d) (1), (2), and (3)) shall be applied with respect to determinations and findings made under this section as if such determinations and findings were made under section 202 of the Trade Act of 1974 (19 U.S.C. 2252).

(c) ADDITIONAL FINDING AND RECOMMENDATION IF DETERMINATION AFFIRMATIVE.—If the determination made by the Commission under subsection (a) with respect to imports of an article is affirmative, or if the President may consider a determination of the Commission to be an affirmative determination as provided for under paragraph (1) of section 330(d) of the Tariff Act of 1930 (19 U.S.C. 1330(d)), the Commission shall find, and recommend to the President in the report required under subsection (d), the amount of import relief that is necessary to remedy or prevent the injury found by the Commission in the determination and to facilitate the efforts of the domestic industry to make a positive adjustment to import competition. The import relief recommended by the Commission under this subsection shall be limited to the relief described in section 313(c). Only those members of the Commission who voted in the affirmative under subsection (a) are eligible to vote on the proposed action to remedy or prevent the injury found by the Commission. Members of the Commission who did not vote in the affirmative may submit, in the report required under subsection (d), separate views regarding what action, if any, should be taken to remedy or prevent the injury.

(d) REPORT TO PRESIDENT.—Not later than the date that is 30 days after the date on which a determination is made under subsection (a) with respect to an investigation, the Commission shall submit to the President a report that includes—

(1) the determination made under subsection (a) and an explanation of the basis for the determination;

(2) if the determination under subsection (a) is affirmative, any findings and recommendations for import relief made under subsection (c) and an explanation of the basis for each recommendation; and

(3) any dissenting or separate views by members of the Commission regarding the determination and recommendation referred to in paragraphs (1) and (2).

(e) PUBLIC NOTICE.—Upon submitting a report to the President under subsection (d), the Commission shall promptly make public such report (with the exception of information which the Commission determines to be confidential) and shall cause a summary thereof to be published in the Federal Register.

SEC. 313. PROVISION OF RELIEF.

(a) IN GENERAL.—Not later than the date that is 30 days after the date on which the President receives the report of the Commission in which the Commission's determination under section 312(a) is affirmative, or which contains a determination under section 312(a) that the President considers to be affirmative under paragraph (1) of section 330(d) of the Tariff Act of 1930 (19 U.S.C. 1330(d)(1), the President, subject to subsection (b), shall provide relief from imports of the article that is the subject of such determination to the extent that the President determines necessary to remedy or prevent the injury found by the Commission and to facilitate the efforts of the domestic industry to make a positive adjustment to import competition.

(b) EXCEPTION.—The President is not required to provide import relief under this section if the President determines that the provision of the import relief will not provide greater economic and social benefits than costs.

(c) NATURE OF RELIEF.—

(1) IN GENERAL.—The import relief that the President is authorized to provide under this section with respect to imports of an article is as follows:

(A) The suspension of any further reduction provided for under Annex 3.3 of the Agreement in the duty imposed on such article.

(B) An increase in the rate of duty imposed on such article to a level that does not exceed the lesser of—

(i) the column 1 general rate of duty imposed under the HTS on like articles at the time the import relief is provided; or

(ii) the column 1 general rate of duty imposed under the HTS on like articles on the day before the date on which the Agreement enters into force.

(2) PROGRESSIVE LIBERALIZATION.—If the period for which import relief is provided under this section is greater than 1 year, the President shall provide for the progressive liberalization (described in article 8.2(2) of the Agreement) of such relief at regular intervals during the period of its application.

(d) PERIOD OF RELIEF.—

(1) IN GENERAL.—Subject to paragraph (2), the import relief that the President is authorized to provide under this section, including any extensions thereof, may not, in the aggregate, exceed 3 years.

(2) EXTENSION.—

(A) IN GENERAL.—If the initial period for any import relief provided under this section is less than 3 years, the President, after receiving an affirmative determination from the Commission under subparagraph (B), may extend the effective period of any import relief provided under this section, subject to the limitation under paragraph (1), if the President determines that—

(i) the import relief continues to be necessary to remedy or prevent serious injury and to facilitate adjustment; and

(ii) there is evidence that the industry is making a positive adjustment to import competition.

(B) ACTION BY COMMISSION.—(i) Upon a petition on behalf of the industry concerned, filed with the Commission not earlier than the date which is 9 months, and not later than the date which is 6 months, before the date on which any action taken under subsection (a) is to terminate, the Commission shall conduct an investigation to determine whether action under this section continues to be necessary to remedy or prevent serious injury and whether there is evidence that the industry is making a positive adjustment to import competition.

(ii) The Commission shall publish notice of the commencement of any proceeding under this subparagraph in the Federal Register and shall, within a reasonable time thereafter, hold a public hearing at which the Commission shall afford interested parties and consumers an opportunity to be present, to present evidence, and to respond to the presentations of other parties and consumers, and otherwise to be heard.

(iii) The Commission shall transmit to the President a report on its investigation and determination under this subparagraph not later than 60 days before the action under subsection (a) is to terminate, unless the President specifies a different date.

(e) RATE AFTER TERMINATION OF IMPORT RELIEF.—When import relief under this section is terminated with respect to an article—

(1) the rate of duty on that article after such termination and on or before December 31 of the year in which such termination occurs shall be the rate that, according to the Schedule of the United States in Annex 3.3 of the Agreement for the staged elimination of the tariff, would have been in effect 1 year after the provision of relief under subsection (a); and

(2) the rate of duty for that article after December 31 of the year in which termination occurs shall be, at the discretion of the President, either—

(A) the applicable rate of duty for that article set out in the Schedule of the United States in Annex 3.3 of the Agreement; or

(B) the rate of duty resulting from the elimination of the tariff in equal annual stages ending on the date set out in the United States Schedule in Annex 3.3 of the Agreement for the elimination of the tariff.

(f) ARTICLES EXEMPT FROM RELIEF.—No import relief may be provided under this section on any article subject to import relief under chapter 1 of title II of the Trade Act of 1974.

SEC. 314. TERMINATION OF RELIEF AUTHORITY.

(a) GENERAL RULE.—No import relief may be provided under this subtitle after the date that is 10 years after the date on which the Agreement enters into force.

(b) EXCEPTION.—If an article for which relief is provided under this subtitle is an article for which the period for tariff elimination, set out in the Schedule of the United States to Annex 3.3 of the Agreement, is 12 years, no relief under this subtitle may be provided for that article after the date that is 12 years after the date on which the Agreement enters into force.

SEC. 315. COMPENSATION AUTHORITY.

For purposes of section 123 of the Trade Act of 1974 (19 U.S.C. 2133), any import relief provided by the President under section 313 shall be treated as action taken under chapter 1 of title II of such Act.

SEC. 316. CONFIDENTIAL BUSINESS INFORMATION.

Section 202 (a)(8) of the Trade Act of 1974 (19 U.S.C. 2252(a)(8)) is amended in the first sentence—

(1) by striking ''and''; and

(2) by inserting before the period at the end '', and title III of the United States-Chile Free Trade Agreement Implementation Act''.

Subtitle B—Textile and Apparel Safeguard Measures

SEC. 321. COMMENCEMENT OF ACTION FOR RELIEF.

(a) IN GENERAL.—A request under this subtitle for the purpose of adjusting to the obligations of the United States under the Agreement may be filed with the President by an interested party. Upon the filing of a request, the President shall review the request to determine, from information presented in the request, whether to commence consideration of the request.

(b) PUBLICATION OF REQUEST.—If the President determines that the request under subsection (a) provides the information necessary for the request to be considered, the President shall cause to be published in the Federal Register a notice of commencement of consideration of the request, and notice seeking public comments regarding the request. The notice shall include the request and the dates by which comments and rebuttals must be received.

SEC. 322. DETERMINATION AND PROVISION OF RELIEF.

(a) DETERMINATION.—

(1) IN GENERAL.—If a positive determination is made under section 321(b), the President shall determine whether, as a result of the elimination of a duty under the Agreement, a Chilean textile or apparel article is being imported into the United States in such increased quantities, in absolute terms or relative to the domestic market for that article, and under such conditions as to cause serious damage, or actual threat thereof, to a domestic industry producing an article that is like, or directly competitive with, the imported article.

(2) SERIOUS DAMAGE.—In making a determination under paragraph (1), the President—

(A) shall examine the effect of increased imports on the domestic industry, as reflected in changes in such relevant economic factors as output, productivity, utilization of capacity, inventories, market share, exports, wages, employment, domestic prices, profits, and investment, none of which is necessarily decisive; and

(B) shall not consider changes in technology or consumer preference as factors supporting a determination of serious damage or actual threat thereof.

(b) PROVISION OF RELIEF.—

(1) IN GENERAL.—If a determination under subsection (a) is affirmative, the President may provide relief from imports of the article that is the subject of such determination, as provided in paragraph (2), to the extent that the President determines necessary to remedy or prevent the serious damage and to facilitate adjustment by the domestic industry.

(2) NATURE OF RELIEF.—The relief that the President is authorized to provide under this subsection with respect to imports of an article is an increase in the rate of duty imposed on the article to a level that does not exceed the lesser of—

(A) the column 1 general rate of duty imposed under the HTS on like articles at the time the import relief is provided; or

(B) the column 1 general rate of duty imposed under the HTS on like articles on the day before the date on which the Agreement enters into force.

SEC. 323. PERIOD OF RELIEF.

(a) IN GENERAL.—The import relief that the President is authorized to provide under section 322, including any extensions thereof, may not, in the aggregate, exceed 3 years.

(b) EXTENSION.—If the initial period for any import relief provided under this section is less than 3 years, the President may extend the effective period of any import relief provided under this section, subject to the limitation set forth in subsection (a), if the President determines that—

(1) the import relief continues to be necessary to remedy or prevent serious damage and to facilitate adjustment; and

(2) there is evidence that the industry is making a positive adjustment to import competition.

SEC. 324. ARTICLES EXEMPT FROM RELIEF.

The President may not provide import relief under this subtitle with respect to any article if import relief previously has been provided under this subtitle with respect to that article.

SEC. 325. RATE AFTER TERMINATION OF IMPORT RELIEF.

When import relief under this subtitle is terminated with respect to an article, the rate of duty on that article shall be duty-free.

SEC. 326. TERMINATION OF RELIEF AUTHORITY.

No import relief may be provided under this subtitle with respect to any article after the date that is 8 years after the date on which duties on the article are eliminated pursuant to the Agreement.

SEC. 327. COMPENSATION AUTHORITY.

For purposes of section 123 of the Trade Act of 1974 (19 U.S.C. 2133), any import relief provided by the President under this subtitle shall be treated as action taken under chapter 1 of title II of that Act.

SEC. 328. BUSINESS CONFIDENTIAL INFORMATION.

The President may not release information which the President considers to be confidential business information unless the party submitting the confidential business information had notice, at the time of submission, that such information would be released by the President, or such party subsequently consents to the release of the information. To the extent business confidential information is provided, a nonconfidential version of the information shall also be provided, in which the business confidential information is summarized or, if necessary, deleted.

TITLE IV—TEMPORARY ENTRY OF BUSINESS PERSONS.

SEC. 401. NONIMMIGRANT TRADERS AND INVESTORS.

Upon a basis of reciprocity secured by the Agreement, an alien who is a national of Chile (and any spouse or child (as defined in section 101(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(1)) of such alien, if accompanying or following to join the alien) may, if otherwise eligible for a visa and if otherwise admissible into the United States under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), be considered to be classifiable as a nonimmigrant under section 101(a)(15)(E) of such

Act (8 U.S.C. 1101(a)(15)(E)) if entering solely for a purpose specified in clause (i) or (ii) of such section 101(a)(15)(E). For purposes of this section, the term ''national'' has the meaning given such term in article 14.9 of the Agreement.

SEC. 402. NONIMMIGRANT PROFESSIONALS; LABOR ATTESTATIONS.

(a) NONIMMIGRANT PROFESSIONALS.—

(1) DEFINITIONS.—Section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(i)(b)) is amended by striking ''212(n)(1), or (c)'' and inserting ''212(n)(1), or (b1) who is entitled to enter the United States under and in pursuance of the provisions of an agreement listed in section 214(g)(8)(A), who is engaged in a specialty occupation described in section 214(i)(3), and with respect to whom the Secretary of Labor determines and certifies to the Secretary of Homeland Security and the Secretary of State that the intending employer has filed with the Secretary of Labor an attestation under section 212(t)(1), or (c)''.

(2) ADMISSION OF NONIMMIGRANTS.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended—

(A) in subsection (i)—

(i) in paragraph (1), by striking ''For purposes'' and inserting ''Except as provided in paragraph (3), for purposes''; and

(ii) by adding at the end the following:

''(3) For purposes of section 101(a)(15)(H)(i)(b1), the term 'specialty occupation' means an occupation that requires—

''(A) theoretical and practical application of a body of specialized knowledge; and

''(B) attainment of a bachelor's or higher degree in the specific specialty (or its equivalent) as a minimum for entry into the occupation in the United States.''; and

(B) in subsection (g), by adding at the end the following:

''(8)(A) The agreement referred to in section 101(a)(15)(H)(i)(b1) is the United States-Chile Free Trade Agreement.

''(B)(i) The Secretary of Homeland Security shall establish annual numerical limitations on approvals of initial applications by aliens for admission under section 101(a)(15)(H)(i)(b1).

''(ii) The annual numerical limitations described in clause (i) shall not exceed 1,400 for nationals of Chile for any fiscal year. For purposes of this clause, the term 'national' has the meaning given such term in article 14.9 of the United States-Chile Free Trade Agreement.

''(iii) The annual numerical limitations described in clause (i) shall only apply to principal aliens and not to the spouses or children of such aliens.

''(iv) The annual numerical limitation described in paragraph (1)(A) is reduced by the amount of the annual numerical limitations established under clause (i). However, if a numerical limitation established under clause (i) has not been exhausted at the end of a given fiscal year, the Secretary of Homeland Security shall adjust upwards the numerical limitation in paragraph (1)(A) for that fiscal year by the amount remaining in the numerical limitation under clause (i). Visas under section 101(a)(15)(H)(i)(b) may be issued pursuant to such adjustment within the first 45 days of the next fiscal year to aliens who had applied for such visas during the fiscal year for which the adjustment was made.

''(C) The period of authorized admission as a nonimmigrant under section 101(a)(15)(H)(i)(b1) shall be 1 year, and may be extended, but only in 1-year increments. After every second extension, the next following extension shall not be granted unless the Secretary of Labor had determined and certified to the Secretary of Homeland Security and the Secretary of State that the intending employer has filed with the Secretary of Labor an attestation under section 212(t)(1) for the purpose of permitting the nonimmigrant to obtain such extension.

''(D) The numerical limitation described in paragraph (1)(A) for a fiscal year shall be reduced by one for each alien granted an extension under subparagraph (C) during such year who has obtained 5 or more consecutive prior extensions.''.

(b) LABOR ATTESTATIONS.—Section 212 of the Immigration and Nationality Act (8 U.S.C. 1182) is amended—

(1) by redesignating the subsection (p) added by section 1505(f) of Public Law 106–386 (114 Stat. 1526) as subsection (s); and

(2) by adding at the end the following:

''(t)(1) No alien may be admitted or provided status as a nonimmigrant under section 101(a)(15)(H)(i)(b1) in an occupational classification unless the employer has filed with the Secretary of Labor an attestation stating the following:

''(A) The employer—

''(i) is offering and will offer during the period of authorized employment to aliens admitted or provided status under section 101(a)(15)(H)(i)(b1) wages that are at least—

''(I) the actual wage level paid by the employer to all other individuals with similar experience and qualifications for the specific employment in question; or

''(II) the prevailing wage level for the occupational classification in the area of employment,

whichever is greater, based on the best information available as of the time of filing the attestation; and

''(ii) will provide working conditions for such a nonimmigrant that will not adversely affect the working conditions of workers similarly employed.

''(B) There is not a strike or lockout in the course of a labor dispute in the occupational classification at the place of employment.

''(C) The employer, at the time of filing the attestation—

''(i) has provided notice of the filing under this paragraph to the bargaining representative (if any) of the employer's employees in the occupational classification and area for which aliens are sought; or

''(ii) if there is no such bargaining representative, has provided notice of filing in the occupational classification through such methods as physical posting in conspicuous locations at the place of employment or electronic notification to employees in the occupational classification for which nonimmigrants under section 101(a)(15)(H)(i)(b1) are sought.

''(D) A specification of the number of workers sought, the occupational classification in which the workers will be employed, and wage rate and conditions under which they will be employed.

''(2)(A) The employer shall make available for public examination, within one working day after the date on which an attestation under this subsection is filed, at the employer's principal place of business or worksite, a copy of each such attestation (and such accompanying documents as are necessary).

''(B)(i) The Secretary of Labor shall compile, on a current basis, a list (by employer and by occupational classification) of the attestations filed under this subsection. Such list shall include, with respect to each attestation, the wage rate, number of aliens sought, period of intended employment, and date of need.

''(ii) The Secretary of Labor shall make such list available for public examination in Washington, D.C.

''(C) The Secretary of Labor shall review an attestation filed under this subsection only for completeness and obvious inaccuracies. Unless the Secretary of Labor finds that an attestation is incomplete or obviously inaccurate, the Secretary of Labor shall provide the certification described in section 101(a)(15)(H)(i)(b1) within 7 days of the date of the filing of the attestation.

''(3)(A) The Secretary of Labor shall establish a process for the receipt, investigation, and disposition of complaints respecting the failure of an employer to meet a condition specified in an attestation submitted under this subsection or misrepresentation by the employer of material facts in such an attestation. Complaints may be filed by any aggrieved person or organization (including bargaining representatives). No investigation or hearing shall be conducted on a complaint concerning such a failure or misrepresentation unless the complaint was filed not later than 12 months after the date of the failure or misrepresentation, respectively. The Secretary of Labor shall conduct an investigation under this paragraph if there is reasonable cause to believe that such a failure or misrepresentation has occurred.

''(B) Under the process described in subparagraph (A), the Secretary of Labor shall provide, within 30 days after the date a complaint is filed, for a determination as to whether or not a reasonable basis exists to make a finding described in subparagraph (C). If the Secretary of Labor determines that such a reasonable basis exists, the Secretary of Labor shall provide for notice of such determination to the interested parties and an opportunity for a hearing on the complaint, in accordance with section 556 of title 5, United States Code, within 60 days after the date of the determination. If such a hearing is requested, the Secretary of Labor shall make a finding concerning the matter by not later than 60 days after the date of the hearing. In the case of similar complaints respecting the same applicant, the Secretary of Labor may consolidate the hearings under this subparagraph on such complaints.

''(C)(i) If the Secretary of Labor finds, after notice and opportunity for a hearing, a failure to meet a condition of paragraph (1)(B), a substantial failure to meet a condition of paragraph (1)(C) or (1)(D), or a misrepresentation of material fact in an attestation—

''(I) the Secretary of Labor shall notify the Secretary of State and the Secretary of Homeland Security of such finding and may, in addition, impose such other administrative remedies (including civil monetary penalties in an amount not to exceed $1,000 per violation) as the Secretary of Labor determines to be appropriate; and

''(II) the Secretary of State or the Secretary of Homeland Security, as appropriate, shall not approve petitions or applications filed with respect to that employer under section 204, 214(c), or 101(a)(15)(H)(i)(b1) during a period of at least 1 year for aliens to be employed by the employer.

''(ii) If the Secretary of Labor finds, after notice and opportunity for a hearing, a willful failure to meet a condition of paragraph (1), a willful misrepresentation of material fact in an attestation, or a violation of clause (iv)—

''(I) the Secretary of Labor shall notify the Secretary of State and the Secretary of Homeland Security of such finding and may, in addition, impose such other administrative remedies (including civil monetary penalties in an amount not to exceed $5,000 per violation) as the Secretary of Labor determines to be appropriate; and

''(II) the Secretary of State or the Secretary of Homeland Security, as appropriate, shall not approve petitions or applications filed with respect to that employer under section 204, 214(c), or 101(a)(15)(H)(i)(b1) during a period of at least 2 years for aliens to be employed by the employer.

''(iii) If the Secretary of Labor finds, after notice and opportunity for a hearing, a willful failure to meet a condition of paragraph (1) or a willful misrepresentation of material fact in an attestation, in the course of which failure or misrepresentation the employer displaced a United States worker employed by the employer within the period beginning 90 days before and ending 90 days after the date of filing of any visa petition or application supported by the attestation—

''(I) the Secretary of Labor shall notify the Secretary of State and the Secretary of Homeland Security of such finding and may, in addition, impose such other administrative remedies (including civil monetary penalties in an amount not to exceed $35,000 per violation) as the Secretary of Labor determines to be appropriate; and

''(II) the Secretary of State or the Secretary of Homeland Security, as appropriate, shall not approve petitions or applications filed with respect to that employer under section 204, 214(c), or 101(a)(15)(H)(i)(b1) during a period of at least 3 years for aliens to be employed by the employer.

''(iv) It is a violation of this clause for an employer who has filed an attestation under this subsection to intimidate, threaten, restrain, coerce, blacklist, discharge, or in any other manner discriminate against an employee (which term, for purposes of this clause, includes a former employee and an applicant for employment) because the employee has disclosed information to the employer, or to any other person, that the employee reasonably believes evidences a violation of this subsection, or any rule or regulation pertaining to this subsection, or because the employee cooperates or seeks to cooperate in an investigation or other proceeding concerning the employer's compliance with the requirements of this subsection or any rule or regulation pertaining to this subsection.

''(v) The Secretary of Labor and the Secretary of Homeland Security shall devise a process under which a nonimmigrant under section 101(a)(15)(H)(i)(b1) who files a complaint regarding a violation of clause (iv) and is otherwise eligible to remain and work in the United States may be allowed to seek other appropriate employment in the United States for a period not to exceed the maximum period of stay authorized for such nonimmigrant classification.

''(vi)(I) It is a violation of this clause for an employer who has filed an attestation under this subsection to require a nonimmigrant under section 101(a)(15)(H)(i)(b1) to pay a penalty for ceasing employment with the employer prior to a date agreed to by the nonimmigrant and the employer. The Secretary of Labor shall determine whether a required payment is a penalty (and not liquidated damages) pursuant to relevant State law.

''(II) If the Secretary of Labor finds, after notice and opportunity for a hearing, that an employer has committed a violation of this clause, the Secretary of Labor may impose a civil monetary penalty of $1,000 for each such violation and issue an administrative order requiring the return to the nonimmigrant of any amount paid in violation of this clause, or, if the nonimmigrant cannot be located, requiring payment of any such amount to the general fund of the Treasury.

''(vii)(I) It is a failure to meet a condition of paragraph (1)(A) for an employer who has filed an attestation under this subsection and who places a nonimmigrant under section 101(a)(15)(H)(i)(b1) designated as a full-time employee in the attestation, after the nonimmigrant has entered into employment with the employer, in nonproductive status due to a decision by the employer (based on factors such as lack of work), or due to the nonimmigrant's lack of a permit or license, to fail to pay the nonimmigrant full-time wages in accordance with paragraph (1)(A) for all such nonproductive time.

''(II) It is a failure to meet a condition of paragraph (1)(A) for an employer who has filed an attestation under this subsection and who places a nonimmigrant under section 101(a)(15)(H)(i)(b1) designated as a part-time employee in the attestation, after the nonimmigrant has entered into employment with the employer, in nonproductive status under circumstances described in subclause (I), to fail to pay such a nonimmigrant for such hours as are designated on the attestation consistent with the rate of pay identified on the attestation.

''(III) In the case of a nonimmigrant under section 101(a)(15)(H)(i)(b1) who has not yet entered into employment with an employer who has had approved an attestation under this subsection with respect to the nonimmigrant, the provisions of subclauses (I) and (II) shall apply to the employer beginning 30 days after the date the nonimmigrant first is admitted into the United States, or 60 days after the date the nonimmigrant becomes eligible to work for the employer in the case of a nonimmigrant who is present in the United States on the date of the approval of the attestation filed with the Secretary of Labor.

''(IV) This clause does not apply to a failure to pay wages to a nonimmigrant under section 101(a)(15)(H)(i)(b1) for nonproductive time due to non-work-related factors, such as the voluntary request of the nonimmigrant for an absence or circumstances rendering the nonimmigrant unable to work.

''(V) This clause shall not be construed as prohibiting an employer that is a school or other educational institution from applying to a nonimmigrant under section 101(a)(15)(H)(i)(b1) an established salary practice of the employer, under which the employer pays to nonimmigrants under section 101(a)(15)(H)(i)(b1) and United States workers in the same occupational classification an annual salary in disbursements over fewer than 12 months, if—

''(aa) the nonimmigrant agrees to the compressed annual salary payments prior to the commencement of the employment; and

''(bb) the application of the salary practice to the nonimmigrant does not otherwise cause the nonimmigrant to violate any condition of the nonimmigrant's authorization under this Act to remain in the United States.

''(VI) This clause shall not be construed as superseding clause (viii).

''(viii) It is a failure to meet a condition of paragraph (1)(A) for an employer who has filed an attestation under this subsection to fail to offer to a nonimmigrant under section 101(a)(15)(H)(i)(b1), during the nonimmigrant's period of authorized employment, benefits and eligibility for benefits (including the opportunity to participate in health, life, disability, and other insurance plans; the opportunity to participate in retirement and savings plans; and cash bonuses and non-cash compensation, such as stock options (whether or not based on performance)) on the same basis, and in accordance with the same criteria, as the employer offers to United States workers.

''(D) If the Secretary of Labor finds, after notice and opportunity for a hearing, that an employer has not paid wages at the wage level specified in the attestation and required under paragraph (1), the Secretary of Labor shall order the employer to provide for payment of such amounts of back pay as may be required to comply with the requirements of paragraph (1), whether or not a penalty under subparagraph (C) has been imposed.

''(E) The Secretary of Labor may, on a case-by-case basis, subject an employer to random investigations for a period of up to 5 years, beginning on the date on which the employer is found by the Secretary of Labor to have committed a willful failure to meet a condition of paragraph (1) or to have made a willful misrepresentation of material fact in an attestation. The authority of the Secretary of Labor under this subparagraph shall not be construed to be subject to, or limited by, the requirements of subparagraph (A).

''(F) Nothing in this subsection shall be construed as superseding or preempting any other enforcement-related authority under this Act (such as the authorities under section 274B), or any other Act.

''(4) For purposes of this subsection:

''(A) The term 'area of employment' means the area within normal commuting distance of the worksite or physical location where the work of the nonimmigrant under section 101(a)(15)(H)(i)(b1) is or will be performed. If such worksite or location is within a Metropolitan Statistical Area, any place within such area is deemed to be within the area of employment.

''(B) In the case of an attestation with respect to one or more nonimmigrants under section 101(a)(15)(H)(i)(b1) by an employer, the employer is considered to 'displace' a United States worker from a job if the employer lays off the worker from a job that is essentially the equivalent of the job for which the nonimmigrant or nonimmigrants is or are sought. A job shall not be considered to be essentially equivalent of another job unless it involves essentially the same responsibilities, was held by a United States worker with substantially equivalent qualifications and experience, and is located in the same area of employment as the other job.

''(C)(i) The term 'lays off', with respect to a worker—

''(I) means to cause the worker's loss of employment, other than through a discharge for inadequate performance, violation of workplace rules, cause, voluntary departure, voluntary retirement, or the expiration of a grant or contract; but

''(II) does not include any situation in which the worker is offered, as an alternative to such loss of employment, a similar employment opportunity with the same employer at equivalent or higher compensation and benefits than the position from which the employee was discharged, regardless of whether or not the employee accepts the offer.

''(ii) Nothing in this subparagraph is intended to limit an employee's rights under a collective bargaining agreement or other employment contract.

''(D) The term 'United States worker' means an employee who—

''(i) is a citizen or national of the United States; or

''(ii) is an alien who is lawfully admitted for permanent residence, is admitted as a refugee under section 207 of this title, is granted asylum under section 208, or is an immigrant otherwise authorized, by this Act or by the Secretary of Homeland Security, to be employed.''.

(c) SPECIAL RULE FOR COMPUTATION OF PREVAILING WAGE.—Section 212(p)(1) of the Immigration and Nationality Act (8 U.S.C. 1182(p)(1)) is amended by striking ''(n)(1)(A)(i)(II) and (a)(5)(A)'' and inserting ''(a)(5)(A), (n)(1)(A)(i)(II), and (t)(1)(A)(i)(II)''.

(d) FEE.—

(1) IN GENERAL.—Section 214(c) of the Immigration and Nationality Act (8 U.S.C. 1184(c)) is amended by adding at the end the following:

''(11)(A) Subject to subparagraph (B), the Secretary of Homeland Security or the Secretary of State, as appropriate, shall impose a fee on an employer who has filed an attestation described in section 212(t)—

''(i) in order that an alien may be initially granted nonimmigrant status described in section 101(a)(15)(H)(i)(b1); or

''(ii) in order to satisfy the requirement of the second sentence of subsection (g)(8)(C) for an alien having such status to obtain certain extensions of stay.

''(B) The amount of the fee shall be the same as the amount imposed by the Secretary of Homeland Security under paragraph (9), except that if such paragraph does not authorize such Secretary to impose any fee, no fee shall be imposed under this paragraph.

''(C) Fees collected under this paragraph shall be deposited in the Treasury in accordance with section 286(s).''.

(2) USE OF FEE.—Section 286(s)(1) of the Immigration and Nationality Act (8 U.S.C. 1356(s)(1)) is amended by striking ''section 214(c)(9).'' and inserting ''paragraphs (9) and (11) of section 214(c).''.

SEC. 403. LABOR DISPUTES.

Section 214(j) of the Immigration and Nationality Act (8 U.S.C. 1184(j)) is amended—

(1) by striking ''(j)'' and inserting ''(j)(1)'';

(2) by striking ''this subsection'' each place such term appears and inserting ''this paragraph''; and

(3) by adding at the end the following:

''(2) Notwithstanding any other provision of this Act except section 212(t)(1), and subject to regulations promulgated by the Secretary of Homeland Security, an alien who seeks to enter the United States under and pursuant to the provisions of an agreement listed in subsection (g)(8)(A), and the spouse and children of such an alien if accompanying or following to join the alien, may be denied admission as a nonimmigrant under subparagraph (E), (L), or (H)(i)(b1) of section 101(a)(15) if there is in progress a labor dispute in the occupational classification at the place or intended place of employment, unless such alien establishes, pursuant to regulations promulgated by the Secretary of Homeland Security after consultation with the Secretary of Labor, that the alien's entry will not affect adversely the settlement of the labor dispute or the employment of any person who is involved in the labor dispute. Notice of a determination under this paragraph shall be given as may be required by such agreement.''.

SEC. 404. CONFORMING AMENDMENTS.

Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended—

(1) in subsection (b), by striking ''(other than a nonimmigrant described in subparagraph (H)(i), (L), or (V) of section 101(a)(15))'' and inserting ''(other than a nonimmigrant described in subparagraph (L) or (V) of section 101(a)(15), and other than a nonimmigrant described in any provision of section 101(a)(15)(H)(i) except subclause (b1) of such section)'';

(2) in subsection (c)(1), by striking ''section 101(a)(15)(H), (L), (O), or (P)(i)'' and inserting ''subparagraph (H), (L), (O), or (P)(i) of section 101(a)(15) (excluding nonimmigrants under section 101(a)(15)(H)(i)(b1))''; and

(3) in subsection (h), by striking ''(H)(i)'' and inserting ''(H)(i)(b) or (c)''.

The SPEAKER pro tempore (Mr. HEFLEY). Pursuant to House Resolution 329, the gentleman from California (Mr. THOMAS) and the gentleman from New York (Mr. RANGEL) each will control 50 minutes. The gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) each will control 10 minutes.

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

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

Mr. Speaker, I rise in strong support of H.R. 2738 and the companion bill, which we will discuss immediately following, H.R. 2739. These are the first fruits of the passage of the Free Trade Act implementing for the United States its ability to negotiate agreements with countries, with regions, and with multilateral organizations.

We have been out of the arena for a long time. To show you how long we have been out and how much the world has changed in a very positive way, when you look at H.R. 2738, the Free Trade Agreement with Chile, there are a number of firsts in trade agreements with the United States that are racked up by this particular agreement.

One, it is the first true bilateral agreement that we have had in 15 years. It is the first free trade agreement with a South American country. It is the first free trade agreement using a negative list approach in services, a significant step forward where you say where you do not want to play, but everything else is open. That stands on its head the historical free trade agreement arrangement.

This is the first free trade agreement requiring our trading partner to apply the TRIPS Plus Intellectual Property protections which go beyond the WTO protections. This is the first FTA allowing the use of monetary assessments for commercial disputes as a means to avoid collateral damage caused by import sanctions. It is the first FTA treating labor and environment obligations enforceable on a par with commercial disputes.

It is the first FTA requiring our trading partner to utilize transparent rulemaking procedures following U.S. standards. It is the first free trade agreement covering e-commerce.

You can go on and on because there are so many firsts in these agreements. The idea is that once we are back in the field, we have leap-frogged across a decade and a half. These are world-class free trade agreements, and one of the things that I think we can say is, it is about time.

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

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

Mr. Speaker, I rise in support of the Chile and Singapore Free Trade Agreements. Even though they are small in terms of the overall trade that our great Nation will be involved in, it is the first time that we are recognizing the ability to trade with our South American neighbors and to coordinate this with Mexico and the Caribbean and, indeed, to move forward so that we can end up with a free trade agreement for the Americas.

It is oftentimes said that peace is not just the absence of war, but it is the ability for nations to work with each other to trade with each other to improve the quality of life and to create jobs. And to a large extent, the work that has been done on the Chile and Singapore agreements will serve as a model for agreements that have to follow.

But I must say that, as we trade, we must remember that we have to, as a great Nation, have to have minimum standards that we expect that our trading partners will have. We have to make certain that we try to protect not just intellectual property rights, but environmental rights and workers' rights. We have to recognize that if we are going to become members of international organizations that have international standards, we must abide by those standards; and certainly all Americans should want to have core international work standards so that we do not drive to the minimum what we pay our workers and health standards that we try to improve.

In the Chile and Singapore agreements, you will see documents that these countries are to enforce their domestic labor laws. Many of us support the Chile and Singapore Free Trade Agreement not only because they have decent labor laws, but they have the ability and willingness to enforce them. We are not certain that this is going to happen with other trade agreements that may be coming before this body, but we want to make it abundantly clear that the mere fact that we accept this language in Chile and Singapore does not mean that we will have to accept this language where we do not see it is abundantly clear that other nations have labor laws that follow the core international labor organization laws and the fact that they have a willingness to enforce these laws.

Mr. Speaker, I ask unanimous consent to yield the balance of my time to the gentleman from Michigan (Mr. LEVIN) for purposes of control. The gentleman is the ranking member of the Subcommittee on Trade.

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

There was no objection.

Mr. THOMAS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. Mr. Speaker, I thank the chairman for yielding me time.

Mr. Speaker, it is with great pleasure that I rise today to express my strong support for the U.S.-Chile Free Trade Agreement.

Mr. Speaker, it was back in late 1992, just as the former Bush administration concluded negotiations on NAFTA, that the U.S. announced its intention to pursue a Free Trade Agreement of the Americas, or FTAA, with Chile as its first new partner. Now, at that time, no one could have predicted that it would take more than a decade to conclude an agreement and arrive here at the House today.

The delay, of course, was not the result of changes in the administrations

in the U.S. or Chile, President Clinton supported an FTA with Chile as did President George W. Bush when he was elected in 2000. And successive Chilean governments have backed an agreement.

It was only last year, with the passage of Trade Promotion Authority, or TPA, that the logjam finally was broken and the negotiators, free to conclude the agreement that we address here today.

There is no mystery as to why the United States moved forward first with Chile. It is true, Brazil is potentially a much larger Latin American market for U.S. products and services, and the nations of the Caribbean are undeniably closer to the United States. But it was Chile, not Brazil or the Caribbean or other nations of our hemisphere that exhibited our greatest promise for a partnership, and that is why we should support this agreement today.

Truly a South American success story, Chile during the 1990s, more than doubled its gross domestic product, becoming the fourth fastest growing economy in the world. Even more significant are the political reforms that have supported this growth. Chile has rebuilt its historically solid democracy over the past decade. It has a transparent government that adheres to the rule of law. It has a firm legal commitment to human rights, including strong progressive labor and environmental protection regimes.

Perhaps most importantly, Chile has demonstrated its commitment to open markets, lowering unilaterally many of its own trade barriers and working bilaterally, regionally, and multilaterally for trade liberalization. In short, Chile is a good partner who can only become a better partner within our hemisphere with the enactment into force of this agreement.

It is not a huge trading partner for the United States. Its population of 15 million is only slightly larger than my home State of Illinois. And Chile is our 44th largest trading partner, whereas the United States is Chile's number one trading partner. Right now, most Chilean products enter the United States duty free under the GSP. In contrast, our products face a 6 percent across-the-board tariff when they enter Chile.

This free trade agreement with Chile will put the United States back on an equal or better footing with the Europeans, Brazilians, Mexicans, and Canadians with whom we compete in Chile. It is an agreement that is strong on market access, service openings, intellectual property protection, and labor and environmental safeguards.

The Free Trade Agreement with Chile was a good idea 10 years ago and it is an even better idea today. It is about reducing trade barriers, allowing our companies to compete successfully, and strengthening our friendships in the Western Hemisphere. I urge my colleagues to support the legislation.

□ 1030

Mr. LEVIN. Mr. Speaker, let me just be sure of the procedure here so that we are clear. I want to be sure that all the Members who want to speak on both sides of this have a chance to do so. I think the way we worked this out, the gentleman from California (Mr. STARK) would go next, and after the gentleman from California (Mr. STARK), the gentleman from California (Mr. THOMAS) will go, and then I will go.

The SPEAKER pro tempore (Mr. HEFLEY). The gentleman from Michigan (Mr. LEVIN) has the time, and he can yield it at his pleasure.

Mr. LEVIN. Mr. Speaker, I yield 25 minutes to my distinguished colleague from California (Mr. STARK).

The SPEAKER pro tempore. Does the gentleman ask unanimous consent that he be able to yield that time?

Mr. LEVIN. Yes, Mr. Speaker.

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

There was no objection.

Mr. STARK. Mr. Speaker, I yield myself such time as I may consume, and in doing so rise in opposition to 2738, the U.S.-Chile Free Trade Agreement implementing the Act. And not only do I speak on behalf of numerous Members who oppose this, but I also speak on behalf of the International Brotherhood of Teamsters, the AFL–CIO, the International Brotherhood of Boilermakers, the International Brotherhood of Electrical Workers, United Auto Workers, United Steelworkers of America, the UNITE, the needle trades, and the Machinists Union, all of whom strongly oppose the Singapore and Chile Free Trade Agreements, and it will soon become apparent why they oppose it.

These agreements are notable for their lack of labor rights enforcement language and, for the first time, the addition of a permanent work visa program for a violation of a guest laborer organization that invites foreign workers to come to this country under specialized visa programs, and these agreements are a template for future trade agreements and are sufficient reason to oppose both agreements and the implementing legislation.

American workers have suffered too many job losses for the sake of free trade, for the sake of giving huge tax cuts to the richest Americans, and they have suffered, the children and education and health care in this country, as the current administration has worked its will to harm and dismantle labor unions and to ignore children's education by starving these programs through tax cuts.

The U.S. Trade Representative has the ability to ensure that good-paying jobs are not shipped overseas, I must say, by negotiating labor standards that have strong enforcement measures, but the U.S. Trade Representative has not, he will not, and the administration will not ask him to. Thus, it is up to Congress to require him to protect U.S. workers from the devastation of trade agreements like the Chile Fair Trade Agreement.

Our Nation's unemployment rate reached 6.4 percent in June, the highest rate in more than 9 years, causing the loss of more than 1 million jobs in the last 3 months. Since NAFTA, we have lost 500,000 jobs due to NAFTA. Three-quarters of the jobs lost due to NAFTA have been in the manufacturing sector. These are good-paying jobs that have been shipped overseas. These are traditional American jobs that are the highest skilled among our labor force.

But rather than take the successes of the U.S.-Jordan Fair Trade Agreement, which was heralded by labor and environmental organizations, as the new model for trade agreements, the Bush administration is taking us down the path of further job losses and more degradation of our environment.

Chile's Free Trade Agreement contains only one enforceable provision on workers rights, and it is a hollow, hollow obligation that each country, get this, each country must enforce but not necessarily maintain its own domestic labor laws. If they change their domestic labor laws, that is all they have to do. If they eliminate their domestic labor laws, this fair trade agreement acknowledges that and ignores the fact that there will no longer be any workers rights.

It pays lip service to upholding the International Labor Organization's core worker rights and to not weaken its domestic labor laws, but then both these provisions are expressly excluded from coverage in the dispute settlement chapter. Hence, the Chile Fair Trade Agreement contains virtually no labor standards because any worthwhile labor standard is not enforceable.

The U.S. cannot afford to go down the road of further job losses with the Chile FTA and the Singapore FTA or any other future trade agreements.

It is anticipated that 3.5 million white collar jobs and $136 billion in wages will shift from the United States to low-cost countries in the next 10 years. So all of those, in addition to the 100,000 high-tech jobs we have already lost in California, Silicon Valley, those jobs will become obsolete under the Bush administration's course for free trade. It will not just be IT jobs. We will see a shift in financial service jobs, research and development jobs, service call center jobs and insurance jobs.

Then we get to the new immigration visa program established in the Chile FTA, and it will exacerbate the loss of white collar jobs here. The current H–1B visa program, kind of an enforced slavery program that was written at the behest of the Silicon Valley corporations, is a program of a 3-year temporary work visa renewable one time. So it is a 6-year program. The new visa program will allow an indefinite renewal, time after time, for 1,400 nationals from Chile.

U.S. college grads will increasingly see a future in flipping hamburgers and

waiting on tables, while college grads from overseas will increasingly see good-paying white collar jobs in their future.

The U.S.-Chile Free Trade Agreement is nothing more than a model, a template, an excuse for the Bush administration to diminish labor standards here in the United States. Furthermore, it sets a dangerous precedent as a model for current negotiations with Central America and the Western hemisphere, and I am sorry for my colleagues who think we are going to do something different in Central America. They are just wrong.

We cannot trust the U.S. Trade Representative or the Bush administration to do the right thing. We know it. They behave like China. If we want to get them to do the right thing, we must stop them here before they strike again and diminish more labor standards. It is time for us to stand up, defend the few good-paying jobs we have left in this country and demand the administration go back to the drawing board and include enforceable labor language in the Chile FTA.

I urge my colleagues to oppose H.R. 2738, the implementing language for the U.S.-Chile Free Trade Agreement.

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

Mr. SENSENBRENNER. Mr. Speaker, I rise to claim the time for the Committee on the Judiciary.

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. SENSENBRENNER) is recognized for 10 minutes.

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

Mr. Speaker, both the U.S.-Chile and U.S.-Singapore Free Trade Agreements contain several important provisions within the purview of the Committee on the Judiciary. Both agreements contain competition clauses that ensure antitrust laws are applied in a neutral, transparent and nondiscriminatory manner while safeguarding basic procedural rights.

The agreements also contain robust intellectual property protections, requiring the governments of Chile and Singapore to take affirmative steps to eradicate the piracy of trademarks, patents, satellite television rights and other forms of intellectual property. These intellectual property provisions are widely supported and are likely to serve as a model for future free trade agreements. The intellectual property and antitrust provisions required no substantive changes to U.S. law and thus are not within the text of the implementing legislation before the House today.

For the last several years, I have woefully and repeatedly expressed concern about substantive changes to U.S. law contained in free trade agreements. Before passage of the Trade Promotion Authority Act, immigration provisions were included in earlier free trade agreements such as NAFTA without formal consultation with Congress. This regrettable practice created precedent for subsequent trade agreements, and immigration provisions were included in both the Chile and Singapore Free Trade Agreements before the elevated consultation requirements created by the Trade Promotion Authority were enacted last year.

Mr. Speaker, article I, section 8, clause 3 of the Constitution gives the Congress plenary authority over matters pertaining to immigration and naturalization. During the Committee on the Judiciary's mock markup of this legislation, I, the gentleman from Michigan (Mr. CONYERS), the ranking member and several members of the committee spoke with a united and bipartisan voice and declared that immigration provisions in future free trade agreements will not receive the support of the Committee on the Judiciary. Plainly stated, the Committee on the Judiciary will oppose any future free trade agreement that contains substantive changes in immigration law.

Following the markup, the gentleman from Michigan (Mr. CONYERS), the ranking member, and I transmitted a letter to the United States Trade Representative that reaffirmed Congress' exclusive constitutional mandate to consider immigration law. An additional letter was sent by other members of the committee and several Members of the Congress not on the committee echoing this bipartisan commitment. This was sent to the Trade Representative.

Mr. Speaker, the Committee on the Judiciary's July 10 preintroduction markup of this legislation was a mock markup in name only. At the markup, the committee reported several substantive amendments to the draft we were furnished, and these were incorporated into the legislation which we consider today.

First, while the draft implementing legislation created a separate visa category for skilled workers from Chile and Singapore, the Committee on the Judiciary amended the Immigration and Nationality Act to ensure that these visas, 6,800 in total, are now deducted from the national H–1B visa cap at the time they are issued and when they are renewed after five or more prior extensions.

The committee also reported an amendment to ensure that every second extension of temporary status for citizens of Chile and Singapore be accompanied by a new employer attestation to ensure that an employer updates the prevailing wage determination after each second application for extension.

In addition, the committee approved an amendment that requires an employer to pay a fee equal to that charged to an employer petitioning for H–1B visa status whenever a temporary exit visa is granted and after every second extension of that status.

Finally, H.R. 2738 and H.R. 2739 now explicitly state that an employer generally cannot sponsor an alien for an EL or H–1B1 visa if there is any labor dispute occurring in the occupational classification at the place of employment, regardless of whether the labor dispute is classified as a strike or a lockout. In this regard, title IV of both bills provides greater worker protection than that presently contained in the H–1B program.

The committee's commitment to ensuring that its amendments were incorporated into the introduced bills we consider today dramatically enhanced the quality of the legislation and recaptured a crucial prerogative of the Congress. It is my hope and expectation that the Committee on the Judiciary's clarion call over the last 2 weeks that immigration provisions be excluded from future trade agreements will be clearly received by this and future administrations.

Given the leadership of Ambassador Zoellick, his proven commitment to working with Congress on a cooperative and constructive basis that fully respects the constitutional prerogatives of this body and the dedication and professionalism of his staff, I have great confidence that the will of Congress will not be ignored.

□ 1045

Mr. Speaker, reducing barriers to U.S. exports is crucial to restoring America's economic vibrancy. U.S. products containing intellectual property continue to lead America's exports, and it is incumbent upon this body to ensure that foreign governments stamp out the rampant piracy that costs America and Americans several billion dollars a year.

Strong safeguards in these agreements will ensure that the governments of Chile and Singapore create criminal sanctions to punish intellectual property theft with the seriousness and severity that it demands. In addition, the antitrust provisions will ensure that these governments do not rely on the increasingly common foreign practice of manipulating antitrust laws to discriminate against American businesses.

Mr. Speaker, the Chilean-Singapore Free Trade Agreements contain critical market-opening provisions which will expand commercial opportunities for America's farmers and dairy producers and ensure that the United States continues to lead the world in exports. These agreements also advance America's broader strategic interests by liberalizing trade with two key economic allies which serve as regional models for neighboring countries.

For the reasons I have outlined, Mr. Speaker, I urge my colleagues to support this legislation.

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to claim the time of the Committee on the Judiciary.

The SPEAKER pro tempore (Mr. HEFLEY). The gentlewoman from Texas

(Ms. JACKSON-LEE) is recognized for 10 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I believe we might have been on another journey if the USTR had responded to the concerns of many of us in a more constructive and readily solvable fashion. The Committee on the Judiciary stands as the monitor of the Constitution, and it is clear that the issue of commerce is designated in the Constitution. But it is also clear that in the Constitution, under Article 1, Section 8, Clause 4 of that document, it provides that Congress shall have the power to establish a uniform rule of naturalization.

The Supreme Court has long found that this provision of the Constitution grants Congress plenary power over immigration policy. Moreover, the Court has found that the formulation of policies pertaining to the entry of aliens and their right to remain here, as entrusted exclusively to Congress, has become as firmly embedded in the legislative and judicial tissues of our body politics as any aspect of our government. Nonetheless, the administration has negotiated a new visa program in the U.S.-Singapore-Chile FTA usurping Congress' clear and constitutional role in creating immigration law.

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

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that the balance of my time be yielded to the gentleman from Utah (Mr. CANNON) and that he be allowed to yield time to other Members.

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

There was no objection.

Ms. JACKSON-LEE of Texas. Reclaiming my time, Mr. Speaker, we want to be friends with all of those very fine neighbors and nations across the ocean, but I believe that the USTR made a terrible mistake in implementing FTA, which many of us questioned, by delving into authority that should be left to this Congress. The USTR should not have included immigration provisions in both of these trade bills. The inclusion of immigration provisions overstepped the bounds of the USTR and usurped the jurisdiction of the Committee on the Judiciary.

Many of us reached out to the USTR in order to analyze ways of retracting some of those negotiated provisions in the trade agreement. Through their stubbornness, they refused to meet or to agree to any of these provisions. Let me give an example.

We have about 8 million undocumented aliens in the United States. Many of us have argued vigorously that we should find a way through the Congress, legislatively, to allow those undocumented individuals who are working, who are paying taxes, to access legalization. In this trade bill, we have a perpetual unlimited visa process that will allow any of those citizens from those countries to stay in the United States forever.

Now, Mr. Speaker, I did not say 1 year, 2 years, or 3 years, I said forever, with an annual renewal. No review by this Congress at all. So rather than come in, try to establish legal permanent residency, all you have to say is that you are coming in under this particular visa provision, and each year you are allowed to renew it.

We simply asked for there to be a capping of 8 years, to at least have the ability, if we are supposed to be concerned about homeland security, securing of this Nation. We now have a gaping new hole that someone can go through to apply for this kind of visa, through certain processes, and stay in the United States forever. Forever, Mr. Speaker.

Negotiating objectives that the Congress laid out for the USTR in the Trade Act of 2002 do not include a single word on entry into the United States. That was my fear about Fast Track Authority. That is what we should be concerned about.

I understand what trade agreements are about. They are a deal. It is that simple. Plain and simple, they are deals. You sit on this side of the table, they sit on that side of the table, and you make a deal. And the dealmakers do not want anyone to oversee the deal so they can slip anything in without any ability of this Congress to oversee it.

What they have done is slipped in a perpetual visa status that no one can oversee. There is no specific authority in the TPA to negotiate new visa categories or to impose new requirements on our temporary entry system, yet that is exactly what the USTR has done in these trade agreements. The trade agreements create a new visa classification for the temporary provision of a nonprofessional that is similar in many respects to the existing H–1B nonimmigrant classification.

The new nonimmigrant visa classifications, however, would differ from the existing H–1B program in significant ways. The provisions for the new nonimmigrant visa permit allow an unlimited number of extensions in 1-year increments. This makes it possible for a foreign employee entering the company on a supposedly temporary basis at the age of 22 to remain until he or she is ready to retire at the age of 70. This is with the backdrop of 6.4 million that are unemployed and with the backdrop of companies like IBM, just reported in the newspapers, outsourcing a number of their jobs, maybe upwards of 3,000 per company, outsourcing them from the United States to places beyond its borders.

In effect, this gives American employers the option of keeping permanent workers in a temporary legal status forever and ever and ever. In contrast to the H–1B program, workers are granted a 3-year visa that can be extended only once. And maybe some of us believe there should be more flexibility, but at least there is an end time. A single 3-year extension is available, but there is an end time.

The labor certification attestation is one of the few safeguards we have in our H–1B system for ensuring that employers do not abuse temporary workers and undermine the domestic labor market. The implementation legislation contains some but not all of the attestation requirements that apply in our H–1B program. The implementing legislation completely omits the category of H–1B independent employers and the additional attestation requirements that apply to them.

The problem we have here, Mr. Speaker, is the fact that we have legislation that includes boundaries beyond that of the USTR. They should not have trampled on the rights of this Congress regarding the issues of immigration, and I would argue that for that very reason this bill has an Achilles heel and should be defeated.

I will begin by saying that I value the trade relations that the United States has with Chile. Although Chile was only our 36th largest trading partner in goods in 2002 (with $2.6 billion in exports and $3.8 billion in imports), Chile has one of the fastest growing economies in the world. Its sound economic policies are reflected in its investment grade market ratings, unique in South America. Over the past 15–20 years, Chile has established a thriving democracy, a free market society and an open economy built on trade. I support trade with Chile.

My concern is with the details of the trade agreement. The U.S. Trade Representative (USTR) should not have included immigration provisions in the Chile Free Trade Agreement. The negotiating objectives that Congress laid out for the USTR in the Trade Protection Act of 2002 (TPA) do not include a single word on temporary entry into the United States. There is no specific authority in the TPA to negotiate new visa categories or to impose new requirements on our temporary entry system, yet that is exactly what USTR has done in the Chile Free Trade Agreement.

The inclusion of immigration provisions overstepped the bounds of the USTR and usurped the jurisdiction of the Congress. Article I, section 8, clause 4 of the Constitution provides that Congress shall have the power to establish a uniform Rule of Naturalization. The Supreme Court has long found that this provision of the Constitution grants Congress plenary power over immigration policy. The Court has found that the formulation of policies [pertaining to the entry of aliens and their right to remain here] is entrusted exclusively to Congress has become as firmly embedded in the legislative and judicial tissues of our body politics as any aspect of our government. Nonetheless, the Administration has negotiated a new visa program in the Chile Free Trade Agreement; usurping Congress' clear constitutional role in creating immigration law.

The Chile Free Trade Agreement creates a new visa classification for the temporary admission of nonimmigrant professionals that is similar in many respects to the existing H–1B nonimmigrant classification. The new nonimmigrant visa classification, however, would

differ from the existing H–1B program in significant ways.

The provisions for the new nonimmigrant visa permit an unlimited number of extensions in 1-year increments. This makes it possible for a foreign employee entering the country on a supposedly temporary basis at the age of 22 to remain until he is ready to retire at the age of 70. In effect, this gives American employers the option of keeping permanent workers in a temporary legal status. In contrast, under the H–1B program, workers are granted a 3-year visa that can be extended only once. A singe 3-year extension is available.

The Labor Certification Attestation is one of the few safeguards we have in our H–1B system for ensuring that employers do not abuse temporary workers to undermine the domestic labor market. The implementing legislation contains some, but not all, of the attestation requirements that apply in our H–1B program.

The implementing legislation completely omits the category of H–1B dependent employers and the additional attestation requirements that apply to them. H–1B dependent employers are required to attest that new entrants will not displace American workers and demonstrate that they have tried to recruit American workers. The implementing legislation should have a similar provision.

In addition, the H–1B program authorizes the Secretary of Labor to initiate her own investigations and enforcement proceedings based on credible information that an employer is violating the rules of the H–1B program. No such authority is granted to the Secretary in the Chile Free Trade Agreement's implementing legislation.

The Chile Free Trade Agreement requires permanent changes to our immigration system, but for now these changes are limited to two countries. Unfortunately, we may see these programs expanded to dozen of additional countries in future Free Trade Agreements. The administration is currently negotiating additional Free Trade Agreements with Australia, Morocco, five countries in Southern Africa, five countries in Central America, and the 34 countries of the Western Hemisphere.

Immigration policy is a sensitive, political matter. Changes in immigration law traditionally have been the result of intense, open negotiations between workers, employers, immigration advocates, and Members of Congress. These issues simply do not belong in fast-tracked trade agreements negotiated by executive agencies. Because the legislation is being fast-tracked, Congress does not have the power to amend it. We have to vote on it as written with no power to make any changes.

If amendments had been permitted, I would have offered one to put a limit on renewals. My amendment would have permitted no more than eight 1-year renewals of the nonimmigrant status. That would have permitted a 9-year period, which would be 50 percent longer than is allowed for employees who are here with H–1B status.

I also would have offered an amendment that would have used part of the fees generated by the new visa classification for accelerating the processing of nonimmigrant visas by the State Department's consulate offices. Delays in processing nonimmigrant visas are causing difficulty to people coming to the United States for medical treatment, to do important research, or for any of a number of other urgent reasons.

I urge you to vote against the U.S.-Chile Trade Agreement Implementation Act, H.R. 2738.

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

Mr. CANNON. Mr. Speaker, I yield myself such time as I may consume, and I rise to speak in favor of the United States and Chile Free Trade Agreements.

Mr. Speaker, I appreciate the fact the administration has worked closely with the gentleman from Wisconsin (Mr. SENSENBRENNER) and other members of the Committee on the Judiciary on the legislation to implement the temporary entry provisions that are included in the Singapore and Chile Free Trade Agreements.

The bill language relating to the temporary entry of professionals was carefully crafted to track the H–1B program, therefore ensuring that Chilean professionals fall under the H–1B cap and that comparable fees can be charged and that the labor attestations for these visas are modeled after the H–1B program.

The temporary entry of professionals, who must have bachelor degrees or more advanced degrees, facilitates trade and services which currently account for 65 percent of the U.S. economy. The international mobility of business professionals has become an increasingly important aspect of competitive markets for suppliers and consumers alike. Facilitating the movement of professionals allows trade partners to more efficiently provide each other with services, such as architecture, engineering, consulting, and construction. It has been customary to include such provisions in trade agreements as a part of the services chapter, and the U.S. service providers are very supportive of these provisions.

The current U.S. Trade Representative inherited the Chile agreement from the prior administration, and this USTR has consulted very closely with Congress on negotiations on the agreement last year and on the implementing legislation in recent weeks, including on temporary entry of professionals. I know the USTR appreciates this consultation process on these sensitive issues. The USTR has continued to consult with Congress on trade agreements now being negotiated, including the Moroccan Free Trade Agreement, the Central American Free Trade Agreement, the Australia FTA, and the Free Trade Area of the Americas, and none of these agreements currently includes provisions on the temporary entry of professionals.

Over the past few weeks, Congress has sent a clear message asking USTR to discontinue the practice of including such provisions in these agreements. I know the USTR listens closely to Congress, and I am confident that we will continue to have opportunities to work closely with Ambassador Zoellick and his team in ensuring that the best possible free trade agreements are achieved.

Congress' goal, however, is not to become the U.S. trade negotiator itself but to be a close partner in the overall process. Recent consultations with the administration on the Chile agreement shows that this partnership is beneficial and can work. Let us not take a step backward at this crucial time. I urge my colleagues to support this agreement.

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

The SPEAKER pro tempore. The gentleman's time has expired.

Ms. JACKSON-LEE of Texas. Mr. Speaker, may I inquire of the Speaker how much time we have remaining?

The SPEAKER pro tempore. The gentlewoman from Texas has 2 minutes remaining.

Ms. JACKSON-LEE of texas. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, I thank the gentlewoman from Texas for yielding me this time.

Mr. Speaker, the Statue of Liberty speaks out very clearly, if anybody has been to this great monument. And from the poem ''The New Colossus,'' at the bottom, the 19th century American poet Emma Lazarus writes, ''Give me your tired, your poor, your huddled masses yearning to breathe free, the wretched refuse of your teeming shore. Send these, the homeless, tempest-tossed, to me. I lift my lamp beside the golden door.''

□ 1100

What has happened to us, in a country where we continue to export jobs and import workers? This issue is at the very center of the economy of this country. We will never have recovery until we address it, Mr. Speaker.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself the balance of my time.

Let me conclude by simply saying this. This legislation again has trampled on the constitutional rights delineated for this Congress as it relates to immigration policies. This bill does not even have the provision that says that you need to attest that there are no American workers that can do this job before you give this perpetual visa.

When we tried to get a revenue stream for the visa fees in order to unclog the backlog of visas in our consul offices around the world, for researchers and people who need medical care, we could not even get that established. The USTR has trampled on our rights.

Fast track should not undermine the Constitution. This is a bad trade bill, a bad precedent, and if this Congress does not stand up to its right to protect the American people, who will?

I ask my colleagues to vote against this. They need to go back to the drawing boards, back to the deal-making, and if need be, you need to have Congress sit at this table so that you do not trample on our rights and begin to

put in immigration policies that discriminate against hard-working immigrants who are here in this country seeking legal status, who cannot seek legal status because of our policies, yet you can be overseas, staying overseas, look up, get a visa and never leave this country.

If we are concerned about security, if we are concerned about homeland security, if we are concerned about protecting ourselves against terrorism, what a big, gaping hole.

This is a bad trade bill. I ask my colleagues to vote against it.

The SPEAKER pro tempore (Mr. HEFLEY). All time for the Judiciary Committee portion of the bill has expired.

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

There is no question that we should rightly be concerned about traditional industries, manufacturing and the changing world and the United States relationship to that changing world. And I do believe that there will be some free trade agreements that will come before us when the concern about manufacturing is front and center. But one of the important things about the agreement that is in front of us today, the U.S.-Chile Free Trade Agreement is, first of all, I consider this agreement old business, not new business.

Secondly, I just have to tell you, as someone who represents California and, more particularly, the great Central Valley of California in which when I am back home, and I am greatly anticipating that in less than a week, in the morning the sun comes up over the snowy Sierra Nevadas.

As most of you know, Mount Whitney at 14,500 feet is the highest mountain in the continental 48 States. The Central Valley is the single richest agricultural area in the world. When the sun goes down, it goes down over the Pacific Ocean. If you have the opportunity, as I have, to be able to go to Chile, you will find that the geography, the topography is literally exactly the same.

One of the things that is important about this agreement is that it is a world-class agreement in the area of agriculture. Where many times people use nontariff barriers, argue sanitary or phytosanitary reasons for not allowing the free movement of agricultural products, what we have here is an opportunity to show the rest of the world how it ought to be done.

What I am hearing from people is, why should we enter into this agreement? I guess my response is, why not? It is true that we are trading the entire internal market of the United States for a market about the size of L.A. County.

But the fact of the matter is, Chile has not waited for us, no matter how close our friendship is. They have moved on in the world. They have free trade agreements with other countries who are more than willing to supply the products that we would love to supply, and no matter how close the friendship, if the price is not right, if the structure is not right, they are going to trade with people who are smart enough and wise enough to create a more comfortable trading arrangement.

We are doing this for us, not for Chile. But let me tell you, the U.S. consumer has benefited from this relationship.

Just as I described the geography of California and the geography of Chile, they may be the same, but when you look at them on the globe, they are on opposite sides of the equator, which means we are able to produce the same agricultural products but at a different time of the year. There is a seasonal complementariness to the agriculture on what would otherwise be directly competing products that creates a positive for the American consumer. Just one product, table grapes, currently if you go down to your market, you will find fresh table grapes and especially the new varieties that are seedless and they will be in a bag which says ''Product of USA.'' But if you go to that same market in November or December or January or February, you will find what looks like exactly the same product in a bag and it will say ''Product of Chile.''

What we used to do in the old days was when the growing season was over, we would throw the grapes in cold storage, 4 months later we would drag them out and, as you might expect, consumer demand and interest was pretty low. Today, we can supply 12 months out of the year a fresh product where there is not the kind of conflict that would otherwise occur.

We benefit, the Chileans benefit from the primary focus of agriculture in an agreement that is world class, but beyond that, allows us to go to the market in Chile and offer a product in competition with other countries. But this time we do so under a free trade agreement. And when you have an opportunity to trade under the same economic relationship, then the question is, if there is no difference in terms of economics, why not trade with a friend rather than someone else? That is what this free trade agreement is all about.

Mr. Speaker, it is now my pleasure to yield 3 minutes to the gentlewoman from Washington (Ms. DUNN), but prior to that, I yield my time to the gentleman from Illinois (Mr. CRANE), chairman of the Subcommittee on Trade, and ask unanimous consent that he have the ability to disburse the time as he may see fit.

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

There was no objection.

Ms. DUNN. Mr. Speaker, it is indeed a pleasure to speak on behalf of this agreement. It has been a long time coming. I am delighted to be here on the floor supporting it.

This is the first comprehensive free trade agreement between the United States and a major South American country. Passing this trade agreement will help American businesses and farmers gain better access to foreign markets.

Currently, Chile already has a trade agreement with the European Union, with Mexico and Canada, but not with the United States. As a result, American businesses and farmers do not enjoy the same preferential benefits and advantages that their counterparts in these countries do. Of course, that results consistently in our losing contracts to Canada, the EU and Mexico because we must pay the 6 percent tariff in Chile since we do not have an agreement and they, of course, pay nothing which makes the cost of their goods and services much less.

By leveling the playing field, this trade agreement will ensure that 85 percent of United States consumer and industrial products will receive tariff-free treatment in Chile immediately. For our farmers, over 75 percent of agricultural goods exported to Chile will be duty-free within 4 years. Furthermore, both nations renewed their commitment to continuing to work on resolving sanitary and phytosanitary issues so that artificial barriers will no longer be used to inhibit legitimate trade.

For the people I represent in the Pacific Northwest, this trade agreement will require Chile to comply with intellectual property rights protections beyond the current international standards and will improve enforcement against piracy and counterfeits. It is my hope that the IPR provisions in this agreement will be a model for our efforts with the Central American FTA and the impending Free Trade Area of the Americas negotiations.

This agreement is not only about expanding market access; it also reflects our commitment to strengthen our relationship with our friends and our neighbors in South America. It will also underscore our commitment to move forward with a hemispheric free trade agreement through the FTAA. While two-way trade between our nations was only $6.4 billion last year, this agreement will help to expand foreign investment that will strengthen both our economies.

I urge passage of this bill.

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

Clearly, the Chile and Singapore Free Trade Agreements have many strong provisions, including comprehensive commitments by Chile and Singapore to open their goods, agricultural and services markets. This will be beneficial to American businesses, workers and farmers, commitments that will increase regulatory transparency and act to the benefit of U.S. investors, intellectual property holders, businesses, workers and consumers.

So what is the major source of controversy, especially since the economic impact of the two agreements combined will account for less than one-

quarter of 1 percent of U.S. GDP? I believe that it is mainly the potential and the existing inappropriate use by this administration of provisions in these agreements as models for other agreements.

For example, the Singapore FTA includes an integrated sourcing initiative. As first drafted, ISI would have allowed in listed instances components from any country in the world imported directly into Singapore to be treated as Singapore content, i.e., Singapore as a proxy for other nations not signatory to the FTA. This local content feature has been restricted through amendments to the agreement and by this legislation at our instigation, making it difficult to use as a practical matter. And, importantly, Democrats took the initiative to prevent any expansion of the ISI list without congressional approval. These efforts should send a clear message: Do not negotiate a similar provision in any future FTA.

Second, both agreements contain provisions relating to the temporary entry of nationals which required the creation of a new H1B visa program for workers from these countries. We were able through the implementing legislation on a bipartisan basis to significantly tighten these provisions. As a result, they are not now, in my judgment, a sufficient reason to vote against these agreements. But in this day and age of heavy loss of American jobs, the changes insisted on by this House must send a clear message to the administration not to negotiate immigration provisions in future FTAs, especially where the number of such visas involved would be larger without the active involvement of Congress.

Third, both agreements contain separate dispute settlement rules that place arbitrary caps on the enforcement of the labor and environmental provisions. This is a mistaken approach, the difficulties of which would only be magnified if used as a precedent for future FTAs involving very different circumstances.

Fourth, while substantial progress was made in the critical area of investment, these agreements should not be a model for all future FTAs. Additional steps should be included in future trade negotiations to ensure fully that foreign investors have no greater rights than U.S. citizens have under U.S. law.

Fifth, of great concern about these agreements is the actual use by USTR in the ongoing Central American negotiations of the ''enforce your own laws'' standard in the Singapore and Chile FTAs relating to basic labor standards. The laws of Chile and Singapore incorporate five internationally recognized core labor standards, prohibition against child labor, forced labor, discrimination, and, vitally, the right to associate and bargain collectively; and they basically enforce them, though there are cultural differences in their doing so.

In clear contrast to Chile and Singapore, the laws of most Central American countries irrefutably do not embody these five standards and the inadequate laws that exist are poorly enforced. Indeed, there is a pervasive antiworker-rights culture that prevents workers from getting a livable piece of the economic pie and climbing the economic ladder to the middle class.

□ 1115

So use of an ''enforce your own law standard'' where opposite conditions exist is a contradiction that would lead to contradictory results.

Central America does not need to suppress its workers to compete. To say that it does, whether with neighbors or with China, is untrue, and such an argument only gives ammunition to those who say that expanded trade, indeed globalization, inevitably leads to helping the rich and continuing to exploit the poor.

CAFTA is the real test and provides a real opportunity to shape expanded trade so that it leads to a leveling up, not a leveling down, with FTAA following next. So there is not a race to the bottom. So people in developing nations, as is basically true now in Chile and Singapore, can move up the ladder. So it is clear to workers in our Nation that when they compete, it is not with workers in other nations suppressed of their basic rights to associate and bargain together to get a decent piece of the economic action.

There are two ways to respond to this situation.

One is to acknowledge the many positives in these agreements, voting a green light while making very clear a red light against misapplication of Chile and Singapore to CAFTA, FTAA, and other future agreements where the conditions are very different. Different conditions, different agreements. Or, to vote ''no.''

My judgment is that the message is more clear, the distinctions between different situations remain starker and less blurred, and efforts to make these distinctions more likely to succeed with a ''yes'' vote in the manner described above. Either way, there must be a similar message: Do not negotiate an agreement with Central American nations on the assumption that conditions are like those in Chile or Singapore when they are not.

We oppose such efforts. They would not lead to the breakthroughs that Central American or FTA nations need in access to U.S. markets. They would result, in my judgment, in the eventual defeat of CAFTA. And they would throw away an opportunity, a major opportunity for those Central American nations and others, and for ours, and an opportunity to move U.S. trade policy forward, with the broad base of support necessary for a healthy future for expanded trade.

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

Mr. STARK. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Speaker, where I come from, trade is a 4-letter word: J-O-B-S. Unfortunately, this Congress, this U.S. Trade Representative, and this President do not spell very well.

In the 2½ years since George Bush became President, we have lost 3.1 million jobs in this country, we have lost 2.1 million manufacturing jobs in this country, and President Bush's answer is, more tax cuts for the wealthiest Americans, more cuts in services to veterans, to education, to health care, and more flawed trade agreements. There was fast track, and now there is Singapore and Chile.

American workers understand these trade agreements do not work. We have lost 2.1 million manufacturing jobs in 2½ years. American workers understand that NAFTA has failed. Ten years ago when NAFTA passed, we had a $1.7 billion surplus with Mexico and Canada. Today, 10 years later, we have a $25 billion deficit with Canada and Mexico.

American workers understand that our China trade policy does not work. A dozen years ago we had a $100 million trade deficit with China. Today, under these failed policies, for a decade we have had a $100 billion trade deficit with China, and growing.

President Bush, Sr., told the American people that for every billion dollars in trade surplus or trade deficit, it meant 18,000 jobs. That means that our trade deficit with China every year costs us 1.8 million jobs. Yet we continue the same failed trade policies that hemorrhage American jobs.

In 1992, the U.S. had a $38 billion trade deficit. Today, it is a $418 billion trade deficit. We had a bigger trade deficit in May of this year than we had for the entire year 11 years ago.

And white collar workers are next. The New York Times said IBM's top employee relations executive said 3 million service jobs will be gone by 2015, 3 million more. These are white collar: 3 million more jobs lost.

American workers, as I said, understand that these trade agreements, these failed trade policies hemorrhage American jobs.

Two years ago, President Clinton and the Congress finally figured it out. We passed a trade agreement, the Jordan Trade Agreement, that lifted up environmental labor standards, lifted up standards, lifted up people's lives, promoted American values rather than pulling down labor standards and pulling down environmental standards. Now President Bush has brought us back to the same failed NAFTA policies. That is what this Chile trade agreement is about.

The worst part is the Bush administration has announced that these agreements with Chile and Singapore will serve as the model for future trade agreements such as the Central American Free Trade Agreement, CAFTA, and the Free Trade Agreement of the Americas. They will serve as the model

for these next huge trade agreements that will hemorrhage even more jobs.

The administration impact report on the Singapore Free Trade Agreement, which we will debate next, estimates that we will lose 22,000 manufacturing jobs.

That is the problem. This trade policy is continuing to hemorrhage American jobs.

Mr. CRANE. Mr. Speaker, I yield 3 minutes to my distinguished colleague, the gentleman from Illinois (Mr. WELLER).

Mr. WELLER. Mr. Speaker, let me first indicate my strong support for this trade agreement with our friend and ally, the nation of Chile, a longtime democracy, a longtime ally; and clearly, I am one who believes that if you believe in freedom and democracy, you believe in free trade.

This historic agreement that we have between our Nation and Chile to reduce trade barriers and open up opportunities for Illinois agriculture and Illinois business and Illinois workers to sell products is a big step forward.

I want to focus on a very key portion of this trade agreement with the nation of Chile and our country, and that is, this trade agreement recognizes that today, in our economy, our global economy, that we are in a digital age, and that we exist in a digital global economy.

Our Nation's largest exports are in entertainment and technology, important industries for the State of Illinois. We are concerned about the rights of those who create music, entertainment, software, and technology products, and we are concerned about manufacturers' patents.

This agreement is an historic agreement because it includes, clearly, one of the highest levels of intellectual property rights protections that we have ever had in any trade agreement with any other nation. It is just one more reason why we should all support, in a bipartisan way, this trade agreement with the nation of Chile.

We have a high level of intellectual property rights protections. We protect trademarks in this legislation, state-of-the-art protections in this digital age. We also protect copyrights, protecting copyrights in the digital economy, protections from piracy.

We often think about it. Here in the Americas, particularly in Latin America, we have seen cases where there is an incredible amount of piracy and an incredible amount of counterfeiting of intellectual goods, music and entertainment and films and software; and that is a tremendous loss to the artists, to the creators, to those who came up with that idea and that product. But if we are concerned about those workers, we ought to ensure that they get the benefits of the fruits of their labors. If we do not provide for additional protections for intellectual property rights, those involved in piracy, some are even associated with terrorist organizations, will continue to have that niche where they take away the rights of our workers.

This is historic legislation that is before us today, protecting intellectual property rights as well as the patent rights for our American businesses, as well as our American workers.

I would note that Illinois, of course, is a major manufacturer of pharmaceutical products and also is a major manufacturer of agricultural chemicals. Again, this legislation provides strong protections for the copyrights and patents that protect our industries in Illinois.

Last, of course, it is one thing to say we are going to agree to protect them; the other key part is what are we going to do to enforce these intellectual property rights? Clearly, this agreement that we have with the nation of Chile provides tough penalties which they agree to implement on those who commit piracy and counterfeiting.

This legislation deserves bipartisan support.

Mr. LEVIN. Mr. Speaker, it is my pleasure to yield 3 minutes to the gentleman from Washington (Mr. MCDERMOTT), my distinguished colleague on the Committee on Ways and Means.

Mr. MCDERMOTT. Mr. Speaker, today's votes are not about the merits of liberalizing or opening up foreign markets to American goods and services. Democrats and Republicans both support doing that because over 90 percent of our consumers live outside the United States borders.

I represent a congressional district whose economy relies heavily on exports, but my district is also deeply concerned about the process by which economies liberalize and the effects these liberalizations have on working families and the environment in which they live.

Process is very important. Read James Madison. The rules that the Congress laid out in the fast track bill were not met. Fast track requires the U.S. Trade Representative to consult with several private-sector advisory committees to seek their opinion about trade agreements, but Mr. Zoellick refused to provide these committees with the final text of the agreements before they were required by law to respond. Many on the committees voiced frustration over this.

One committee, the Advisory Committee on Services, had this to say when they submitted their final analysis of the Singapore agreement: ''It should be noted that our members were challenged by the lack of available text during the 30-day period we had to conduct this analysis and write this report.''

Mr. Speaker, after EarthJustice represented several environmental groups in court to seek the release of documents used in the U.S.-Chile negotiations, a district court ruled that the U.S. Trade Representative was wrong to deny Americans these documents. After that ruling, instead of opening up, the Inside U.S. Trade article which I offer for the RECORD says, ''The Office of the USTR is now formally classifying negotiating texts and related documents as exempt from the Freedom of Information Act requests on national security grounds as a part of an overall effort aimed at tightening the flow of information on trade policy between the executive branch and the private sector.''

The Congress needs more time, not less. We do not need obstruction from the USTR. I believe that our Founding Fathers wanted it to be an open process. For that reason, I suggest that we reject this document and we will go back to the drawing boards. Mr. Zoellick has to follow the law. Let people have the information. Do not hide behind secrecy on national security grounds.

Mr. Speaker, I will enter in the RECORD at this point an article from Inside U.S. Trade, dated April 25, 2003.

Mr. CRANE. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, today I rise in support of the United States-Chile Free Trade Agreement implementation. When signed into law, this agreement, as with other free trade agreements, will help boost exports of Americans' goods and services. It will help create more net jobs for American workers and will help fuel economic growth.

Mr. Speaker, when trade grows, income grows. Free trade not only creates opportunities for the unemployed and underemployed, it helps increase wages and improves the standard of living of our workers and consumers at home and abroad. It is that simple, and we have 200 years of experience to prove it.

For example, free trade benefits small business, the job engine of America.

□ 1130

Ninety-seven percent of U.S. exporters are small businesses with fewer than 500 employees. Free trade benefits farmers. U.S. agricultural exports support hundreds of thousands of jobs. Nearly 25 percent of farmers' gross cash sales are generated by exports.

Perhaps most importantly, trade benefits families through a greater choice of goods through lower prices so more families can get better products using less of their paychecks.

But, Mr. Speaker, besides the obvious economic benefits, fundamentally we must recognize that it is not nations that trade with nations, it is people that trade with people. Every American should have the right to determine the origin of the products they want to purchase, be these products from next door, down the street or even Chile and Singapore. With the exception of national security and safety considerations, it should not be the

role of the Federal Government to tell consumers from where they should buy their goods. It is a fundamental economic liberty that is at stake here.

Mr. Speaker, I urge my colleagues to reject protectionism and to support jobs and freedom by supporting this Free Trade Agreement with Chile.

Mr. STARK. Mr. Speaker, I yield 4 minutes to the gentlewoman from Ohio (Mrs. JONES).

(Mrs. JONES of Ohio asked and was given permission to revise and extend her remarks.)

Mrs. JONES of Ohio. Mr. Speaker, I would like to thank the gentleman from California (Mr. STARK) for his leadership on this issue and for yielding me time.

Mr. Speaker, today I rise to express my opposition to the trade agreements before the House today. My concerns regarding these agreements cover many issues such as their lack of strong labor and environmental enforcement language, the intrusion of immigration policy into the realm of trade policy, and the fact that these agreements are a step backwards from the standards set by the Jordan Free Trade Agreement and are being used and touted as the model for future agreements.

First, however, I would like to address the effect these agreements will have on our trade deficit and how they will harm American workers.

As the gentleman from California (Mr. STARK) has already said, our Nation's unemployment rate is now at 6.4 percent, the highest rate in more than 9 years. Many of these jobs were lost in the manufacturing sector, just under 100,000 in Ohio alone. It seems that many perceive the solution to this crisis is to implement trade agreements that depart from the standards set by the U.S.-Jordan Free Trade Agreement, returning instead to what most would concede is the weak model accomplished by NAFTA. I anticipate that the most likely traded item these agreements will facilitate will only be more U.S. jobs.

Like NAFTA, the Chile/Singapore agreements will cause shifts in production from the U.S. that will further engorge the already bloated trade deficit and lead to the loss of more U.S. jobs.

At this time, I have been working in the City of Cleveland trying to save steel jobs in the City of Cleveland with my colleague who I share Cleveland with in terms of representation.

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

Mrs. JONES of Ohio. I yield to the gentleman from Ohio.

Mr. KUCINICH. Mr. Speaker, I want to say that, having worked together in Cleveland in trying to save jobs in the steel industry, we understand what these trade bills do in undermining our jobs. Of course, we are both familiar with the fact that the unemployment rate nationally is currently at 6.4 percent and with this bill we are going to receive an aggravated trade deficit that is already at $492 billion. I think the gentlewoman would agree that this is a condition that is intolerable for the workers in that district.

Mrs. JONES of Ohio. Absolutely.

Mr. KUCINICH. We already see these agreements that have weak labor laws, and this particular bill with a country that has laws that were established by an anti-labor, anti-union dictator, how in the world can our country protect our workers when we are facilitating a race to the bottom when we are engaging in trade agreements with countries that do not have a history of protecting workers?

Mrs. JONES of Ohio. The wonderful thing about all these agreements is that, right in the Ohio delegation, we have five members in our delegation who are on record in opposition to this trade agreement. I believe it is probably the largest number of Members who are engaged.

Mr. KUCINICH. One of things that we fought for is to protect the rights of the public, and this bill opens the door to further privatization and deregulation of vital human services, including health and water; and what that means is higher profits for corporations, higher rates and diminished services and limited access for more people.

So I want to thank the gentlewoman for her leadership and how we have been able to work together in Cleveland to protect jobs. We know from our constituents that they need us here on the floor of the House making sure that we demand this these trade agreements not further cause loss of jobs and loss of power on the part of the people.

Mrs. JONES of Ohio. I will reiterate that it is so important that everybody understand that even though Chile and Singapore may be better than other countries, these agreements are set to be a model for future trade agreements, and we do not want to set the model at the standard that we have in these agreements.

I am pleased to stand here with my colleagues in opposition to this legislation.

Mr. CRANE. Mr. Speaker, I yield two minutes to the gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. Mr. Speaker, I rise in strong support of this agreement for better trade between the U.S. and Chile and, following this, U.S. and Singapore. I appreciate the leadership of the gentleman from Illinois (Chairman CRANE) in opening these new markets for American companies.

There is a principle involved in every piece of legislation we deal with. The principle in trade is this: If, as Americans, we build a better mouse trap, we ought to be able to sell it anywhere in the world without discrimination. If someone else builds a better mouse trap, we ought to be able to buy it for our families and for our businesses.

This type of free trade is important to America if we look at the most important thing, jobs. It is important to us because now every one of every three new jobs we are creating in America comes from international trade. No one sells more than our country outside. No one buys more than our country inside. And one out of every three acres that our farmers plant are for sale overseas, so it is important that these markets are open to companies and our farmers.

This is important in our State as well. It is important to Texas already. Just Chile's trade is responsible for almost 180,000 new jobs in Texas. That is enough new Texas workers to fill the Astrodome three times over. We have not even yet begun to scratch the surface of what new jobs we can create through free trade; and as the State which is the largest exporter, in other words, no one sells more, ships more overseas than our State, this is real jobs for our communities. These are real jobs for our families.

But let me state that, though we have not scratched the surface, other countries are not waiting for us to get our act together. They are already reaching agreements so that their companies can sell on level playing fields. We need to make sure American companies have a fair shake.

Mr. LEVIN. Mr. Speaker, I yield 3½ minutes to the gentleman from Texas (Mr. ORTIZ).

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

Mr. ORTIZ. Mr. Speaker, I rise in support of the trade agreements before us, the Chile/Singapore agreements.

As a Democrat, I often find myself opposing long-time friends on matters of trade, and that never comes easily. But the reason I support this agreement is I know free trade simply works through strategic agreements like this one.

I have seen the unemployment rate in south Texas and my State of Texas decline through the 1990s. Coming from a poor district like the district that I represent, to see unemployment go down from 15, 17 percent to 9 percent after the agreement that we had with Mexico tells us one thing, that these agreements work.

Now we are not speculating about the benefits of free trade. We have seen them at work in our community. This economy churns mightily, and the more free trade we have, the more opportunities that there are for this Nation to advance our economy. By strengthening trade and investment relations between two partners with similar economies, both nations benefit from this agreement. This agreement streamlines the operation of major industries within our countries, the United States, Singapore, and Chile. It allows our companies greater efficiency and flexibility by cutting processing costs for some technology products and medical devices in Singapore and the United States. Benefits like this will foster greater economic growth between these countries.

The FTA formalizes our work together on labor, environmental and domestic enforcement issues. And in Singapore, clearly, these trade agreements strengthens our economic opportunity with our military partner in the war on terrorism. I have seen what Singapore has done to help us with our military. They built a pier to the cost of anywhere from 40 to $50 million so that our vessels could berth, so they could refuel, so that our young sailors could have R&R in Singapore. This strengthens the United States' presence in east and south Asia, with Singapore as a base.

Singapore serves as a regional center for many American multinational corporations. This will be the first transcontinental trade agreement across the Asia-Pacific to the nation whose United States trade exceeds all our current trading partners, which is the second largest Asian investor in the United States after Japan and which hosts over 1,300 United States corporations and 15,000 Americans. With Chile, we have the same.

As great a country that we are, can you imagine that we only have four trading agreements with the rest of the world? And what I have seen when I travel through these countries is that other countries seem to be eating our lunch. We cannot afford to do that.

I ask my friends on both sides of the aisle to please support these free trade agreements with Chile and Singapore. It will benefit our country and the lives of many of our people.

Mr. CRANE. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New York (Mr. HOUGHTON).

Mr. HOUGHTON. Mr. Speaker, I am not going to take my two minutes because there have been many figures cited, there have been many comparisons. There are always problems in trade agreements, whether they are labor conditions or environmental or currency or intellectual property rights.

The only thing I can say is, I have been there. I have done business in Chile. I have manufactured, I have sold, and I have never had a situation where they have abused the trading privilege.

There are two issues here: one is to protect the jobs, and we all do that. The gentleman from Michigan (Mr. LEVIN) and I were down at the International Trade Commission talking about section 201 and the steel case. Of course, we are trying to protect our jobs, and we have got to do it, and we have got to do more. But at the same time we have got to open up markets. Because, as everybody knows, 95 percent of the world's population is outside of the United States, and we cannot build a wall around us.

This is a good agreement. It is not a perfect agreement, but it is a good agreement with a good country, and I urge Members to support it.

Mr. STARK. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. KLECZKA).

Mr. KLECZKA. Mr. Speaker, the proponents of the Chile and Singapore trade agreements are correct. The bills before us today will lead to increased jobs and increased exports. Unfortunately, those increases will take place in Chile and Singapore and not in the United States.

Since the first contraction of the United States gross domestic product in March, 2001, our trade deficit has risen by 31 percent. During the same period we have lost over 2.4 manufacturing jobs. Congress should be considering measures to grow the economy and create jobs instead of agreements before us today that are just one more step down the road of growing trade deficits and lost employment.

These bills represent a significant step backwards from the progress made on the Jordan Free Trade Agreement and even a step backwards from the bill authorizing fast track. Passage of these agreements will set a horrible precedent for future trade negotiations and will be an omen for even more U.S. job losses.

The devil is in the details: The Chile and Singapore Free Trade Agreements contain only one workers' rights provision protected by a dispute settlement procedure, and this is that a country enforce its own labor laws. However, the bills do not commit Chile or Singapore to even have any labor laws or to ensure that their labor laws meet any international standards.

□ 1145

These agreements also create a totally new visa category for the temporary entry of professionals into this country, even if there is no shortage of workers in the United States. These visas are temporary in name only because the bill provides that they are renewable indefinitely.

It is absurd to allow new sources of low-wage labor into this country when we are not facing a labor shortage, quite the contrary, but are facing the highest unemployment rate in 9 years.

The Singapore Free Trade Agreement also is a large loophole that allows goods made in other countries to be treated as made in Singapore and imported into our country duty free if they simply pass through Singapore's ports. This practice will allow goods made all over the world to escape U.S. duties.

Mr. Speaker, I urge my colleagues to reject both of these trade agreements.

The SPEAKER pro tempore (Mr. QUINN.) The Chair would inform the speakers that the gentleman from Illinois (Mr. CRANE) has 28½ minutes remaining, the gentleman from Michigan (Mr. LEVIN) has 8 minutes remaining and the gentleman from California (Mr. STARK) has 8 minutes remaining.

Mr. CRANE. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. DREIER), our distinguished chairman of the Committee on Rules.

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

Mr. DREIER. Mr. Speaker, I rise in strong support of these agreements. I was not intending on speaking. Yesterday, I certainly had my say; for an hour, we had a very interesting exchange with a wide range of our colleagues on both sides of the aisle on this issue. But I was listening to the debate upstairs and heard some aspersions cast at our great U.S. Trade Representative, Ambassador Robert Zoellick.

I will tell my colleagues that I have had the privilege of serving now approaching a quarter century in this institution, and I have worked closely with a wide range of U.S. Trade Representatives and I have never known one to be more open to input not only from Members of Congress, but from a wide range of entities that are charged with providing the kind of information that is necessary for him to do his job.

I also want to say that we, in a bipartisan way, have had great leadership on this issue. The gentleman from Illinois (Mr. CRANE), the chairman of the Subcommittee on Trade, has, and I know this makes him sound like there is a huge disparity in our age, in fact, there is a huge disparity in our age. When I was a child, the gentleman from Illinois (Mr. CRANE) was providing great leadership on the goal of breaking down tariff barriers and openness.

I have heard a number of our colleagues talk about this issue, and freedom is really what this is all about.

We referred to the fact yesterday that 71 years of one-party rule in Mexico came to an end on July 2, 2000, and we know that that came about in large part due to the economic liberalization that was implemented in Mexico; and we saw political freedom follow. Clearly, we, by breaking down barriers, are expanding freedom worldwide.

In 1947, following the Second World War, leaders of the United States and Europe came together to establish the General Agreement on Tariffs and Trade, and the goal was a very simple one, Mr. Speaker. It was the elimination of tariff barriers, knowing that Adolph Hitler was emboldened by the fact that the United States Congress had passed a Smoot-Hawley Tariff Act, and we stuck our heads in the sand and did not engage in Western Europe, and that played a role in bringing him into power.

Similarly, we have seen very repressive societies in recent history, and we have been able to break down that repression through the further expansion of freedom and opportunity, and that is what this is all about.

Clearly, trade, as the gentleman from Illinois (Mr. CRANE) taught me, is a win-win. It benefits both sides.

Are there dislocations? Are there difficulties with which we have to contend? Absolutely. The economic theory of comparative advantage says we do what we do best.

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

Mr. DREIER. I yield to the gentleman from New Jersey.

Mr. PASCRELL. Mr. Speaker, when the gentleman says displacement, when a manufacturing job is lost, the average in United States pays $635 a week, and it is usually replaced eventually down the line by a retail job, which is $350. Let us put the facts on the table.

Mr. DREIER. Mr. Speaker, I have a limited amount of time.

Mr. PASCRELL. Let us get our facts straight.

Mr. DREIER. Mr. Speaker, I am going to continue to yield to the gentleman. What are the facts?

Mr. PASCRELL. The facts are that we should not have manufactured jobs here and have manufactured jobs across the ocean. We need to take care of our own people in this country.

Mr. DREIER. Mr. Speaker, the gentleman has made his point.

If I could reclaim my time, Mr. Speaker, let me reclaim my time and say that comparative advantage does, Mr. Speaker, say that we do what we do best. Do I want a manufacturing sector of our economy? Absolutely, but I do not in any way want us to arbitrarily keep into place an antiquated society. We have to recognize that this is a global economy and the world is changing. We have to be prepared to compete in that global economy.

Mr. LEVIN. Mr. Speaker, I yield 5 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's courtesy in permitting me to speak on this today. I have enjoyed working with our colleague, the gentlewoman from Illinois (Mrs. BIGGERT), in promoting a discussion of the benefits of this agreement with Chile. I think it is an important step in getting our balance on trade correct. And I appreciate the dialogue between my friend from New Jersey and the Chair of the Committee on Rules because I think it is important for us to get our facts straight, and I think an honest and open discussion will promote that.

The facts, from my perspective, are that the United States gives up very little in exchange for this agreement. My colleagues have heard, if they have been following the debate on the floor, the fact that the average tariff for U.S. goods is over 5.5 percent for what we send to Chile, but that the vast majority of the product that comes from Chile to the United States is duty free and the average about one-half of 1 percent.

In my community, the facts are, we have seen the impact of losing the market share that the United States used to have with Chile, lost to the other countries that Chile has in the Western Hemisphere, like Argentina, Brazil, Mexico and Canada, and the European Union where we are losing market share.

I represent Freight Liner. Perhaps the largest, most efficient truck manufacturing operation in the world is in my community. They are family wage, union jobs, paying upwards of $20 an hour or more. In the last 10 years, because we have lost market share, because we could not compete with manufacturing in Brazil and in Mexico, we have lost the truck market.

There is a potential with this agreement that we would be able to have a more advantageous situation, and actually it would make more family wage jobs in my community.

We heard talk about labor and environmental practices, and I yield to no one in my concern to make sure that we are protecting quality of life and the environment at home or around the world; but the facts are, if we look at Chile, it has strong labor and environmental standards. They are amongst the best in Latin America. It is important for us to reinforce that, and I would suggest that Chile is a good model in terms of what happens on the ground. Indeed, overall, Chile is a good model. It is an island of stability in very troubled waters in Latin America. We ought to reinforce that model by providing this trade agreement to them.

I have been troubled since I have come to this Chamber listening to some of the debate that has been more emotional than factual, where people on both sides have engaged in the debate between what some say is fair trade and some say is free trade. Well, I would like us to begin an era of honest trade debate.

We have all got our blind spots. The United States has its protections. One of the reasons why I voted against the trade promotion authority that was before us last Congress is that people wanted to draw bright partisan lines and then make a hash out of our trade policy with side agreements on citrus and textiles, and we had this egregious farm bill that really was antitrade.

I think this agreement before us is a step for us to get our balance back. It is a vote for an opportunity to deal with the merits of the agreement, not what is down the line. That is the precedent I want to establish, that we look at the agreements before us, look at the facts and vote on them, that we vote on the merits and that we start rebuilding the trust, the understanding and the dialogue in this Chamber so that we can have an honest trade debate, which is so important for the future of my community, my State and, I think, our country.

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

Mr. Speaker, I am delighted to rise today in support of H.R. 2738, legislation that implements the U.S.-Chile Free Trade Agreement. The U.S.-Chile FTA has been a very long time in coming. During the NAFTA non-markup 10 years ago, I offered an amendment expressing the sense of Congress that the President should begin FTA negotiations with Chile. Finally, this has come to fruition.

Chile has one of the fastest growing economies in the world. Over the last two decades, Chile has established a vigorous democracy, a thriving and open economy built on trade and a free market society. The U.S.-Chile FTA will help Chile continue its impressive record of growth, development and poverty reduction. It will also help spur progress in the free trade area of the Americas, and will send a positive message throughout the world by demonstrating that we will work in partnership with those who are committed to free markets.

The U.S.-Chile FTA provides new trade opportunities for U.S. workers and manufacturers. More than 85 percent of two-way trade in consumer and industrial products will become tariff free immediately, with most remaining tariffs being eliminated within 4 years. This tariff elimination will benefit manufacturers, workers and consumers in such key industries as construction equipment, autos and auto parts, computers and other information technology products and medical equipment.

The agreement also allows access to new opportunities and benefits to Chile's fast-growing services sector for U.S. service providers.

In the area of agriculture, more than three-quarters of U.S. farm goods will enter Chile tariff free within 4 years, and all remaining tariffs will be phased out within 12 years. New opportunities for trade and numerous agricultural sectors such as soybeans, pork and feed grains, as well as in processed food products such as distilled spirits and breakfast cereals, will be created by this FTA.

The U.S.-Chile FTA is also groundbreaking in many areas. For example, the U.S.-Chile FTA will be a benchmark for future trade agreements because of the protections given to U.S. intellectual property rights. These new protections in digital areas such as software, music, text and videos go beyond past trade agreements in addressing protection for U.S. patents and trade secrets.

A U.S.-Chile FTA will provide tremendous benefits to the economies of both the United States and Chile. According to a study that was conducted by the University of Michigan and Tufts University, it is estimated that a U.S.-Chile FTA will expand U.S. GDP by $4.2 billion annually.

I strongly urge my colleagues to support this bill and to use this opportunity to strengthen the United States' strong relationship with Chile, which will extend the benefits of the free trade agreement to the American people.

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

□ 1200

Mr. STARK. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. LIPINSKI).

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

Mr. LIPINSKI. Mr. Speaker, I rise in opposition to the Chilean and Singapore Free Trade Agreements.

Mr. Speaker, I continue to be amazed by the supposedly business-friendly policies that are advanced by the American business community. As we should have learned from Enron and Worldcom, focusing on immediate profit recognition is usually a terrible long-term business strategy. But that is also the failed strategy of our shortsighted trade policies: Our business community is addicted to a quick fix at the expense of its long-term health—and America's long-term health by extension.

Perhaps there will be some short-term gains in U.S. exports because of these trade accords. Some in this body seem proud to argue that tariffs on U.S. luxury cars will be eliminated under the Chile accord. My colleagues, I am eager to see how many luxury cars we will sell to Chile.

In the last three years, 2.6 million American manufacturing jobs were lost, mostly because of bad foreign trade agreements. Today, our unemployment rate is at a 9-year high and American wages are stagnant.

If these trade agreements were part of a grand foreign aid program to develop poor countries, I would feel somewhat better about them. After all, we would presumably be transferring America's standard of living to the developing world, and nurturing new consumers. But that is not the case either, as the business communities in Central America and East Asia are just as myopic as the American corporate lobby.

The countries this administration proposes to expand trade with have little to no environmental or labor protections, and their workers' wages reflect this reality. Under this Singapore and Chile framework, these countries will not be required to abide by International Labor Organization standards. Accordingly, worker wages and standards of living will continue to be abhorrent, and American jobs will continue to be trans-shipped abroad.

These agreements will further the gulf of extreme poverty in this world, and drag down progressive societies along with them. Mr. Speaker, I urge my colleagues to reject the Chile/Singapore trade framework and adopt a healthy, long-term vision for America's future.

Mr. STARK. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, I thank the gentleman for yielding me this time.

As this is the first significant trade agreement in the 21st century, let us look back and see, is our trade policy working? 2001, $358 billion trade deficit; 2002, $436 billion trade deficit; a record first quarter this year, $136 billion headed toward a $550 billion trade deficit; $1.5 billion a day, $1 million a minute. Three million jobs have been lost in the last decade due to trade policies, capital exports; 251,000 manufacturing jobs since January 1; 53,000 in May.

NAFTA, WTO, Fast Track, FTAA. Every time here on the floor of the House we hear the same carrying on about exports of goods and services and consumer benefits. Yes, exports will result. I agree. But they forget to tell us that there will be a much greater increase in imports, and they do not talk about the net, which is this deficit headed to more than $.5 trillion.

Then, if cornered, they will fall back and say, what about the consumer benefits? Well, the benefits are not really great for American workers when their jobs have been exported, no matter how cheap the goods are.

Earlier, we heard an eloquent lesson in geography, new false promises for our farmers. Already there are pending unfair trade complaints for dumping against grapes, raspberries, pears and salmon from Chile. But do not worry, we will retrain these people who lose their jobs for the new high-tech economy and for all the skilled work. Except now IBM, Boeing, GM, they are all exporting their jobs; and it is estimated under these agreements we will export 3.3 million skilled jobs in the next decade because of these trade agreements.

There is a new twist in this one, though. We are going to import skilled laborers from Chile under this agreement. Yes, we will mandate the importation of skilled laborers to displace the few remaining jobs in the United States of America.

Is our trade policy working? Yes, exactly as designed, but not the way it is being sold here on the floor of the House. It is about access to cheap labor, weak laws, and profiting a select few multinational corporations.

Will the last worker in the last manufacturing plant in America please turn out the lights.

Mr. CRANE. Mr. Speaker, I ask unanimous consent that I be allowed to yield the balance of my time to the gentleman from Texas (Mr. BRADY) and that he be permitted to manage the time.

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

There was no objection.

Mr. LEVIN. Mr. Speaker, it is my pleasure to yield 3 minutes 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 Free Trade Agreement, and I thank the gentleman from Michigan for yielding me this time.

The Chile Free Trade Agreement will eliminate tariffs on 85 percent of the U.S. exports to Chile immediately. 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. 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. Now, that is something to be emphasized: as good or better. This will help reverse the gains Canada and Europe achieved in market share after implementing their free trade agreements with Chile.

U.S. wheat, wheat flower, and vegetable oils will now receive the most preferential rate available and will be duty free at the conclusion of the transition periods.

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, a very key new and significant additions to the trade agreement.

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 U.S. Customs Service computers, which will automatically assess the tariff uplift if the import value of the commodity falls below the trigger price established in the agreement. When the safeguard is triggered, additional duties will be applied.

Mr. Speaker, Chilean consumers appreciate the quality of U.S. agricultural products, but prior to this agreement there were significant hurdles to U.S. exports, something that gets overlooked by those who oppose this agreement. Chile's associate membership with MERCOSUR and its free trade agreements with other countries meant that while U.S. products paid the full common external tariff, up to 10 percent, products from Europe, Canada, Mexico, Argentine and Brazil entered Chile at either zero duty or reduced rates.

Progress was made in 1997 when the United States gained exclusive market access for table grapes, apples and citrus after resolving a number of sanitary and phytosanitary issues.

Let me just say in conclusion that this Chile Free Trade Agreement benefits the U.S. by lowering duties on exports to Chile. Clearly, it will benefit us over current law and the current situation. It also includes 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 Free Trade Agreement.

Mr. BRADY of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, does it matter in all these discussions if we have a trade agreement with Chile or not? Would it matter if this bill simply went away? The answer is, if you care about American jobs, yes, it very much matters.

The National Association of Manufacturers estimates that the lack of an

agreement between America and Chile causes our companies to lose more than $1 billion in sales each year to other countries. For example, when Chile reached free trade agreements with Europe, sales to Europe automatically increased. In fact, it expanded by 30 percent in the year just ending in February, while our increased sales to Chile were negligible at best. We did not have an agreement. Our sales faltered. Germany had an agreement, and their sales grew by almost 50 percent. France had an agreement with Chile. They grew by 41 percent.

We have to ask ourselves, if these free trade agreements are so bad, why do other countries pursue them so much, and why do immediately they begin selling more of their products to Chile, and why do they start creating more jobs in their countries?

We are paying a price in America for not having a free trade agreement; and, frankly, in this economy we cannot stand to lose even one American job or lose the prospect of creating more American jobs.

Mr. Speaker, I yield 4 minutes to the gentleman from Michigan (Mr. LEVIN).

The SPEAKER pro tempore. The Chair informs all speakers that the gentleman from Michigan (Mr. LEVIN) has 4½ minutes remaining, the gentleman from California (Mr. STARK) has 6 minutes remaining, and the gentleman from Texas (Mr. BRADY) has 15 minutes remaining.

Mr. STARK. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, I thank the gentleman from California for yielding me this time.

Mr. Speaker, those who are supporting the Chilean resolution here would like us to think this is the process. Many of them have said already we do not agree with what the United States Trade Representative did in these agreements, and for that reason we will oppose the bills by voting yes. Now, if that makes sense, please, what have I missed?

We have already a trade deficit with Chile. That deficit has tripled from 2001. It is now $1.2 billion. This is not the way to have reciprocal trade agreements. These agreements set precedent. Again, we export jobs, we import workers. It is our workers that are out of jobs.

We understand that this is at the very basis of the downturn in the economy. We will not recover this economy. These folks are out of work not 2 weeks or 3 weeks, this is permanent unemployment; and the jobs that they finally do get pay half of what the jobs paid that they lost. This is a fact of life.

The trade deficit that we have with Chile and the rest of the world equates to a loss of $1 million per minute in United States' wealth. It makes no sense. We need to stop the hemorrhaging of jobs.

We need to stop trying to communicate to the American people that we care about their jobs. We know that these trade agreements are precipitated by the big folks, the big corporations, the big farmers to the detriment of the average American worker, and we cannot accept that any longer.

What is it about this trade deal that will stop the job losses? How does this end these consecutive months of decline in the manufacturing workforce? The silence is deafening, Mr. Speaker.

Mr. BRADY of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. PORTMAN), who has played a leading role in expanding markets around the world for American companies.

Mr. PORTMAN. Mr. Speaker, I thank the gentleman for yielding me this time, and I just want to say that the silence may be deafening to the gentleman, so I will break it. There is no silence among those of us who support these trade agreements. These are good trade agreements because they will mean more U.S. jobs. That is the whole point.

This is a very exciting day on the floor, Mr. Speaker, because for years this Congress has been paralyzed on trade. While other countries are gaining market share in countries like Chile and, as an obvious example, where for 10 years the United States has not been able to move forward on trade because this Congress, at least for the past 7 or 8 years, has not had the ability through a Trade Promotion Authority, Fast Track authority to do so, we have lost market share. We have lost jobs.

We have lost jobs in my area of Ohio, which is a heavy export area; we have lost jobs all over the country, and I would daresay in the State of the gentleman from New Jersey as well. And that is what it is all about.

Now there will be an allocation of jobs. There will be a differential, depending on what part of the country you are from. But to lose these jobs because other countries, including our friends in Europe, are getting this market share in countries like Chile is unacceptable. It is irresponsible. So I am delighted to be on the floor to talk about Singapore, to talk about Chile, to talk about two good trade agreements that come out of a process where we finally now have, through this Trade Promotion Authority law, the ability to open up these markets to U.S. goods.

Our country is wide open. We protect a few products, but for the most part we are the most open country in the world. We let them sell stuff here. Talk about trade deficits. That is because we are open. They are not as open as we are. We want to open up their markets, including to products from my area.

Earlier today there was discussion about, gee, there is not enough consultation in these agreements. I do not know where that comes from, because there is unprecedented consultation in these two agreements that come out of, again, this Trade Promotion Authority that we finally passed in Congress, which allows Congress to have a bigger role and the public to have a bigger role in saying how to come up with these agreements.

Is it perfect? No. We would all like to have more of this, more of that, more information.

But let me cite a few facts. There have been more than 250 meetings with Members and staff regarding Singapore and Chile. There has been a proposed draft provided to Congress prior to the negotiating sessions. That was never true previously. The final draft text was made available to Congress not yesterday but in January of 2003.

We have also worked with more than 700 cleared advisors, including labor and environmental representatives. They are the ones that put together these advisory committees that work together with the trade folks at USTR, the U.S. Trade Representative and his negotiators. And, guess what, of those 31 advisory committees looking at everything, all the issues across the board, including environmental policy, of the 31, 30 have endorsed both of these free trade agreements. Thirty of the 31, including the environmental group.

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That is pretty good. Yes, we always want to know as Members of Congress how we can represent our constituents better, but we have seen a vast improvement in the consultation. Therefore, I think it is ironic that some would come to this floor and say this is somehow backtracking on the ability of Congress to know what is in these agreements.

I strongly support the Chilean and Singapore Free Trade Agreements.

Mr. LEVIN. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from California (Mr. BECERRA), a colleague on the Committee on Ways and Means.

Mr. BECERRA. Mr. Speaker, I thank the gentleman for yielding me this time. I thank my colleague from Texas for yielding us additional time as well. I hope that we will listen to the debate here by many, including those who are opposed to this agreement. I will stand here today in support of this agreement, but with some trepidation.

First, I have to say that Chile and Singapore perhaps represent the type of country that we would like to extend these free trade agreements to, the opportunity to have these accords with us. Chile and Singapore have both proven that they are advancing countries, they have both demonstrated a respect for their laws and enforcement of their laws; and in regards to Chile in particular, it is a country within Latin America that has over the years demonstrated that it is ready to be a full-fledged partner of the United States when it comes to international commerce.

Quite honestly, we would have had a great standard to work with in negotiating an accord on trade with Chile and

Singapore if we had looked at the model that had just come through this House within the past year and that was the trade agreement with Jordan. In that Jordan agreement, we established that we would respect not just a country's manufactured products, not just that each country would respect its intellectual property and protect those rights of the property, not just that we would respect our agricultural industries, but in Jordan we also said we will respect the people who actually produce all these things, the workers; we will respect each country's environment, and we will respect that we want to bring everybody up, not just the manufactured good, not just a piece of intellectual property, not just agriculture, but the actual people who do the work.

Unfortunately, this agreement did not include that language. This agreement treats workers differently than it treats a manufactured product. It treats workers less than it does capital, inanimate objects, and that, I think, is unfortunate.

Yes, there are some provisions within the deal that speak to enforcement provisions to make sure that each of those two countries, Chile and Singapore, enforces its own laws. But what happens if they do not have these laws in the future? Then we cannot respect labor rights and environmental rights.

Chile and Singapore probably would have been very happy to have negotiated an agreement that was similar to Jordan on labor and the environment because they already meet those standards in their own domestic laws. The unfortunate thing here is that we know that the administration is negotiating future agreements with Central America and other countries that are not prepared, like Chile and Singapore, to take on these obligations, because they have proven, they have demonstrated that they will not protect the rights of workers, the rights of the environment, and they will not enforce even those laws on the books that may be able to do that.

What are we left with? A year ago when we debated the fast track law that gave the President the authority to negotiate these agreements without having to come to Congress for consultation, I said, this is a chance for this country to lead, for our country and its administration to lead.

Mr. Speaker, the administration did not lead. Instead of trying to protect workers and the environment the same way we protect inanimate objects and capital, we did not do that. We had that opportunity to do so.

Not only are we not protecting those things, labor and the environment, but we are also not funding the tools we have in place to try to make sure countries do respect the rights of workers and the environment.

It is unfortunate that we are moving forward with a budget in this administration that would defund those systems that we have in place in agencies that would give us a chance to know if countries are actually protecting their workers and the environment.

Mr. Speaker, this is not a way to lead. But am I going to fault Chile and Singapore for the failings of our government negotiators in not trying to protect workers here and abroad, and the environment here and abroad? I will not do that. But I hope that we will all learn, as the Congressional Hispanic Caucus decided a week ago, that we will not support future agreements on trade that use the same language as the Chile and Singapore agreements do with regard to labor and the environment.

It is time to protect workers and the environment the same way we protect any other inanimate object.

Mr. BRADY of Texas. Mr. Speaker, I yield myself 2 minutes. What kind of partner will we have in free trade with Chile? The answer is, America will have a wonderful partner in trade.

Chile has one of the fastest growing economies in the entire world. Over the last two decades, Chile has established a vigorous democracy, an open democracy, a thriving and open economy built on trade and a free market society. These are American values that we treasure. These are values that Chile embraces. The American-Chile Free Trade Agreement will help Chile continue its impressive record of growth, of development and in alleviating poverty in Chile; it will help spur progress in the Free Trade Area of the Americas; and importantly, I think it will send a positive message throughout the world by demonstrating that America will work in true partnership with those who are committed to free markets.

Free trade opens markets, it opens minds, it fosters democracy, it fosters labor rights and environmental protections. This free trade agreement represents those values, American values that we ought to be embracing.

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

Mr. STARK. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from California (Ms. SOLIS).

Ms. SOLIS. Mr. Speaker, today I rise to urge my colleagues to oppose the U.S.-Chile and U.S.-Singapore Free Trade Agreements. Almost 5,000 jobs have been lost in my district alone since President Bush took office. Unemployment in towns that I represent are largely represented by Latinos and are averaging around 10 percent unemployment rates.

Almost 10 years after NAFTA was adopted, we saw our trade deficit with Canada and Mexico go up 10 times higher than we would have ever anticipated, destroying hundreds and thousands of jobs that left that will never come back to this country. Why when unemployment in the U.S. is at a 9-year high are we engaging in trade policies that have failed to create jobs here at home?

The Chile and Singapore trade agreements would allow thousands of temporary workers from many low-wage nations to enter into this country to compete with Americans or people who live here for those high-paying jobs. They would fill virtually any service sector jobs that have recently been filled by people who are looking for a better wage. They would be able to get jobs in technology, finance, engineering, medicine and law.

I recently saw some news stories on one of the major stations showing two very highly skilled people that recently lost their jobs. They were engineers. Now one is a telemarketer and the other one is flipping burgers. They are barely making minimum wage right now.

Why is it, then, that the U.S. wants to enter into this trade agreement with Chile and Singapore? This is a giant step backwards. Just 2 years ago, we went about supporting the Jordan Free Trade Agreement, which I believe set a higher standard for both environmental and labor laws. Why are we going backwards?

This, as I understand, will be a template for future negotiations with Central America. I have something to say about that, because I am part Central American and recently visited Nicaragua and El Salvador. They do not have any standards for labor relations or negotiations. They actually permit young women under the age of 15 to work long hours under harsh conditions, and they do not even receive a dollar's worth of pay in a day.

How are we going to lead America down that route, to lose so many jobs? I ask my colleagues to vote against these two agreements.

Mr. STARK. Mr. Speaker, I yield the balance of my time to the gentleman from Massachusetts (Mr. FRANK).

Mr. LEVIN. Mr. Speaker, I yield the balance of my time to the gentleman from Massachusetts (Mr. FRANK).

The SPEAKER pro tempore (Mr. QUINN). The gentleman from Massachusetts is recognized for 2½ minutes.

(Mr. FRANK of Massachusetts asked and was given permission to revise and extend his remarks, and include extraneous material.)

Mr. FRANK of Massachusetts. Mr. Speaker, first I do want to comment on the irony of many of us being lectured about the value of free trade by supporters of the most anti-free trade, anti-poor people policy that the United States has, our agriculture policy. People who have voted for the American agriculture bill have less credentials to preach to the rest of us about being fair to poor people than anyone I can think of.

I am here to speak against the Chile Free Trade Agreement, as well as the Singapore Free Trade Agreement, both for the reasons that we have heard from from others, but specifically because they have unfortunately become the embodiment of a purist, right-wing ideology gone mad. Chile, in fact, as we have known, has been a successful economy. Part of what Chile did as it

was building its successful economy was to adopt some sensible controls on short-term capital flows. They did not want hot money coming in and out.

Most analysts agree that the major cause of the problems in Asia in the late 1990s had to do with hot money going in and out. Sound economies, sound budgets were undermined when short-term investments had flowed in and there was a run on the country.

Most economists today agree, including advocates of free trade, that it is wise for countries in some cases, particularly developing countries that may not have sound banking systems, to be allowed to put controls not on foreign direct investment, but on short-term hot money. This agreement, because of the right-wing ideology that governs this administration and, I must say, I believe contrary to the wishes of the Trade Representative, embodies a purist view that says no capital controls anywhere, anytime, anyplace.

Let me tell my colleagues what some free trade advocates say of this. The Economist magazine, which prides itself on its free trade credentials, says in an article entitled ''A Place for Capital Controls'':

''In negotiating new free trade agreements with Chile and with Singapore, the U.S. has recently sought assurances of complete capital account liberalization. Bitter experience suggests that such demands are a mistake. It is past time to revise economic orthodoxy.''

Joseph Stiglitz, former chief economist of the World Bank, a strong supporter of the Trade Promotion Act, a free trader, says:

''There is an emerging consensus among economists that emerging markets should be particularly wary about full capital account liberalization. It makes little sense for our trade agreements to be pushing on our trading partners' restrictions which fly in the face of sound economics.'' He is again opposed to this.

Finally, Professor Jagdish Bhagwati, a strong advocate of free trade, says:

''The inclusion of provisions in this regard, in these treaties, in these FTAs, seems to be ideological and a result of narrow lobbying interests hiding behind the assertion of social purposes or ideology.''

I urge the rejection of these treaties. Singapore and Chile were forced to agree to these over their objection. If we rejected these treaties, we could easily renegotiate without these ideological insistencies, right-wing ideology run amuck. I hope that we defeat these treaties and renegotiate them without imposing this rigid capital control prohibition on these two countries.

[Excerpted testimony from Apr. 1, 2003 House Financial Services Committee Hearing on the U.S.-Singapore and U.S.-Chile FTAs]

THE CAPITAL CONTROL PROVISIONS IN THE SINGAPORE AND CHILE FTAS

By Jadish Bhagwati, University Professor (Economics), Columbia University)

The inclusion of capital control provisions in the Chile and Singapore FTAs is . . . difficult to understand in terms of economics. Even the IMF, including in its latest report from its Chief Economist Ken Rogoff and associates, concedes the case for prudence rather than haste in dismantling capital controls and in occasional but cautious use of them when necessary in otherwise capital-wise open economies. The inclusion of provisions in this regard in these FTAs seems therefore to be ideological and/or a result of narrow lobbying interests hiding behind the assertion of social purpose. I see, in particular, the following problems with these FTAs as a template:

1. The provisions are overly ambitious in extending to all kinds of ''investments'', including ''futures, options and derivatives'', instead of being confined to direct foreign investment. I see this as a potential problem with the NGO community which has become properly sensitive to financial flows and crises, and to the havoc they cause, especially on the poor in the afflicted countries. It will simply play into the hands of the many anti-globalization critics who see trade treaties as being captive to financial and corporate interests. At a time when trade liberalization itself has become difficult to manage, the inclusion of such provisions into a trade agreement is to invite gratuitous criticism.

2. The limitations put on what can be demanded by way of compensation for use of capital controls and their effects on the value of investments by foreign entities go some way towards assuaging the early concerns. But they still amount to roadblocks. I do not see how it can lead to anything but political objections when invoked, just as the ultra-conservative view of ''takings'' that was slipped into Chapter 11 provisions of NAFTA has led to fierce political objections.

3. As I read the text of the agreements, it appears that the traditional protections built in for ''balance of payments'' situations, which would have been invoked automatically to suspend ''free transfers'', have been removed and been replaced by a separate Dispute Settlement mechanism when capital controls are invoked. This is more restrictive for Chile and Singapore; it also constitutes a tightening of the restrictions being imposed on these countries' ability to use capital controls as they see fit.

None of this is good news. It also seems to me that few other countries will be prepared to accept such a template. Such restrictions, which are to be deplored in any event, are best left to be handled through investment agreements, rather than fastened on to trade agreements where they will bring trade liberalization, a policy which is far less controversial, into disrepute.

[From The Economist, May 3, 2003]

A PLACE FOR CAPITAL CONTROLS

For many developing countries, unrestricted inflows of capital are an avoidable danger.

If any cause commands the unswerving support of The Economist, it is that of liberal trade. For as long as it has existed, this newspaper has championed freedom of commerce across borders. Liberal trade, we have always argued, advances prosperity, encourages peace among nations and is an indispensable part of individual liberty. It seems natural to suppose that what goes for trade in goods must go for trade in capital, in which case capital controls would offend us as violently as, say, an import quota on bananas. The issues have much in common, but they are not the same. Untidy as it may be, economic liberals should acknowledge that capital controls—of a certain restricted sort, and in certain cases—have a role.

Why is trade in capital different from trade in goods? For two main reasons. First, international markets in capital are prone to error, whereas international markets in goods are not. Second, the punishment for big financial mistakes can be draconian, and tends to hurt innocent bystanders as much as borrowers and lenders. Recent with terrible clarity. Great tides of foreign capital surged into East Asia and Latin America, and then abruptly reversed. At a moment's notice, hitherto-successful economies were plunged deep into recession.

These experiences served only to underline the lesson of previous financial decades. Yet it is a lesson that governments remain decidedly reluctant to learn. Big inflows of foreign capital present developing countries with a nearly irresistible opportunity to accelerate their economic development. Where those flows are of foreign direct investment, they are all to the good. But in other cases, disaster beckons unless a series of demanding preconditions are met first. A flood of capital into an economy with immature and poorly regulated financial institutions can do more harm than good.

Unquestionably, developing countries should strive to improve their financial systems so that foreign capital can be successfully absorbed. Good government, sophisticated financial firms, and regulators who are honest and competent cannot eliminate the risk of financial calamity altogether, but they can reduce it to bearable proportions. At that point a liberal regime for international capital makes sense. The trouble is, many developing countries are nowhere near that point.

Rich-country governments and, until recently, the International Monetary Fund have often seemed reluctant to endorse this notion. One might say the same of The Economist. This reluctance is defensible Often, indeed typically, governments have abused capital controls in ways that oppress their citizens and do grave economic harm. It seems safer to frown on any and all controls—and, in those cases where they have been used intelligently and successfully, to acknowledge any success very grudgingly. But this is dishonest. It is better to face up to the case for such rules in some circumstances and thing hard about how to use them sensibly, with restraint.

IN FROM THE COLD

Experience suggests some rules. Refrain from blocking capital outflows (tempting as this might be at times of crisis). Such measures are usually oppressive, and deter future inflows of all kinds. Poor countries need all the foreign direct investment they can get: let inflows of FDI be unconfined. Other long-term inflows also pose little threat to stability. The chief danger lies with heavy inflows of short-term capital, bank lending above all. These can be difficult to stem, but many developing countries would do well to emulate the successful experience of Chile, which has imposed taxes on such inflows, with the rate of tax varying according to the holding period. In negotiating new free-trade arrangements with Chile (and with Singapore), the United States has recently sought assurances of complete capital-account liberalization. Bitter experience suggests that such demands are a mistake. It is past time to revise economic orthodoxy on this subject.

(By Joseph E. Stiglitz, Professor of Economics and Finance, Columbia University)

The importance of the subject of these hearings cannot be overestimated. There are implications for global economic stability and poverty reduction, and continuing progress in trade liberalization, as well as for broader relations with other countries around the world.

The provisions in the recent trade agreements with Chile and Singapore limiting government interventions in short term capital flows are a major source of concern. Everything should be done to eliminate them from the agreements, and to make sure that such provisions are not inserted into further trade agreements.

The purpose of trade agreements is to facilitate trade, and to eliminate trade barriers among countries. In principle, reducing such trade barriers can be of benefit to all policies on the part of government require that they maintain reserves equal to the amounts that they hold in short term foreign denominated liabilities. Hence, when a firm within a poor developing country borrows short term abroad, it in effect forces the government to set aside a corresponding amount in reserves, typically held in U.S. dollar T-bills. In effect, the country is borrowing, say, $100 million from American bank, paying say, 18 percent interest, and at the same time lending precisely the same amount to the U.S., and receiving today less than 2 percent interest. The country as a whole loses on the entire transaction. The money the government put into reserves could have yielded far higher returns, say invested in education, roads, or health. It is no wonder then that so many countries have been so skeptical about capital account liberalization.

Chile, in its period of rapid economic growth, in the early 90s, imposed restrictions on the inflow of capital. I believe that such restrictions play an important role in its growth and stability. In particular, it meant that when global capital markets suddenly changed their attitudes towards emerging markets, and when capital started flowing out of them and the markets insisted on far higher interest rates, Chile was spared the pains inflicted on so many other countries (though of course it still faced problems caused by changing copper prices.) Such restrictions on capital inflows are of limited relevance in the current economic situation—with an overall dearth of capital flows to emerging markets—hopefully, at some time in the future, when capital flows are more abundant, Chile might find it in its own best interests to dampen these flows, to avoid the irrational exuberance that has affected so many countries. Whether Chile chooses to do so should be a matter of its own determination.

By the same token, the developing countries in Asia that have grown the fastest, done the most to eliminate poverty, and exhibited the greatest stability have all intervened actively in capital markets at critical stages in their development—and many continue to do so today. They have shown forcefully that one can attract huge amounts of foreign direct investment, without fully liberalizing markets to short term speculative flows.

Using our economic power and the promise or hope of increased investment and exports, to impose the viewpoint of particular set of interests, or particularly ideology, on our trading partners. Trade should be bringing us all closer together. Trade agreements with these kinds of provisions are likely to do just the opposite. This is especially the case if the kinds of patterns we have observed in recent years continue, with the short term capital flows contributing so much to instability, and with its accompaniment of insecurity and poverty.

The arguments for trade liberalization is totally distinct from those for capital market liberalization. They share in common but one word, ''liberalization''. There is an emerging consensus among economists that emerging markets should be particularly wary about full capital account liberalization, exposing themselves to the vicissitudes of short term speculative capital flows. It makes little sense for our trade agreements to be pushing on our trading partners restrictions which fly in the face of sound economics.

Mr. BRADY of Texas. Mr. Speaker, I yield myself such time as I may consume.

In conclusion, what does this trade agreement mean for America and for American workers? Our answer is, a lot for our future. In this agreement there will be new opportunities for workers, especially those in manufacturing-type companies, because much of the tariffs will be immediately taken away for consumer and industrial products.

It means that our products will be more competitive. That is important if you are a worker in a company that sells construction equipment, automobiles and automobile parts, computers and other information technology products, or if you work for a company that sells medical equipment and paper products.

This agreement is important for U.S. farmers and ranchers because most of the farm goods will be tariff-free within 4 years. That is important if you are selling pork in America, pork and pork products, beef and beef products, soybeans and meal, durum wheat, feed grains, potatoes and processed foods, these are jobs for your industry.

This provides access to the fast-growing services market in Chile. That is important if you work for a U.S. bank, for a U.S. insurance company, for an American telecommunications firm. If you work in a U.S. securities firm or an express delivery company, if you are a professional in that area, these are new opportunities for sales for your company and for yourself.

This is a trade agreement for the Digital Age. So it is important for workers who work in U.S. software, which is a growing part of our economy, in the music world, in the video and text world, these are record protections for our patents, for the work that American workers and inventions that we have created.

This is important for U.S. investors with strong protections and a secure, predictable legal framework for those of us who will invest in Chile. It is important if you are a company who wants to sell to the Chilean government because it creates ground-breaking anticorruption measures and guarantees that we have a fair and transparent process to sell our goods and services to a big range of Chilean government entities, including airports and seaports.

Finally, these are strong protections for labor and environment. Both governments commit to enforce their domestic labor and environmental laws. There is an innovative enforcement mechanism that includes monetary assessments to make sure that commercial, labor and environmental obligations are met. These cooperative projects will help protect wildlife, reduce environmental hazards and promote internationally recognized labor rights.

In conclusion, Mr. Speaker, if we do not pass this trade agreement, we will pass over a billion dollars worth of sales that we could have with Chile each year, a billion dollars that will create a lot of U.S. jobs and save a lot of U.S. workers in America.

□ 1230

The time is now for a free trade agreement between U.S. and Chile, a time for new American jobs, for new American growth, for our economic future.

Mr. RAMSTAD. Mr. Speaker, I rise today in strong support of H.R. 2738, the ''U.S.-Chile Free Trade Agreement Implementation Act.''

Last Congress, we passed Trade Promotion Authority to open markets for American products, create jobs and get the best deal possible for our businesses and workers. Our legislative efforts are beginning to pay off with our first two bilateral Free Trade Agreements, with Chile and Singapore.

Mr. Speaker, Chile represents a particular benefit because it is the first free trade pact between the U.S. and a South American country, opening important new inroads into the continent.

Through the personal mission work I've done in South America, I can tell you firsthand that it's long past time we pay more attention to the economic problems of our South American neighbors. And our initial inroads in Chile, hopefully followed by a Central American Free Trade Agreement will go along way toward achieving our goal of a Free Trade Area of the Americas.

Mr. Speaker, Chile has one of the fastest growing economies in the world. Over the last two decades, Chile has established a vigorous democracy, a thriving and open economy built on trade and a free-market society.

The U.S.-Chile Free Trade Agreement will help Chile continue its impressive record of growth, development and poverty alleviation. It will help spur progress toward our larger goal of creating a Free Trade Area of the Americas and will send a strong message to the rest of the world that we will work in partnership with those who are committed to free markets.

The best part, though, is that reducing trade barriers is not a zero-sum game. Free Trade agreements open markets for American companies, improving the American economy and providing more American jobs!

Unfortunately, because we are so behind in international trade agreements, U.S. companies are at a steep competitive disadvantage in Chile because other countries, including Canada, Mexico and the European Union, already have Free Trade Agreements with Chile.

The U.S.-Chile Free Trade Agreement takes away the advantage these countries have and will expand U.S. GDP by approximately $4 billion.

Mr. Speaker, it's long past time the U.S. actively engaged our foreign trade partners to negotiate bilateral and multi-lateral trade agreements. Our manufacturers, farmers and businesses depend on our swift action in opening up new markets for their products. The U.S.-Chile Free Trade Agreement represents an excellent start to what I hope will lead to several more bilateral and multilateral Free Trade Agreements in the near future.

Mr. Speaker, let's pass this legislation and help put people back to work!

Mr. ETHERIDGE. Mr. Speaker, I rise today to announce my support for H.R. 2738, legislation implementing a free trade agreement with the nation of Chile.

Chile has consistently been a partner with the United States in pushing for more open and freer trade throughout the world. Since the 1970s, Chile has pursued a policy of unilateral trade opening through the systematic and sustained lowering of import tariffs and the near total elimination of non-tariff barriers. It is therefore only fitting that one of America's first free trade agreements of the 21st Century will be with this nation.

Chile currently has signed more free trade and economic agreements with other nations than has the United States. By passing this agreement, U.S. exports to Chile will now be on an equal footing with exports from Canada, Mexico, the European Union, and many other Latin American nations.

I am particularly pleased about the benefits this agreement provides with respect to agriculture. For example, all tariffs on pork and pork products will be eliminated immediately upon implementation. Due to the hard work of the folks at USTR, Chile has agreed to recognize the U.S. meat-inspection system.

Several other commodities important to North Carolina also will receive immediate duty-free access to Chile, including cotton and tobacco. While North Carolina poultry does not get immediate access, tariffs will be reduced over the next 10 years.

This is an acceptable agreement for a nation as economically advanced and sophisticated as Chile. However, I want to make it perfectly clear to the Administration that the Chile Free Trade Agreement and the Singapore Agreement are not sufficient models for future trade agreements.

Currently, the Administration is negotiating a Free Trade Agreement of the Americas, a Central American Free Trade Agreement, and several other FTAs with a variety of nations. As the Administration's first attempts to negotiate a free trade agreement, I believe Singapore and Chile deserve support. However, future agreements will prove to be much more difficult tests of the Administration.

I support fair trade. However, on future FTAs, the Administration will need to do a better job with regard to market access, sanitary and phytosanitary issues, labor and environmental standards, and intellectual property protection. I look forward to continuing to work with the Administration and my colleagues in Congress on all of these important issues.

I ask my colleagues to support this bill.

Mr. KIND. Mr. Speaker, I rise today in support of the Chile-U.S. Free Trade Agreement (FTA). While I maintain reservations about certain sections of this agreement, overall I believe that this FTA succeeds in lowering tariffs on American goods entering Chile and will benefit Wisconsin and the United States.

As our Nation leads the world into the 21st century, we should not shy from opportunities to guide and expand global trade. Chile has persevered as a model of successful, pro-trade economic growth in a region scarred by economic turmoil. Our enhanced engagement with Chile, symbolized in the free trade agreement, is a necessary commitment to stability and economic prosperity in Latin America, while at the same time serving to expand American export opportunities.

The U.S.-Chile Agreement will essentially level the playing field for U.S. companies and workers. Currently, Chile imposes a uniform tariff of six percent on American exports. Under this agreement, the tariff will be eliminated immediately on approximately 85 percent of U.S. exports. Tariffs on the remaining exports will phase out over the next 4 to 12 years. In comparison, 65 percent of Chile's exports enter the United States duty-free under the Generalized System of Preferences program, with the remaining goods facing an average duty of 0.5 percent.

With the United States economy still in a slump, the consequences of not pursuing an FTA with Chile are extreme for American workers. In 2001, exports from the United States to Chile totaled over $3 billion. This was 17 percent of all imports into Chile and made the U.S. Chile's largest single country trade partner. Over the past 2 years, however, the percentage of American imports into Chile has decreased as other international competitors have completed FTA's with Chile, including Mexico, Canada, Central America, European Union, and South Korea, and have taken over as major suppliers to the Chilean market. As a result, the U.S. has seen its share of the Chilean market drop by one third, and its bilateral trade position reverse from surplus to deficit.

This define in market share is evident in my home state of Wisconsin. For example, in 2000, Wisconsin exports to Chile totaled over $120 million—in the top quarter of all U.S. states. Of this amount, over $90 million was in industrial machinery. However, in 2002, Wisconsin exports to Chile declined to $72 million total and $47 million in industrial machinery.

The FTA with Chile will benefit Wisconsin in additional ways, including opening up the Chilean market to U.S. agriculture imports. Chile's tariffs on dairy imports from the U.S. will drop from as high as ten percent to zero in four years. The National Milk Producers Federation expects that exports will increase by several million dollars during the first few years of the agreement, and continue to grown down the road.

As I mentioned earlier, I do have concerns with this agreement, but on its merits, I believe the FTA with Chile addresses a number of important issues and will benefit the American economy. Today's trade environment is constantly changing, with non-tariff trade issues impacting all aspects of our economy and law. Through 14 rounds of negations over 2 years, negotiators were able to hammer out agreements on very complicated and important issues including intellectual property, e-commerce, agriculture, market access, and government procurement. In these respects, this FTA addresses growing challenges facing international trade in the 21st century.

Controversy remains on a few very important aspects of any trade agreement—those dealing with labor and environment. While these provisions are some of the most difficult to find agreement on with potential trade partners, I along with many in Congress, believe trade agreements can serve to raise labor and environmental standards in developing nations and that such provisions must be included in bilateral trade agreements.

While differing from the labor provisions in the Jordan agreement, the labor language in this bill, requiring Chile to enforce its labor laws or be subject to penalty, is acceptable because there is wide agreement that Chile's labor laws are consistent with high International Labor Organization standards and are systematically enforced. In addition, there is wide agreement that, while possible, it is very unlikely that Chile would ever lower labor standards to entice trade.

I, along with many members, also remain concerned with the inclusion of immigration policy in a fast tracked trade bill. While the USTR argues that the temporary workers provisions can be an aspect of services trade, I believe that Congress must thoroughly debate any changes to immigration policy. These objections were strongly conveyed by my colleagues and I to the USTR, and as a result the implementing language before us includes language placing certain H1–B visa restrictions and caps on the temporary worker provisions in this agreement that were previously excluded.

Trade agreements cannot be one-size-fits-all, and this comprehensive bilateral agreement conforms to the characteristics of Chile and the United States. With an open and developed economy grounded in market-based principles, a strong and growing middle class, a credible labor movement, and laws respecting human rights, Chile is a model trading partner. It is in the strategic interest, and economic interest of the United States to engage Chile and complete our nation's 5th bilateral free trade agreement. I urge my colleagues to support this agreement.

Ms. LEE. Mr. Speaker. I rise in opposition to H.R. 2738, the Chile Free Trade Agreement.

Last year, this House passed a free trade agreement that I voted for because it encouraged commerce while protecting important labor and environmental standards and protecting American jobs.

The Chilean FTA and the Singapore agreement we will be voting on shortly, represent the products of Fast Track: Congress has no chance to remedy fundamental flaws in these bills. We are asked to accept what the President hands us, and in this case the Administration has handed us two bills that represent a step backward.

These bills do not uphold basic labor standards.

We set a terrible precedent if we pass these bills without adequate labor provisions because I guarantee you this weak standard will be replicated in future trade agreements.

We see the same shortfall on environmental standards and thus we set a bad precedent in that regard as well.

We need to be promoting sustainable development and environmentally sustainable trade—it's in the American interest.

Finally, this bill and its companion will continue to erode the American job base. NAFTA has cost hundreds of thousands of American jobs.

These trade agreements and those that will follow in their path will accelerate this job loss,

further damaging an economy that is already spiraling down in a jobs depression.

Labor and environmental standards are not luxuries: they are essential ingredients to a sound trading policy. We could have built on the Jordanian standard; instead, these bills fall short.

I urge you to oppose this bill.

Mr. SHAYS. Mr. Speaker, I rise in strong support of this legislation to implement free trade agreements that have been negotiated with Chile and Singapore. These agreements are an important step in restoring our international competitiveness, stimulating our economy and promoting long-term economic growth.

The Administration's first two negotiated agreements since receiving trade promotion authority in 2002 will benefit businesses in Connecticut, which exported $279 million worth of goods to Singapore and $59 million worth of goods to Chile in 2000. More broadly, these agreements provide an excellent framework for creating larger free trade areas.

Chile could be a model for creating a Central American Free Trade Agreement, and even more broadly, a Free Trade Area of the Americas. The country is an ideal partner in South America because, unlike many other nations in the region, it has stabilized and restructured its economy, lifting price controls, deregulating labor markets, and privatizing state enterprises.

The United States is Chile's largest single-country trading partner, accounting for 20 percent of Chilean exports and 15 percent of imports in 2002. Chile is the United States' 34th largest export destination and 36th largest import contributor, but because Chile already has free trade agreements with other countries, including Canada, an agreement with Chile is critical to reduce the relatively high tariffs U.S. businesses face compared to these countries, and allow them to compete.

Singapore is a much larger trading partner for the United States. It is our 11th largest export market, with $16.2 billion in goods, and the 16th largest source for imports, with $14.8 billion. The United States is Singapore's second-largest trading partner, after Malaysia and before even Japan. Both countries already have relatively open trade with very low tariffs, if any at all, so the implementation of this agreement should not create a significant imbalance of any sort.

Southeast Asia generally has been a poor partner in trade, with average tariffs near 30 percent, and I have serious concerns about these nations' respect for intellectual property (IP) rights, but this agreement is a step in the right direction. The agreement allows U.S. companies to receive monetary compensation in cases where IP rights have been violated, and establishes tough penalties under Singapore law for IP violators.

In my judgment, trade can have a positive effect on social reforms and environmental protections by facilitating economic development and creating both the income and the institutional structures to address those issues.

Since 1994, when trade promotion authority expired, the United States has been steadily losing its status as the leader of free trade. We can't afford to let this decline continue. Passing trade promotion authority was like setting up a ladder that gives us the ability to get back to the top, and passing these two free trade agreements takes the first steps up that ladder. I urge my colleagues to support H.R. 2738 and H.R. 2739.

Ms. SLAUGHTER. Mr. Speaker, I rise in strong opposition to the Singapore and Chile Free Trade Agreements. Such flawed bilateral agreements risk further weakening our economy at a time of record trade deficits and when our nation's unemployment rate is at its highest point in nine years. I cannot support these agreements, which will simply send millions of American manufacturing jobs overseas. I will not put the economic security of my constituents at stake.

Our domestic manufacturing sector has been decimated by the so-called ''liberalization of world trade.'' Since enactment of the North American Free Trade Agreement (NAFTA) and China's entry into the World Trade Organization, the U.S. has experienced a net loss of three million jobs, according to the Economic Policy Institute. In the manufacturing sector alone, we have experience a free fall, with more than 1.7 million jobs lost. The liberalization of world trade and the emergence of nations like China, India and Mexico as centers of manufacturing and technology for U.S. firms has certainly played a role in speeding the decline of U.S. industry.

Mexico and China are not solely to blame for the fact that my own district of Rochester, New York, in my district, has lost half of its manufacturing base in the past two decades. However, I doubt that Eastman Kodak would have moved its entire disposable camera manufacturing operation, ''lock, stock, and barrel'' to Mexico and China last year, in the absence of NAFTA and WTO trade preferences.

My constituents will, no doubt, appreciate the bitter irony that Congress is considering these bills—that are being touted as job-creating initiatives—when, just yesterday, Kodak, which has a long, storied history in Rochester, announced that between two and three thousand jobs would be eliminated in Rochester (6,500 worldwide). Kodak attributes its decision to the fact that its film business has been significantly weakened, with the emergence of the digital camera market. Where are those jobs going? Certainly, Kodak is not going to abandon its film manufacturing altogether? No, those jobs are going overseas, to our trading partners—where wages are low, labor standards are spotty, and the environment is free for the poisoning.

I cannot help but be struck by the glaring reality of what has happened to Kodak's Rochester workforce, about 40,000 jobs lost—never to return—since 1990. In the days leading up to the vote on NAFTA, Kodak tried to assure me that NAFTA would be a ''job-creator''—that Rochester would be booming—that the only jobs that would move abroad would be low-skilled, low-paying. I take no pleasure in saying that Kodak's vision has not come to pass.

At the same time, there's more bad news from Kodak. Kodak is again poised to leave behind its loyal employees and a region that has treated it well as it ships new technology overseas. On Monday, Kodak announced that it plans to begin manufacturing part of its revolutionary new display technology in China. The company has entered into a licensing agreement with a Hong Kong firm to manufacture Kodak's organic light emitting diode display (OLED). This technology, developed in the U.S., represents a major breakthrough in display technology with untold potential for consumer and military products. Making matters worse, Kodak's OLED production facility will be the first of its kind in China—a move that could foreclose any hope of OLED production ever growing in the U.S. This decision represents another missed opportunity to rebuild our electronic component sector.

Mr. Speaker, regrettably Rochester's experience with Kodak is not unique. As an active member of the Congressional Manufacturing Caucus, I know that this issue cuts across party lines, state lines, and economic class. Given what we know about the costs of trade liberalization, enactment of these two bilateral agreements would be tantamount to aiding and abetting in the destruction of our manufacturing base.

When we look at the agreements themselves, I am very disappointed that they fail to establish sufficient enforcement of labor and environmental protections and would loosen U.S. immigration policy regarding temporary entry of workers. Rather than building on the positive labor and environmental provisions in the U.S.-Jordan Free Trade Agreement, these agreements place no requirement on Chile and Singapore to adhere to internationally recognized labor principles. With the Central American Free Trade Agreement and the Free Trade Area of the Americas (FTAA) in the pipeline, these agreements are a terrible model. Simply put, a vote for the U.S.-Chile and U.S.-Singapore agreements would send a signal that the weak labor standards in them are acceptable.

Mr. Speaker, I urge my colleagues to join me in rejecting these flawed agreements.

Mr. MOORE. Mr. Speaker, I rise in support of both H.R. 2738 and H.R. 2739, the U.S.-Chile and U.S.-Singapore Free Trade Agreements, respectively.

Globalization is here to stay. With markets now linked globally by computers, satellite communications, and advanced transportation networks, international trade and investment will play an increasing role in American prosperity. We cannot, as a nation, afford to retreat from a proactive strategy of trade expansion that takes advantage of our position as the world's most prosperous and dynamic economy.

I have great faith in American workers. They are the best in the world. And, I'm convinced they can compete with workers from any other country.

Trade liberalization is also an important tool towards developing responsible global relations. It is a tool, as the preamble of the GATT states, for ''raising standards of living, ensuring full employment, developing the full use of the resources of the world and expanding the production and exchange of goods.'' Indeed, open markets are an important engine of economic growth, which can expand opportunities, raise living standards, and affect social change. Perhaps most importantly, however, trade liberalization provides our nation with an additional diplomatic tool and a forum within which our nation may deal with international disputes and/or coalition building. Trade's national security component cannot be understated.

The Chile and Singapore Free Trade Agreements include strong and comprehensive commitments from both of these nations to open their goods, agricultural and service markets to U.S. producers. These agreements include commitments that will increase regulatory transparency and act to the benefit of U.S.

workers, investors, intellectual property holders, businesses and consumers.

While some of the provisions in these FTAs could serve as a model for other agreements, a number of provisions clearly cannot be, nor should they be. As a general rule, I believe that each country or countries with whom we negotiate are unique; and while the provisions contained in the Chile and Singapore FTAs work for Chile and Singapore, they may not be appropriate for FTAs with other countries, where may exist very different circumstances.

Indeed, concerns have been raised that the Administration may use some of their provisions contained in the agreements as models for other FTAs, such as the Central America Free Trade Agreement (CAFTA), where the conditions may make it inappropriate to do so. Specifically, with regard to the labor and environmental provisions, there are separate dispute settlement rules that place arbitrary caps on the enforceability of those provisions. Moreover, these agreements contain an ''enforce your own laws'' standard for dealing with labor and environmental disputes. In the context of Chile and Singapore, I have limited concerns about this standard since both of these countries' laws essentially reflect internationally recognized core labor rights. How they are applied does vary in the two countries, reflecting the different general characteristics of the two nations; however, there is little practical concern that these countries will backtrack.

Concerns about labor and environmental standards, however, should receive careful scrutiny on a case-by-case basis as different circumstances and situations warrant. Use of the ''enforce your own law'' standard is invalid as a precedent—indeed is a contradiction to the purpose of promoting enforceable core labor standards—when a country's laws clearly do not reflect international standards and when there is a history, not only of non-enforcement, but of a hostile environment towards the rights of workers to organize and bargain collectively. Using a standard in totally different circumstances will lead to totally different results.

As such, my vote for the Chile and Singapore FTAs should not be interpreted as support for using these agreements as boilerplate models for future trade negotiations. I will evaluate all future trade agreements on their merits and their applicability to each country to ensure that core international labor rights and environmental standards are addressed in a meaningful manner. Expanded trade is important to this country and the world; but it will be beneficial to a broad range of persons in our nation and in other nations only if these trade agreements are carefully shaped to include basic standards, including the requirement that nations compete on the basis of core rights for their workers, not by suppression of these basic rights.

The Singapore and Chile FTAs meet these standards and I urge my colleagues to support these two important initiatives.

Mr. SHAW. Mr. Speaker, I rise today in support of H.R. 2738, the United States-Chile Free Trade Implementation Act. A free trade agreement with Chile is tremendously important to U.S. trading interests with our South American neighbors.

The legislation before us provides a new market access for U.S. Consumer and industrial products, new opportunities for U.S. financial institutions, an open and competitive telecommunications market, protections for U.S. investors, common ground on environmental protections, and allows for 85 percent of consumer and industrial products to become duty-free.

Chile is a trade leader in South America. Over the last decade, Chile has doubled its gross domestic product and has become the 4th fastest growing economy in the world. This success stemmed from low inflation, a balanced national budget, a vigilance to eliminate corruption and a strong financial infrastructure. In securing this agreement, we acknowledge the leadership of the Lagos Administration both in Santiago and here in Washington.

Mr. Speaker, I congratulate Ambassador Robert Zoellick and his distinguished team at USTR in crafting what can truly be called a world class agreement. Free trade is the future of the U.S. economy. I urge my colleagues to support H.R. 2738.

Mr. UDALL of New Mexico. Mr. Speaker, I rise today in opposition to H.R. 2738 and H.R. 2739, the U.S.-Chile FTA Implementation Act and the U.S.-Singapore FTA Implementation Act, respectively. It is unfortunate that I find myself in this position because I want to support trade agreements because I believe they can have a positive effect on our economy. However, they only can have a positive effect if they are negotiated properly. They only can have a positive effect if they have strong labor, environmental, and consumer protections. Unfortunately, these two bills before us, and the underlying Free Trade Agreements, are woefully inadequate in these regards.

Unlike the U.S.-Jordan FTA, which passed unanimously in the 107th Congress, these FTAs—the first signed by the Administration since passage of Trade Promotion Authority—will set a dangerous precedent for future agreements, including the Central American FTA and the Free Trade Area of the Americas (FTAA).

Unlike the U.S.-Jordan FTA, which provided workers with enforceable protections based on the core International Labor Organizations workers' rights—freedom of association; the right to bargain collectively; prohibitions on child labor, forced labor and employment discrimination, these FTAs give scant attention to these important issues. The only reference to workers' rights is a provision stating that each party ''shall not fail to effectively enforce its labor laws,'' not matter how inadequate they may be. There is no parity between our strong labor laws here in the United States and the weak protections in Singapore or Chile.

As predicted during the TPA debate during the 107th Congress, these trade agreements are bad environmental policy—and now, we have no change to amend them. Contrary to the claims of the FTA supporters, the provisions on investment in the Chile and Singapore FTAs do not meet the requirements of the Trade Act of 2002 that foreign investors should receive ''no greater substantive rights'' than U.S. citizens under U.S. law. What this means is that foreign investors will be granted broad rights under international law that do not exist under U.S. law. For example, many companies have aggressively used NAFTA's Chapter 11 authority to undermine our strong environmental protections. This continues with the Chile and Singapore FTAs where foreign investors can bring suit against our laws to prevent pollution because they may claim a right to be compensated. This is just one example. Applied broadly, these two FTAs have investment language that could cause serious harm to the environment and the public interest.

The Chile and Singapore FTAs also undermine U.S. immigration policy. Specifically, they loosen policies regarding temporary entry to workers. Some claim the H1–B visa issue has been addressed. However, this is far from true. While the implementing legislation claims to ''fix'' the problem by limiting the damage by applying some elements of the H1–B, these provisions are not legally binding because the agreements in the actual trade agreement have been violated by these ''fixes'' and will be eliminated in the pacts' dispute resolution systems. Furthermore, the Chile FTA has an unprecedented requirement that the U.S. provide ''written justification'' to any person denied a visa.

The Singapore FTA contains Integrated Sourcing Initiative (ISI)/Transshipment permissions. Last year's Fast Track, or Trade Promotion Authority contained no authority to negotiate such deals. Yet, the U.S. Trade Representative has this deal in the FTA, and the so-called ''fix'' largely replicates existing terms in the World Trade Organization Information Technology Agreement, for which even the Clinton Administration—as pro-free trade as any—never sought congressional approval.

Also, these FTAs could have very negative affects on the health care system. They will impede the access to life-saving medicines by extending patents beyond the 20-year limit required by the Trade-Related Aspects of Intellection Property Rights (TRIPS); they will require a 5-year waiting period before governments can provide generic drug producers test data, thereby delaying affordable medicines; they also will permit major pharmaceutical companies to block the production of generic medicines. Also, the Singapore FTA reduces tobacco tariffs to zero, which actually will encourage more dumping of U.S. tobacco products in Singapore. Finally, these FTAs will open the door to further privatization and deregulation of vital human services including health care professionals, and the provisions for public control of water and sanitation services. Amazingly, these FTAs will leave the U.S. open to challenges from foreign private corporations and the subsidiaries to compete for these public sector services. This is just plain wrong.

Finally, some have claimed to have ''fixed'' this legislation with a ''mock mark-up'' in the Ways and Means Committee. I'm not quite certain what a ''mock mark-up'' is, but most believe it hasn't done anything. Specifically, some who support this implementing legislation say we have two choices: one, we can block this legislation to send a message to the administration that they need to do a better job of negotiating FTAs that have real environmental and labor protections. Or, two, we can approve this implementing legislation, and then send a message to the White House to do a better job the next time. I, for one, am not willing to take that risk—the risk that this White House and this USTR will actually listen to Congress. That is one of the reasons I voted against TPA in the first place. Sadly, many of my concerns and reason for voting no have come to fruition in these first two negotiations.

I want to support free trade because I know it has the potential to help American workers

and consumers. In fact, I have supported trade agreements previously, including the U.S.-Jordan FTA. Unfortunately, however, I cannot find many positive developments in either the U.S.-Chile Free Trade Agreement or the U.S.-Singapore Free Trade Agreements. Reluctantly, Mr. Speaker, I will vote ''no''on H.R. 2738 and on H.R. 2739. I urge my colleagues to do likewise.

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

The SPEAKER pro tempore (Mr. LINDER). Pursuant to House Resolution 329, the bill is considered read for amendment, and the previous question is ordered.

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

Pursuant to section 3 of House Resolution 329, the Chair postpones further consideration of the bill until later today.

GENERAL LEAVE

Mr. BRADY of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on the subject of the bill just considered.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to make an announcement.

On July 24, 1998, at 3:40 p.m., Officer Jacob J. Chestnut and Detective John M. Gibson of the United States Capitol Police were killed in the line of duty defending the Capitol against an intruder armed with a gun.

At 3:40 p.m. today, the Chair will recognize the anniversary of this tragedy by observing a moment of silence in their memory.

UNITED STATES-SINGAPORE FREE TRADE AGREEMENT IMPLEMENTATION ACT

Mr. BRADY of Texas. Mr. Speaker, pursuant to House Resolution 329, I call up the bill (H.R. 2739) to implement the United States Singapore Free Trade Agreement, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of H.R. 2739 is as follows:

H.R. 2739

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''United States-Singapore Free Trade Agreement Implementation Act''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Purposes.
Sec. 3. Definitions.

TITLE I—APPROVAL OF, AND GENERAL PROVISIONS RELATING TO, THE AGREEMENT

Sec. 101. Approval and entry into force of the agreement.
Sec. 102. Relationship of the agreement to United States and State law.
Sec. 103. Consultation and layover provisions for, and effective date of, proclaimed actions.
Sec. 104. Implementing actions in anticipation of entry into force and initial regulations.
Sec. 105. Administration of dispute settlement proceedings.
Sec. 106. Arbitration of certain claims.
Sec. 107. Effective dates; effect of termination.

TITLE II—CUSTOMS PROVISIONS

Sec. 201. Tariff modifications.
Sec. 202. Rules of origin.
Sec. 203. Customs user fees.
Sec. 204. Disclosure of incorrect information.
Sec. 205. Enforcement relating to trade in textile and apparel goods.
Sec. 206. Regulations.

TITLE III—RELIEF FROM IMPORTS

Sec. 301. Definitions.

Subtitle A—Relief From Imports Benefiting From the Agreement

Sec. 311. Commencing of action for relief.
Sec. 312. Commission action on petition.
Sec. 313. Provision of relief.
Sec. 314. Termination of relief authority.
Sec. 315. Compensation authority.
Sec. 316. Confidential business information.

Subtitle B—Textile and Apparel Safeguard Measures

Sec. 321. Commencement of action for relief.
Sec. 322. Determination and provision of relief.
Sec. 323. Period of relief.
Sec. 324. Articles exempt from relief.
Sec. 325. Rate after termination of import relief.
Sec. 326. Termination of relief authority.
Sec. 327. Compensation authority.
Sec. 328. Business confidential information.

Subtitle C—Cases Under Title II of the Trade Act of 1974

Sec. 331. Findings and action on goods from Singapore.

TITLE IV—TEMPORARY ENTRY OF BUSINESS PERSONS

Sec. 401. Nonimmigrant traders and investors.
Sec. 402. Nonimmigrant professionals.

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to approve and implement the Free Trade Agreement between the United States and the Republic of Singapore entered into under the authority of section 2103(b) of the Bipartisan Trade Promotion Authority Act of 2002;

(2) to strengthen and develop economic relations between the United States and Singapore for their mutual benefit;

(3) to establish free trade between the 2 nations through the reduction and elimination of barriers to trade in goods and services and to investment; and

(4) to lay the foundation for further cooperation to expand and enhance the benefits of such Agreement.

SEC. 3. DEFINITIONS.

In this Act:

(1) AGREEMENT.—The term ''Agreement'' means the United States-Singapore Free Trade Agreement approved by Congress under section 101(a).

(2) HTS.—The term ''HTS'' means the Harmonized Tariff Schedule of the United States.

TITLE I—APPROVAL OF, AND GENERAL PROVISIONS RELATING TO, THE AGREEMENT

SEC. 101. APPROVAL AND ENTRY INTO FORCE OF THE AGREEMENT.

(a) APPROVAL OF AGREEMENT AND STATEMENT OF ADMINISTRATIVE ACTION.—Pursuant to section 2105 of the Bipartisan Trade Promotion Authority Act of 2002 (19 U.S.C. 3805) and section 151 of the Trade Act of 1974 (19 U.S.C. 2191), Congress approves—

(1) the United States-Singapore Free Trade Agreement entered into on May 6, 2003, with the Government of Singapore and submitted to Congress on July 15, 2003; and

(2) the statement of administrative action proposed to implement the Agreement that was submitted to Congress on July 15, 2003.

(b) CONDITIONS FOR ENTRY INTO FORCE OF THE AGREEMENT.—At such time as the President determines that Singapore has taken measures necessary to bring it into compliance with those provisions of the Agreement that take effect on the date on which the Agreement enters into force, the President is authorized to exchange notes with the Government of Singapore providing for the entry into force, on or after January 1, 2004, of the Agreement for the United States.

SEC. 102. RELATIONSHIP OF THE AGREEMENT TO UNITED STATES AND STATE LAW.

(a) RELATIONSHIP OF AGREEMENT TO UNITED STATES LAW.—

(1) UNITED STATES LAW TO PREVAIL IN CONFLICT.—No provision of the Agreement, nor the application of any such provision to any person or circumstance, which is inconsistent with any law of the United States shall have effect.

(2) CONSTRUCTION.—Nothing in this Act shall be construed—

(A) to amend or modify any law of the United States, or

(B) to limit any authority conferred under any law of the United States,

unless specifically provided for in this Act.

(b) RELATIONSHIP OF AGREEMENT TO STATE LAW.—

(1) LEGAL CHALLENGE.—No State law, or the application thereof, may be declared invalid as to any person or circumstance on the ground that the provision or application is inconsistent with the Agreement, except in an action brought by the United States for the purpose of declaring such law or application invalid.

(2) DEFINITION OF STATE LAW.—For purposes of this subsection, the term ''State law'' includes—

(A) any law of a political subdivision of a State; and

(B) any State law regulating or taxing the business of insurance.

(c) EFFECT OF AGREEMENT WITH RESPECT TO PRIVATE REMEDIES.—No person other than the United States—

(1) shall have any cause of action or defense under the Agreement or by virtue of congressional approval thereof; or

(2) may challenge, in any action brought under any provision of law, any action or inaction by any department, agency, or other instrumentality of the United States, any State, or any political subdivision of a State on the ground that such action or inaction is inconsistent with the Agreement.

SEC. 103. CONSULTATION AND LAYOVER PROVISIONS FOR, AND EFFECTIVE DATE OF, PROCLAIMED ACTIONS.

(a) CONSULTATION AND LAYOVER REQUIREMENTS.—If a provision of this Act provides that the implementation of an action by the President by proclamation is subject to the consultation and layover requirements of this section, such action may be proclaimed only if—

(1) the President has obtained advice regarding the proposed action from—

(A) the appropriate advisory committees established under section 135 of the Trade Act of 1974; and

(B) the United States International Trade Commission;

(2) the President has submitted a report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives that sets forth—

(A) the action proposed to be proclaimed and the reasons therefor; and

(B) the advice obtained under paragraph (1);

(3) a period of 60 calendar days beginning on the first day on which the requirements of paragraphs (1) and (2) have been met has expired; and

(4) the President has consulted with such Committees regarding the proposed action during the period referred to in paragraph (3).

(b) EFFECTIVE DATE OF CERTAIN PROCLAIMED ACTIONS.—Any action proclaimed by the President under the authority of this Act that is not subject to the consultation and layover provisions under subsection (a) may not take effect before the 15th day after the date on which the text of the proclamation is published in the Federal Register.

SEC. 104. IMPLEMENTING ACTIONS IN ANTICIPATION OF ENTRY INTO FORCE AND INITIAL REGULATIONS.

(a) IMPLEMENTING ACTIONS.—

(1) PROCLAMATION AUTHORITY.—After the date of enactment of this Act—

(A) the President may proclaim such actions, and

(B) other appropriate officers of the United States Government may issue such regulations—

as may be necessary to ensure that any provision of this Act, or amendment made by this Act, that takes effect on the date the Agreement enters into force is appropriately implemented on such date, but no such proclamation or regulation may have an effective date earlier than the date of entry into force.

(2) WAIVER OF 15-DAY RESTRICTION.—The 15-day restriction in section 103(b) on the taking effect of proclaimed actions is waived to the extent that the application of such restriction would prevent the taking effect on the date the Agreement enters into force of any action proclaimed under this section.

(b) INITIAL REGULATIONS.—Initial regulations necessary or appropriate to carry out the actions required by or authorized under this Act or proposed in the statement of administrative action submitted under section 101(a)(2) to implement the Agreement shall, to the maximum extent feasible, be issued within 1 year after the date of entry into force of the Agreement. In the case of any implementing action that takes effect on a date after the date of entry into force of the Agreement, initial regulations to carry out that action shall, to the maximum extent feasible, be issued within 1 year after such effective date.

SEC. 105. ADMINISTRATION OF DISPUTE SETTLEMENT PROCEEDINGS.

(a) ESTABLISHMENT OR DESIGNATION OF OFFICE.—The President is authorized to establish or designate within the Department of Commerce an office that shall be responsible for providing administrative assistance to panels established under chapter 20 of the Agreement. Such office may not be considered to be an agency for purposes of section 552 of title 5, United States Code.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each fiscal year after fiscal year 2003 to the Department of Commerce such sums as may be necessary for the establishment and operations of the office under subsection (a) and for the payment of the United States share of the expenses of panels established under chapter 20 of the Agreement.

SEC. 106. ARBITRATION OF CERTAIN CLAIMS.

(a) SUBMISSION OF CERTAIN CLAIMS.—The United States is authorized to resolve any claim against the United States covered by article 15.15.1(a)(i)(C) or article 15.15.1(b)(i)(C) of the Agreement, pursuant to the Investor-State Dispute Settlement procedures set forth in section C of chapter 15 of the Agreement.

(b) CONTRACT CLAUSES.—All contracts executed by any agency of the United States on or after the date of entry into force of the Agreement shall contain a clause specifying the law that will apply to resolve any breach of contract claim.

SEC. 107. EFFECTIVE DATES; EFFECT OF TERMINATION.

(a) EFFECTIVE DATES.—Except as provided in subsection (b), the provisions of this Act and the amendments made by this Act take effect on the date the Agreement enters into force.

(b) EXCEPTIONS.—

(1) Sections 1 through 3 and this title take effect on the date of enactment of this Act.

(2) Section 205 takes effect on the date on which the textile and apparel provisions of the Agreement take effect pursuant to article 5.10 of the Agreement.

(c) TERMINATION OF THE AGREEMENT.—On the date on which the Agreement ceases to be in force, the provisions of this Act (other than this subsection) and the amendments made by this Act shall cease to be effective.

TITLE II—CUSTOMS PROVISIONS

SEC. 201. TARIFF MODIFICATIONS.

(a) TARIFF MODIFICATIONS PROVIDED FOR IN THE AGREEMENT.—The President may proclaim—

(1) such modifications or continuation of any duty,

(2) such continuation of duty-free or excise treatment, or

(3) such additional duties—

as the President determines to be necessary or appropriate to carry out or apply articles 2.2, 2.5, 2.6, and 2.12 and Annex 2B of the Agreement.

(b) OTHER TARIFF MODIFICATIONS.—Subject to the consultation and layover provisions of section 103(a), the President may proclaim—

(1) such modifications or continuation of any duty,

(2) such modifications as the United States may agree to with Singapore regarding the staging of any duty treatment set forth in Annex 2B of the Agreement,

(3) such continuation of duty-free or excise treatment, or

(4) such additional duties—

as the President determines to be necessary or appropriate to maintain the general level of reciprocal and mutually advantageous concessions with respect to Singapore provided for by the Agreement.

(c) CONVERSION TO AD VALOREM RATES.—For purposes of subsections (a) and (b), with respect to any good for which the base rate in the Schedule of the United States set forth in Annex 2B of the Agreement is a specific or compound rate of duty, the President may substitute for the base rate an ad valorem rate that the President determines to be equivalent to the base rate.

SEC. 202. RULES OF ORIGIN.

(a) ORIGINATING GOODS.—For purposes of this Act and for purposes of implementing the tariff treatment provided for under the Agreement, except as otherwise provided in this section, a good is an originating good if—

(1) the good is wholly obtained or produced entirely in the territory of Singapore, the United States, or both;

(2) each nonoriginating material used in the production of the good—

(A) undergoes an applicable change in tariff classification set out in Annex 3A of the Agreement as a result of production occurring entirely in the territory of Singapore, the United States, or both; or

(B) if no change in tariff classification is required, the good otherwise satisfies the applicable requirements of such Annex; or

(3) the good itself, as imported, is listed in Annex 3B of the Agreement and is imported into the territory of the United States from the territory of Singapore.

(b) DE MINIMIS AMOUNTS OF NONORIGINATING MATERIALS.—

(1) IN GENERAL.—Except as provided for in paragraphs (2) and (3), a good shall be considered to be an originating good if—

(A) the value of all nonoriginating materials used in the production of the good that do not undergo the required change in tariff classification under Annex 3A of the Agreement does not exceed 10 percent of the adjusted value of the good;

(B) if the good is subject to a regional value-content requirement, the value of such nonoriginating materials is taken into account in calculating the regional value-content of the good; and

(C) the good satisfies all other applicable requirements of this section.

(2) EXCEPTIONS.—Paragraph (1) does not apply to the following:

(A) A nonoriginating material provided for in chapter 4 of the HTS or in subheading 1901.90 of the HTS that is used in the production of a good provided for in chapter 4 of the HTS.

(B) A nonoriginating material provided for in chapter 4 of the HTS or in subheading 1901.90 of the HTS that is used in the production of a good provided for in heading 2105 or in any of subheadings 1901.10, 1901.20, 1901.90, 2106.90, 2202.90, and 2309.90 of the HTS.

(C) A nonoriginating material provided for in heading 0805, or any of subheadings 2009.11.00 through 2009.39, of the HTS, that is used in the production of a good provided for in any of subheadings 2009.11.00 through 2009.39 or in subheading 2106.90 or 2202.90 of the HTS.

(D) A nonoriginating material provided for in chapter 15 of the HTS that is used in the production of a good provided for in any of headings 1501.00.00 through 1508, 1512, 1514, and 1515 of the HTS.

(E) A nonoriginating material provided for in heading 1701 of the HTS that is used in the production of a good provided for in any of headings 1701 through 1703 of the HTS.

(F) A nonoriginating material provided for in chapter 17 of the HTS or heading 1805.00.00 of the HTS that is used in the production of a good provided for in subheading 1806.10 of the HTS.

(G) A nonoriginating material provided for in any of headings 2203 through 2208 of the HTS that is used in the production of a good provided for in heading 2207 or 2208 of the HTS.

(H) A nonoriginating material used in the production of a good provided for in any of chapters 1 through 21 of the HTS, unless the nonoriginating material is provided for in a different subheading than the good for which origin is being determined under this section.

(3) GOODS PROVIDED FOR IN CHAPTERS 50 THROUGH 63 OF THE HTS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), a good provided for in any of chapters 50 through 63 of the HTS that is not an originating good because certain fibers or yarns used in the production of the component of the good that determines the

tariff classification of the good do not undergo an applicable change in tariff classification set out in Annex 3A of the Agreement shall be considered to be an originating good if the total weight of all such fibers or yarns in that component is not more than 7 percent of the total weight of that component.

(B) CERTAIN TEXTILE OR APPAREL GOODS.—

(i) TREATMENT AS ORIGINATING GOOD.—A textile or apparel good containing elastomeric yarns in the component of the good that determines the tariff classification of the good shall be considered to be an originating good only if such yarns are wholly formed in the territory of Singapore or the United States.

(ii) DEFINITION OF TEXTILE OR APPAREL GOOD.—For purposes of this subparagraph, the term ''textile or apparel good'' means a product listed in the Annex to the Agreement on Textiles and Clothing referred to in section 101(d)(4) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(4)).

(c) ACCUMULATION.—

(1) ORIGINATING GOODS INCORPORATED IN GOODS OF OTHER COUNTRY.—Originating materials from the territory of either Singapore or the United States that are used in the production of a good in the territory of the other country shall be considered to originate in the territory of the other country.

(2) MULTIPLE PROCEDURES.—A good that is produced in the territory of Singapore, the United States, or both, by 1 or more producers is an originating good if the good satisfies the requirements of subsection (a) and all other applicable requirements of this section.

(d) REGIONAL VALUE-CONTENT.—

(1) IN GENERAL.—For purposes of subsection (a)(2), the regional value-content of a good referred to in Annex 3A of the Agreement shall be calculated, at the choice of the person claiming preferential tariff treatment for the good, on the basis of the build-down method described in paragraph (2) or the build-up method described in paragraph (3), unless otherwise provided in Annex 3A of the Agreement.

(2) BUILD-DOWN METHOD.—

(A) IN GENERAL.—The regional value-content of a good may be calculated on the basis of the following build-down method:

$$RVC = \frac{AV - VNM}{AV} \times 100$$

(B) DEFINITIONS.—For purposes of subparagraph (A):

(i) The term ''RVC'' means the regional value-content, expressed as a percentage.

(ii) The term ''AV'' means the adjusted value.

(iii) The term ''VNM'' means the value of nonoriginating materials that are acquired and used by the producer in the production of the good.

(3) BUILD-UP METHOD.—

(A) IN GENERAL.—The regional value-content of a good may be calculated on the basis of the following build-up method:

$$RVC = \frac{VOM}{AV} \times 100$$

(B) DEFINITIONS.—For purposes of subparagraph (A):

(i) The term ''RVC'' means the regional value-content, expressed as a percentage.

(ii) The term ''AV'' means the adjusted value.

(iii) The term ''VOM'' means the value of originating materials that are acquired or self-produced and are used by the producer in the production of the good.

(e) VALUE OF MATERIALS.—

(1) IN GENERAL.—For purposes of calculating the regional value-content of a good under subsection (d), and for purposes of applying the de minimis rules under subsection (b), the value of a material is—

(A) in the case of a material imported by the producer of the good, the adjusted value of the material;

(B) in the case of a material acquired in the territory in which the good is produced, except for a material to which subparagraph (C) applies, the adjusted value of the material; or

(C) in the case of a material that is self-produced, or in a case in which the relationship between the producer of the good and the seller of the material influenced the price actually paid or payable for the material, including a material obtained without charge, the sum of—

(i) all expenses incurred in the production of the material, including general expenses; and

(ii) an amount for profit.

(2) FURTHER ADJUSTMENTS TO THE VALUE OF MATERIALS.—

(A) ORIGINATING MATERIALS.—The following expenses, if not included in the value of an originating material calculated under paragraph (1), may be added to the value of the originating material:

(i) The costs of freight, insurance, packing, and all other costs incurred in transporting the material to the location of the producer.

(ii) Duties, taxes, and customs brokerage fees on the material paid in the territory of Singapore, the United States, or both, other than duties and taxes that are waived, refunded, refundable, or otherwise recoverable, including credit against duty or tax paid or payable.

(iii) The cost of waste and spoilage resulting from the use of the material in the production of the good, less the value of renewable scrap or by-product.

(B) NONORIGINATING MATERIALS.—The following expenses, if included in the value of a nonoriginating material calculated under paragraph (1), may be deducted from the value of the nonoriginating material:

(i) The costs of freight, insurance, packing, and all other costs incurred in transporting the material to the location of the producer.

(ii) Duties, taxes, and customs brokerage fees on the material paid in the territory of Singapore, the United States, or both, other than duties and taxes that are waived, refunded, refundable, or otherwise recoverable, including credit against duty or tax paid or payable.

(iii) The cost of waste and spoilage resulting from the use of the material in the production of the good, less the value of renewable scrap or by-product.

(iv) The cost of processing incurred in the territory of Singapore or the United States in the production of the nonoriginating material.

(v) The cost of originating materials used in the production of the nonoriginating material in the territory of Singapore or the United States.

(f) ACCESSORIES, SPARE PARTS, OR TOOLS.—

(1) IN GENERAL.—Subject to paragraph (2), accessories, spare parts, or tools delivered with the good that form part of the good's standard accessories, spare parts, or tools shall—

(A) be treated as originating goods if the good is an originating good; and

(B) be disregarded in determining whether all the nonoriginating materials used in the production of the good undergo an applicable change in tariff classification set out in Annex 3A of the Agreement.

(2) CONDITIONS.—Paragraph (1) shall apply only if—

(A) the accessories, spare parts, or tools are not invoiced separately from the good;

(B) the quantities and value of the accessories, spare parts, or tools are customary for the good; and

(C) if the good is subject to a regional value-content requirement, the value of the accessories, spare parts, or tools is taken into account as originating or nonoriginating materials, as the case may be, in calculating the regional value-content of the good.

(g) FUNGIBLE GOODS AND MATERIALS.—

(1) IN GENERAL.—

(A) CLAIM FOR PREFERENTIAL TREATMENT.—A person claiming preferential tariff treatment for a good may claim that a fungible good or material is originating either based on the physical segregation of each fungible good or material or by using an inventory management method.

(B) INVENTORY MANAGEMENT METHOD.—In this subsection, the term ''inventory management method'' means—

(i) averaging;

(ii) ''last-in, first-out'';

(iii) ''first-in, first-out''; or

(iv) any other method—

(I) recognized in the generally accepted accounting principles of the country in which the production is performed (whether Singapore or the United States); or

(II) otherwise accepted by that country.

(2) ELECTION OF INVENTORY METHOD.—A person selecting an inventory management method under paragraph (1) for particular fungible goods or materials shall continue to use that method for those fungible goods or materials throughout the fiscal year of that person.

(h) PACKAGING MATERIALS AND CONTAINERS FOR RETAIL SALE.—Packaging materials and containers in which a good is packaged for retail sale, if classified with the good, shall be disregarded in determining whether all the nonoriginating materials used in the production of the good undergo the applicable change in tariff classification set out in Annex 3A of the Agreement and, if the good is subject to a regional value-content requirement, the value of such packaging materials and containers shall be taken into account as originating or nonoriginating materials, as the case may be, in calculating the regional value-content of the good.

(i) PACKING MATERIALS AND CONTAINERS FOR SHIPMENT.—Packing materials and containers in which a good is packed for shipment shall be disregarded in determining whether—

(1) the nonoriginating materials used in the production of a good undergo an applicable change in tariff classification set out in Annex 3A of the Agreement; and

(2) the good satisfies a regional value-content requirement.

(j) INDIRECT MATERIALS.—An indirect material shall be considered to be an originating material without regard to where it is produced, and its value shall be the cost registered in the accounting records of the producer of the good.

(k) THIRD COUNTRY OPERATIONS.—A good shall not be considered to be an originating good by reason of having undergone production that satisfies the requirements of subsection (a) if, subsequent to that production, the good undergoes further production or any other operation outside the territories of Singapore and the United States, other than unloading, reloading, or any other operation necessary to preserve it in good condition or to transport the good to the territory of Singapore or the United States.

(l) SPECIAL RULE FOR APPAREL GOODS LISTED IN CHAPTER 61 OR 62 OF THE HTS.—

(1) IN GENERAL.—An apparel good listed in chapter 61 or 62 of the HTS shall be considered to be an originating good if it is both cut (or knit to shape) and sewn or otherwise

assembled in the territory of Singapore, the United States, or both, from fabric or yarn, regardless of origin, designated in the manner described in paragraph (2) as fabric or yarn not available in commercial quantities in a timely manner in the United States.

(2) DESIGNATION OF CERTAIN FABRIC AND YARN.—The designation referred to in paragraph (1) means a designation made in a notice published in the Federal Register on or before November 15, 2002, identifying apparel goods made from fabric or yarn eligible for entry into the United States under subheading 9819.11.24 or 9820.11.27 of the HTS. For purposes of this subsection, a reference in the notice to fabric or yarn formed in the United States is deemed to include fabric or yarn formed in Singapore.

(m) APPLICATION AND INTERPRETATION.—In this section:

(1) The basis for any tariff classification is the HTS.

(2) Any cost or value referred to in this section shall be recorded and maintained in accordance with the generally accepted accounting principles applicable in the territory of the country in which the good is produced (whether Singapore or the United States).

(n) DEFINITIONS.—In this section:

(1) ADJUSTED VALUE.—The term ''adjusted value'' means the value of a good determined under articles 1 through 8, article 15, and the corresponding interpretative notes of the Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade 1994 referred to in section 101(d)(8) of the Uruguay Round Agreements Act, except that such value may be adjusted to exclude any costs, charges, or expenses incurred for transportation, insurance, and related services incident to the international shipment of the good from the country of exportation to the place of importation.

(2) FUNGIBLE GOODS AND FUNGIBLE MATERIALS.—The terms ''fungible goods'' and ''fungible materials'' mean goods or materials, as the case may be, that are interchangeable for commercial purposes and the properties of which are essentially identical.

(3) GENERALLY ACCEPTED ACCOUNTING PRINCIPLES.—The term ''generally accepted accounting principles'' means the recognized consensus or substantial authoritative support in the territory of Singapore or the United States, as the case may be, with respect to the recording of revenues, expenses, costs, and assets and liabilities, the disclosure of information, and the preparation of financial statements. The standards may encompass broad guidelines of general application as well as detailed standards, practices, and procedures.

(4) GOODS WHOLLY OBTAINED OR PRODUCED ENTIRELY IN THE TERRITORY OF SINGAPORE, THE UNITED STATES, OR BOTH.—The term ''goods wholly obtained or produced entirely in the territory of Singapore, the United States, or both'' means—

(A) mineral goods extracted in the territory of Singapore, the United States, or both;

(B) vegetable goods, as such goods are defined in the Harmonized System, harvested in the territory of Singapore, the United States, or both;

(C) live animals born and raised in the territory of Singapore, the United States, or both;

(D) goods obtained from hunting, trapping, fishing, or aquaculture conducted in the territory of Singapore, the United States, or both;

(E) goods (fish, shellfish, and other marine life) taken from the sea by vessels registered or recorded with Singapore or the United States and flying the flag of that country;

(F) goods produced exclusively from products referred to in subparagraph (E) on board factory ships registered or recorded with Singapore or the United States and flying the flag of that country;

(G) goods taken by Singapore or the United States, or a person of Singapore or the United States, from the seabed or beneath the seabed outside territorial waters, if Singapore or the United States has rights to exploit such seabed;

(H) goods taken from outer space, if the goods are obtained by Singapore or the United States or a person of Singapore or the United States and not processed in the territory of a country other than Singapore or the United States;

(I) waste and scrap derived from—

(i) production in the territory of Singapore, the United States, or both; or

(ii) used goods collected in the territory of Singapore, the United States, or both, if such goods are fit only for the recovery of raw materials;

(J) recovered goods derived in the territory of Singapore, the United States, or both, from used goods; or

(K) goods produced in the territory of Singapore, the United States, or both, exclusively—

(i) from goods referred to in any of subparagraphs (A) through (I); or

(ii) from the derivatives of goods referred to in clause (i).

(5) HARMONIZED SYSTEM.—The term ''Harmonized System'' means the Harmonized Commodity Description and Coding System.

(6) INDIRECT MATERIAL.—The term ''indirect material'' means a good used in the production, testing, or inspection of a good but not physically incorporated into the good, or a good used in the maintenance of buildings or the operation of equipment associated with the production of a good, including—

(A) fuel and energy;

(B) tools, dies, and molds;

(C) spare parts and materials used in the maintenance of equipment or buildings;

(D) lubricants, greases, compounding materials, and other materials used in production or used to operate equipment or buildings;

(E) gloves, glasses, footwear, clothing, safety equipment, and supplies;

(F) equipment, devices, and supplies used for testing or inspecting the good;

(G) catalysts and solvents; and

(H) any other goods that are not incorporated into the good but the use of which in the production of the good can reasonably be demonstrated to be a part of that production.

(7) MATERIAL.—The term ''material'' means a good that is used in the production of another good.

(8) MATERIAL THAT IS SELF-PRODUCED.—The term ''material that is self-produced'' means a material, such as a part or ingredient, produced by a producer of a good and used by the producer in the production of another good.

(9) NONORIGINATING MATERIAL.—The term ''nonoriginating material'' means a material that does not qualify as an originating good under the rules set out in this section.

(10) PREFERENTIAL TARIFF TREATMENT.—The term ''preferential tariff treatment'' means the customs duty rate that is applicable to an originating good pursuant to chapter 2 of the Agreement.

(11) PRODUCER.—The term ''producer'' means a person who grows, raises, mines, harvests, fishes, traps, hunts, manufactures, processes, assembles, or disassembles a good.

(12) PRODUCTION.—The term ''production'' means growing, mining, harvesting, fishing, raising, trapping, hunting, manufacturing, processing, assembling, or disassembling a good.

(13) RECOVERED GOODS.—

(A) IN GENERAL.—The term ''recovered goods'' means materials in the form of individual parts that are the result of—

(i) the complete disassembly of used goods into individual parts; and

(ii) the cleaning, inspecting, testing, or other processing of those parts as necessary for improvement to sound working condition by one or more of the processes described in subparagraph (B), in order for such parts to be assembled with other parts, including other parts that have undergone the processes described in this paragraph, in the production of a remanufactured good described in Annex 3C of the Agreement.

(B) PROCESSES.—The processes referred to in subparagraph (A)(ii) are welding, flame spraying, surface machining, knurling, plating, sleeving, and rewinding.

(14) REMANUFACTURED GOOD.—The term ''remanufactured good'' means an industrial good assembled in the territory of Singapore or the United States, that is listed in Annex 3C of the Agreement, and—

(A) is entirely or partially comprised of recovered goods;

(B) has the same life expectancy and meets the same performance standards as a new good; and

(C) enjoys the same factory warranty as such a new good.

(15) TERRITORY.—The term ''territory'' has the meaning given that term in Annex 1A of the Agreement.

(16) USED.—The term ''used'' means used or consumed in the production of goods.

(o) PRESIDENTIAL PROCLAMATION AUTHORITY.—

(1) IN GENERAL.—The President is authorized to proclaim, as part of the HTS—

(A) the provisions set out in Annexes 3A, 3B, and 3C of the Agreement; and

(B) any additional subordinate category necessary to carry out this title consistent with the Agreement.

(2) MODIFICATIONS.—

(A) IN GENERAL.—Subject to the consultation and layover provisions of section 103(a), the President may proclaim modifications to the provisions proclaimed under the authority of paragraph (1)(A), other than—

(i) the provisions of Annex 3B of the Agreement; and

(ii) provisions of chapters 50 through 63 of the HTS, as included in Annex 3A of the Agreement.

(B) ADDITIONAL PROCLAMATIONS.—Notwithstanding subparagraph (A), and subject to the consultation and layover provisions of section 103(a), the President may proclaim—

(i) modifications to the provisions proclaimed under the authority of paragraph (1)(A) that are necessary to implement an agreement with Singapore pursuant to article 3.18.4(c) of the Agreement; and

(ii) before the 1st anniversary of the date of enactment of this Act, modifications to correct any typographical, clerical, or other nonsubstantive technical error regarding the provisions of chapters 50 through 63 of the HTS, as included in Annex 3A of the Agreement.

SEC. 203. CUSTOMS USER FEES.

Section 13031(b) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(b)) is amended by inserting after paragraph (12) the following:

''(13) No fee may be charged under subsection (a) (9) or (10) with respect to goods that qualify as originating goods under section 202 of the United States-Singapore Free Trade Agreement Implementation Act. Any service for which an exemption from such fee is provided by reason of this paragraph may

not be funded with money contained in the Customs User Fee Account.''.

SEC. 204. DISCLOSURE OF INCORRECT INFORMATION.

Section 592(c) of the Tariff Act of 1930 (19 U.S.C. 1592(c)) is amended—

(1) by redesignating paragraph (7) as paragraph (8); and

(2) by inserting after paragraph (6) the following new paragraph:

''(7) PRIOR DISCLOSURE REGARDING CLAIMS UNDER THE UNITED STATES-SINGAPORE FREE TRADE AGREEMENT.—

''(A) An importer shall not be subject to penalties under subsection (a) for making an incorrect claim that a good qualifies as an originating good under section 202 of the United States-Singapore Free Trade Agreement Implementation Act if the importer, in accordance with regulations issued by the Secretary of the Treasury, voluntarily and promptly makes a corrected declaration and pays any duties owing.

''(B) In the regulations referred to in subparagraph (A), the Secretary of the Treasury is authorized to prescribe time periods for making a corrected declaration and paying duties owing under subparagraph (A), if such periods are not shorter than 1 year following the date on which the importer makes the incorrect claim that a good qualifies as an originating good.''.

SEC. 205. ENFORCEMENT RELATING TO TRADE IN TEXTILE AND APPAREL GOODS.

(a) DENIAL OF PERMISSION TO CONDUCT SITE VISITS.—

(1) IN GENERAL.—Subject to paragraph (2), if the Secretary of the Treasury proposes to conduct a site visit at an enterprise registered under article 5.3 of the Agreement, and responsible officials of the enterprise do not consent to the proposed visit, the President may exclude from the customs territory of the United States textile and apparel goods produced or exported by that enterprise.

(2) TERMINATION OF EXCLUSION.—An exclusion of textile and apparel goods produced or exported by an enterprise under paragraph (1) shall terminate when the President determines that the enterprise's production of, and capability to produce, the goods are consistent with statements by the enterprise that textile or apparel goods the enterprise produces or has produced are originating goods or products of Singapore, as the case may be.

(b) KNOWING OR WILLFUL CIRCUMVENTION.—

(1) IN GENERAL.—If the President finds that an enterprise of Singapore has knowingly or willfully engaged in circumvention, the President may exclude from the customs territory of the United States textile and apparel goods produced or exported by the enterprise. An exclusion under this paragraph may be imposed on the date beginning on the date a finding of knowing or willful circumvention is made and shall be in effect for a period not longer than the applicable period described in paragraph (2).

(2) TIME PERIODS.—

(A) FIRST FINDING.—With respect to a first finding under paragraph (1), the applicable period is 6 months.

(B) SECOND FINDING.—With respect to a second finding under paragraph (1), the applicable period is 2 years.

(C) THIRD AND SUBSEQUENT FINDING.—With respect to a third or subsequent finding under paragraph (1), the applicable period is 2 years. If, at the time of a third or subsequent finding, an exclusion is in effect as a result of a previous finding, the 2-year period applicable to the third or subsequent finding shall begin on the day after the day on which the previous exclusion terminates.

(c) CERTAIN OTHER INSTANCES OF CIRCUMVENTION.—If the President consults with Singapore pursuant to article 5.8 of the Agreement, the consultations fail to result in a mutually satisfactory solution to the matters at issue, and the President presents to Singapore clear evidence of circumvention under the Agreement, the President may—

(1) deny preferential tariff treatment to the goods involved in the circumvention; and

(2) deny preferential tariff treatment, for a period not to exceed 4 years from the date on which consultations pursuant to article 5.8 of the Agreement conclude, to—

(A) textile and apparel goods produced by the enterprise found to have engaged in the circumvention, including any successor of such enterprise; and

(B) textile and apparel goods produced by any other entity owned or operated by a principal of the enterprise, if the principal also is a principal of the other entity.

(d) DEFINITIONS.—In this section:

(1) GENERAL DEFINITIONS.—The terms ''circumvention'', ''preferential tariff treatment'', ''principal'', and ''textile and apparel goods'' have the meanings given such terms in chapter 5 of the Agreement.

(2) ENTERPRISE.—The term ''enterprise'' has the meaning given that term in article 1.2.3 of the Agreement.

SEC. 206. REGULATIONS.

The Secretary of the Treasury shall prescribe such regulations as may be necessary to carry out—

(1) subsections (a) through (n) of section 202, and section 203;

(2) amendments made by the sections referred to in paragraph (1); and

(3) proclamations issued under section 202(o).

TITLE III—RELIEF FROM IMPORTS

SEC. 301. DEFINITIONS.

In this title:

(1) COMMISSION.—The term ''Commission'' means the United States International Trade Commission.

(2) SINGAPOREAN ARTICLE.—The term ''Singaporean article'' means an article that qualifies as an originating good under section 202(a) of this Act.

(3) SINGAPOREAN TEXTILE OR APPAREL ARTICLE.—The term ''Singaporean textile or apparel article'' means an article—

(A) that is listed in the Annex to the Agreement on Textiles and Clothing referred to in section 101(d)(4) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(4)); and

(B) that is a Singaporean article.

Subtitle A—Relief From Imports Benefiting From the Agreement

SEC. 311. COMMENCING OF ACTION FOR RELIEF.

(a) FILING OF PETITION.—

(1) IN GENERAL.—A petition requesting action under this subtitle for the purpose of adjusting to the obligations of the United States under the Agreement may be filed with the Commission by an entity, including a trade association, firm, certified or recognized union, or group of workers, that is representative of an industry. The Commission shall transmit a copy of any petition filed under this subsection to the United States Trade Representative.

(2) PROVISIONAL RELIEF.—An entity filing a petition under this subsection may request that provisional relief be provided as if the petition had been filed under section 202(a) of the Trade Act of 1974 (19 U.S.C. 2252(a)).

(3) CRITICAL CIRCUMSTANCES.—Any allegation that critical circumstances exist shall be included in the petition.

(b) INVESTIGATION AND DETERMINATION.—Upon the filing of a petition under subsection (a), the Commission, unless subsection (d) applies, shall promptly initiate an investigation to determine whether, as a result of the reduction or elimination of a duty provided for under the Agreement, a Singaporean article is being imported into the United States in such increased quantities, in absolute terms or relative to domestic production, and under such conditions that imports of the Singaporean article constitute a substantial cause of serious injury or threat thereof to the domestic industry producing an article that is like, or directly competitive with, the imported article.

(c) APPLICABLE PROVISIONS.—The following provisions of section 202 of the Trade Act of 1974 (19 U.S.C. 2252) apply with respect to any investigation initiated under subsection (b):

(1) Paragraphs (1)(B) and (3) of subsection (b).

(2) Subsection (c).

(3) Subsection (d).

(4) Subsection (i).

(d) ARTICLES EXEMPT FROM INVESTIGATION.—No investigation may be initiated under this section with respect to any Singaporean article if, after the date that the Agreement enters into force, import relief has been provided with respect to that Singaporean article under—

(1) this subtitle;

(2) subtitle B;

(3) chapter 1 of title II of the Trade Act of 1974;

(4) article 6 of the Agreement on Textiles and Clothing referred to in section 101(d)(4) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(4)); or

(5) article 5 of the Agreement on Agriculture referred to in section 101(d)(2) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(2)).

SEC. 312. COMMISSION ACTION ON PETITION.

(a) DETERMINATION.—Not later than 120 days (180 days if critical circumstances have been alleged) after the date on which an investigation is initiated under section 311(b) with respect to a petition, the Commission shall make the determination required under that section.

(b) APPLICABLE PROVISIONS.—For purposes of this subtitle, the provisions of paragraphs (1), (2), and (3) of section 330(d) of the Tariff Act of 1930 (19 U.S.C. 1330(d) (1), (2), and (3)) shall be applied with respect to determinations and findings made under this section as if such determinations and findings were made under section 202 of the Trade Act of 1974 (19 U.S.C. 2252).

(c) ADDITIONAL FINDING AND RECOMMENDATION IF DETERMINATION AFFIRMATIVE.—If the determination made by the Commission under subsection (a) with respect to imports of an article is affirmative, or if the President may consider a determination of the Commission to be an affirmative determination as provided for under paragraph (1) of section 330(d) of the Tariff Act of 1930 (19 U.S.C. 1330(d)), the Commission shall find, and recommend to the President in the report required under subsection (d), the amount of import relief that is necessary to remedy or prevent the injury found by the Commission in the determination and to facilitate the efforts of the domestic industry to make a positive adjustment to import competition. The import relief recommended by the Commission under this subsection shall be limited to the relief described in section 313(c). Only those members of the Commission who voted in the affirmative under subsection (a) are eligible to vote on the proposed action to remedy or prevent the injury found by the Commission. Members of the Commission who did not vote in the affirmative may submit, in the report required under subsection (d), separate views regarding what action, if any, should be taken to remedy or prevent the injury.

(d) REPORT TO PRESIDENT.—Not later than the date that is 30 days after the date on

which a determination is made under subsection (a) with respect to an investigation, the Commission shall submit to the President a report that includes—

(1) the determination made under subsection (a) and an explanation of the basis for the determination;

(2) if the determination under subsection (a) is affirmative, any findings and recommendations for import relief made under subsection (c) and an explanation of the basis for each recommendation; and

(3) any dissenting or separate views by members of the Commission regarding the determination and recommendation referred to in paragraphs (1) and (2).

(e) PUBLIC NOTICE.—Upon submitting a report to the President under subsection (d), the Commission shall promptly make public such report (with the exception of information which the Commission determines to be confidential) and shall cause a summary thereof to be published in the Federal Register.

SEC. 313. PROVISION OF RELIEF.

(a) IN GENERAL.—Not later than the date that is 30 days after the date on which the President receives the report of the Commission in which the Commission's determination under section 312(a) is affirmative, or which contains a determination under section 312(a) that the President considers to be affirmative under paragraph (1) of section 330(d) of the Tariff Act of 1930 (19 U.S.C. 1330(d)(1)), the President, subject to subsection (b), shall provide relief from imports of the article that is the subject of such determination to the extent that the President determines necessary to remedy or prevent the injury found by the Commission and to facilitate the efforts of the domestic industry to make a positive adjustment to import competition.

(b) EXCEPTION.—The President is not required to provide import relief under this section if the President determines that the provision of the import relief will not provide greater economic and social benefits than costs.

(c) NATURE OF RELIEF.—

(1) IN GENERAL.—The import relief (including provisional relief) that the President is authorized to provide under this section with respect to imports of an article is as follows:

(A) The suspension of any further reduction provided for under Annex 2B of the Agreement in the duty imposed on such article.

(B) An increase in the rate of duty imposed on such article to a level that does not exceed the lesser of—

(i) the column 1 general rate of duty imposed under the HTS on like articles at the time the import relief is provided; or

(ii) the column 1 general rate of duty imposed under the HTS on like articles on the day before the date on which the Agreement enters into force.

(C) In the case of a duty applied on a seasonal basis to such article, an increase in the rate of duty imposed on the article to a level that does not exceed the lesser of—

(i) the column 1 general rate of duty imposed under the HTS on like articles for the immediately preceding corresponding season; or

(ii) the column 1 general rate of duty imposed under the HTS on like articles on the day before the date on which the Agreement enters into force.

(2) PROGRESSIVE LIBERALIZATION.—If the period for which import relief is provided under this section is greater than 1 year, the President shall provide for the progressive liberalization (described in article 7.28 of the Agreement) of such relief at regular intervals during the period of its application.

(d) PERIOD OF RELIEF.—

(1) IN GENERAL.—Subject to paragraph (2), the import relief that the President is authorized to provide under this section may not exceed 2 years.

(2) EXTENSION.—

(A) IN GENERAL.—Subject to subparagraph (C), the President, after receiving an affirmative determination from the Commission under subparagraph (B), may extend the effective period of any import relief provided under this section if the President determines that—

(i) the import relief continues to be necessary to prevent or remedy serious injury and to facilitate adjustment; and

(ii) there is evidence that the industry is making a positive adjustment to import competition.

(B) ACTION BY COMMISSION.—

(i) Upon a petition on behalf of the industry concerned, filed with the Commission not earlier than the date which is 9 months, and not later than the date which is 6 months, before the date on which any action taken under subsection (a) is to terminate, the Commission shall conduct an investigation to determine whether action under this section continues to be necessary to remedy or prevent serious injury and whether there is evidence that the industry is making a positive adjustment to import competition.

(ii) The Commission shall publish notice of the commencement of any proceeding under this subparagraph in the Federal Register and shall, within a reasonable time thereafter, hold a public hearing at which the Commission shall afford interested parties and consumers an opportunity to be present, to present evidence, and to respond to the presentations of other parties and consumers, and otherwise to be heard.

(iii) The Commission shall transmit to the President a report on its investigation and determination under this subparagraph not later than 60 days before the action under subsection (a) is to terminate, unless the President specifies a different date.

(C) PERIOD OF IMPORT RELIEF.—The effective period of any import relief imposed under this section, including any extensions thereof, may not, in the aggregate, exceed 4 years.

(e) RATE AFTER TERMINATION OF IMPORT RELIEF.—When import relief under this section is terminated with respect to an article, the rate of duty on that article shall be the rate that would have been in effect, but for the provision of such relief, on the date the relief terminates.

(f) ARTICLES EXEMPT FROM RELIEF.—No import relief may be provided under this section on any article that has been subject to import relief, after the entry into force of the Agreement, under—

(1) this subtitle;

(2) subtitle B;

(3) chapter 1 of title II of the Trade Act of 1974;

(4) article 6 of the Agreement on Textiles and Clothing referred to in section 101(d)(4) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(4)); or

(5) article 5 of the Agreement on Agriculture referred to in section 101(d)(2) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(2)).

SEC. 314. TERMINATION OF RELIEF AUTHORITY.

(a) GENERAL RULE.—No import relief may be provided under this subtitle after the date that is 10 years after the date on which the Agreement enters into force.

(b) EXCEPTION.—Import relief may be provided under this subtitle in the case of a Singaporean article after the date on which such relief would, but for this subsection, terminate under subsection (a), if the President determines that Singapore has consented to such relief.

SEC. 315. COMPENSATION AUTHORITY.

For purposes of section 123 of the Trade Act of 1974 (19 U.S.C. 2133), any import relief provided by the President under section 313 shall be treated as action taken under chapter 1 of title II of such Act.

SEC. 316. CONFIDENTIAL BUSINESS INFORMATION.

Section 202(a)(8) of the Trade Act of 1974 (19 U.S.C. 2252(a)(8)) is amended in the first sentence—

(1) by striking ''and''; and

(2) by inserting before the period at the end '', and title III of the United States-Singapore Free Trade Agreement Implementation Act''.

Subtitle B—Textile and Apparel Safeguard Measures

SEC. 321. COMMENCEMENT OF ACTION FOR RELIEF.

(a) IN GENERAL.—A request under this subtitle for the purpose of adjusting to the obligations of the United States under the Agreement may be filed with the President by an interested party. Upon the filing of a request, the President shall review the request to determine, from information presented in the request, whether to commence consideration of the request.

(b) PUBLICATION OF REQUEST.—If the President determines that the request under subsection (a) provides the information necessary for the request to be considered, the President shall cause to be published in the Federal Register a notice of commencement of consideration of the request, and notice seeking public comments regarding the request. The notice shall include the request and the dates by which comments and rebuttals must be received.

SEC. 322. DETERMINATION AND PROVISION OF RELIEF.

(a) DETERMINATION.—

(1) IN GENERAL.—Pursuant to a request made by an interested party, the President shall determine whether, as a result of the reduction or elimination of a duty under the Agreement, a Singaporean textile or apparel article is being imported into the United States in such increased quantities, in absolute terms or relative to the domestic market for that article, and under such conditions that imports of the article constitute a substantial cause of serious damage, or actual threat thereof, to a domestic industry producing an article that is like, or directly competitive with, the imported article.

(2) SERIOUS DAMAGE.—In making a determination under paragraph (1), the President—

(A) shall examine the effect of increased imports on the domestic industry, as reflected in changes in such relevant economic factors as output, productivity, utilization of capacity, inventories, market share, exports, wages, employment, domestic prices, profits, and investment, none of which is necessarily decisive; and

(B) shall not consider changes in technology or consumer preference as factors supporting a determination of serious damage or actual threat thereof.

(3) SUBSTANTIAL CAUSE.—For purposes of this subsection, the term ''substantial cause'' means a cause that is important and not less than any other cause.

(b) PROVISION OF RELIEF.—

(1) IN GENERAL.—If a determination under subsection (a) is affirmative, the President may provide relief from imports of the article that is the subject of such determination, as described in paragraph (2), to the extent that the President determines necessary to remedy or prevent the serious damage and to facilitate adjustment by the domestic industry.

(2) NATURE OF RELIEF.—The relief that the President is authorized to provide under this subsection with respect to imports of an article is—

(A) the suspension of any further reduction provided for under Annex 2B of the Agreement in the duty imposed on the article; or

(B) an increase in the rate of duty imposed on the article to a level that does not exceed the lesser of—

(i) the column 1 general rate of duty imposed under the HTS on like articles at the time the import relief is provided; or

(ii) the column 1 general rate of duty imposed under the HTS on like articles on the day before the date on which the Agreement enters into force.

SEC. 323. PERIOD OF RELIEF.

(a) IN GENERAL.—Subject to subsection (b), the import relief that the President is authorized to provide under section 322 may not exceed 2 years.

(b) EXTENSION.—

(1) IN GENERAL.—Subject to paragraph (2), the President may extend the effective period of any import relief provided under this subtitle if the President determines that—

(A) the import relief continues to be necessary to remedy or prevent serious damage and to facilitate adjustment; and

(B) there is evidence that the industry is making a positive adjustment to import competition.

(2) LIMITATION.—The effective period of any action under this subtitle, including any extensions thereof, may not, in the aggregate, exceed 4 years.

SEC. 324. ARTICLES EXEMPT FROM RELIEF.

The President may not provide import relief under this subtitle with respect to any article if import relief previously has been provided under this subtitle with respect to that article.

SEC. 325. RATE AFTER TERMINATION OF IMPORT RELIEF.

When import relief under this subtitle is terminated with respect to an article, the rate of duty on that article shall be the rate that would have been in effect, but for the provision of such relief, on the date the relief terminates.

SEC. 326. TERMINATION OF RELIEF AUTHORITY.

No import relief may be provided under this subtitle with respect to an article after the date that is 10 years after the date on which the provisions of the Agreement relating to trade in textile and apparel goods take effect pursuant to article 5.10 of the Agreement.

SEC. 327. COMPENSATION AUTHORITY.

For purposes of section 123 of the Trade Act of 1974 (19 U.S.C. 2133), any import relief provided by the President under this subtitle shall be treated as action taken under chapter 1 of title II of such Act.

SEC. 328. BUSINESS CONFIDENTIAL INFORMATION.

The President may not release information which the President considers to be confidential business information unless the party submitting the confidential business information had notice, at the time of submission, that such information would be released by the President, or such party subsequently consents to the release of the information. To the extent business confidential information is provided, a nonconfidential version of the information shall also be provided, in which the business confidential information is summarized or, if necessary, deleted.

Subtitle C—Cases Under Title II of the Trade Act of 1974

SEC. 331. FINDINGS AND ACTION ON GOODS FROM SINGAPORE.

(a) EFFECT OF IMPORTS.—If, in any investigation initiated under chapter 1 of title II of the Trade Act of 1974, the Commission makes an affirmative determination (or a determination which the President may treat as an affirmative determination under such chapter by reason of section 330(d) of the Tariff Act of 1930), the Commission shall also find (and report to the President at the time such injury determination is submitted to the President) whether imports of the article from Singapore are a substantial cause of serious injury or threat thereof.

(b) PRESIDENTIAL DETERMINATION REGARDING SINGAPOREAN IMPORTS.—In determining the nature and extent of action to be taken under chapter 1 of title II of the Trade Act of 1974, the President shall determine whether imports from Singapore are a substantial cause of the serious injury or threat thereof found by the Commission and, if such determination is in the negative, may exclude from such action imports from Singapore.

TITLE IV—TEMPORARY ENTRY OF BUSINESS PERSONS

SEC. 401. NONIMMIGRANT TRADERS AND INVESTORS.

Upon a basis of reciprocity secured by the Agreement, an alien who is a national of Singapore (and any spouse or child (as defined in section 101(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(1)) of such alien, if accompanying or following to join the alien) may, if otherwise eligible for a visa and if otherwise admissible into the United States under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), be considered to be classifiable as a nonimmigrant under section 101(a)(15)(E) of such Act (8 U.S.C. 1101(a)(15)(E)) if entering solely for a purpose specified in clause (i) or (ii) of such section 101(a)(15)(E). For purposes of this section, the term ''national'' has the meaning given such term in Annex 1A of the Agreement.

SEC. 402. NONIMMIGRANT PROFESSIONALS.

Section 214(g)(8) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(8)) is amended—

(1) by amending subparagraph (A) to read as follows:

''(8)(A) The agreements referred to in section 101(a)(15)(H)(i)(b1) are—

''(i) the United States-Chile Free Trade Agreement; and

''(ii) the United States-Singapore Free Trade Agreement.''; and

(2) by amending subparagraph (B)(ii) to read as follows:

''(ii) The annual numerical limitations described in clause (i) shall not exceed—

''(I) 1,400 for nationals of Chile (as defined in article 14.9 of the United States-Chile Free Trade Agreement) for any fiscal year; and

''(II) 5,400 for nationals of Singapore (as defined in Annex 1A of the United States-Singapore Free Trade Agreement) for any fiscal year.''.

The SPEAKER pro tempore. Pursuant to House Resolution 329, the gentleman from Texas (Mr. BRADY) and the gentleman from Michigan (Mr. LEVIN) each will control 50 minutes, and the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) each will control 10 minutes.

The Chair recognizes the gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. Mr. Speaker, I yield myself 3 minutes.

The United States-Singapore Free Trade Agreement marks the first time the United States has entered an agreement with an Asian-Pacific nation of a free trade agreement. Because 99 percent of trade and goods with Singapore is already tariff free, this agreement focuses on removing restrictions on trade in services to the benefit of our massive American service sector, which accounts for around 80 percent of our entire economy. Singapore is the 12th largest trading partner with the United States already, with two-way trade approaching $40 billion last year. The U.S.-Singapore Free Trade Agreement will enhance and strengthen this already strong trade relationship.

Among the benefits of free trade with Singapore are new opportunities for U.S. service providers. U.S. negotiators secured key protections in a framework with minimal carve-outs. Services firms will not only enjoy equal treatment in crossborder supply of services but will gain the right to invest and to establish a local services presence, which is critical to selling American services to Singapore.

The U.S. direct foreign investment in Singapore was $27 billion last year. With this new free trade agreement, we will create a secure and predictable legal framework for U.S. investors operating in Singapore because it will be treated as favorably as local investors who will have access to meaningful dispute settlements. The U.S.-Singapore Free Trade Agreement contains state-of-the-art protections for American intellectual property, which is increasingly vital in the digital age and protects tens of thousands of U.S. workers and creates potential of tens of thousands of new American workers.

Trade in ag products represents a net trade surplus for the United States. Last year American farmers exported around $260 million worth of food products to Singapore. By binding all of its tariffs at zero, Singapore will now open its markets to American ag products and create new opportunities for American farmers to sell our produce to a nation whose small size prevents it from being able to grow enough food for consumption by its citizens. The U.S.-Singapore Free Trade Agreement will serve as the foundation for other possible free trade agreements in Southeast Asia. The free trade agreement establishes standards for trade that mirror U.S. law and sets a precedent for future agreements.

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

Mr. LEVIN. Mr. Speaker, I yield 25 of our 50 minutes to the gentleman from California (Mr. STARK) for the purposes of yielding time.

The SPEAKER pro tempore. Without objection, the gentleman from California (Mr. STARK) will control 25 minutes.

There was no objection.

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

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

I rise once again in opposition this time to H.R. 2739, the United States-Singapore Free Trade Agreement Implementation Act.

It is not bad enough that we trash workers' rights in Chile. We might as well do two of them at once and trash any hope for workers' rights in Singapore.

I am happy to note that organized labor in the United States opposes the Singapore, as well as the Chile, Free Trade Agreement. The International Brotherhood of Teamsters, the AFL–CIO, the International Brotherhood of Boilermakers, the International Brotherhood of Electrical Workers, the United Auto Workers, United Steelworkers of American, Unite! the Needle Trades Union, and the Machinists Union have all informed us of their opposition to both the Singapore and Chile free trade agreements.

If we are at all interested in protecting workers' rights around the globe, then we must oppose this piece of legislation. In Singapore in particular, a one-party dictatorship has consistently suppressed workers' rights just as they are being suppressed in Cuba, China, Liberia, Haiti, Pakistan, and many other areas of the world; and we are not doing anything about that. And we do set a standard which might very well be followed in Central America as we proceed into that free trade agreement later this year.

This agreement fails the test for acceptable labor rights provisions and trade agreements most miserably, and nowhere is it near the standard we set in the U.S.-Jordan Free Trade Agreement. It does not require Singapore to adopt even the most basic ILO standards for workers' rights. Singapore claims to uphold the ILO core standards; yet our U.S. negotiators have not obligated Singapore even to its hollow claims. Meanwhile, workers' rights are being trampled on.

The State Department outlines the numerous violations in its ''2002 Human Rights Report,'' stating that ''there were no laws or regulations on minimum wages or unemployment compensation,'' and their report goes on to say that there was a prohibition on strikes by workers in the water, gas and electricity sectors; and for the workers that can strike, there were no specific laws that prohibited retaliation against strikers, allowing corporations to apply virtually any tactic they choose to break up a strike.

I realize that the majority would like to see labor standards in this country returned to those conditions that we had in this country in the early part of the 20th century; but it is not going to work, and it is obscene to think that we will turn our backs on the poorest workers in poor nations across the globe where we are exporting jobs from our American workers. Even if this free trade agreement included the ILO core labor standards, it would be toothless. The agreement fails to provide the same enforcement mechanisms for labor violations as it provides for commercial violations; so if one disobeys the rights on patents or copyrights, they will be severely punished; but if they torture our shoot or otherwise bother workers, there is no retaliation. Once again, the administration chooses to relegate labor to a substandard class.

Under the Singapore agreement once a determination of the labor violation has been made, the first course of action is a fine which is capped at $15 million annually, a mere slap on the wrist. The negotiated course of enforcement pales in comparison to the sanctions that are available to protect our industries. The rich in this country get protected by this administration. Working people around the world are ignored. And without binding labor rights provisions, governments around the world will continue to trample on workers with impunity.

It is for this reason that I must strenuously oppose the U.S.-Singapore Free Trade Agreement and urge my colleagues to join me.

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

Mr. BRADY of Texas. Mr. Speaker, I yield the balance of my time and the ability to subdivide as necessary to the gentleman from Illinois (Mr. CRANE), chairman of the Trade Subcommittee and one of the leading voices of trade in Congress.

Mr. STARK. Mr. Speaker, I ask unanimous consent to yield the balance of my time to the gentleman from Washington (Mr. MCDERMOTT) for the purpose of yielding time.

The SPEAKER pro tempore. Without objection, the gentleman from Washington (Mr. MCDERMOTT) will control the balance of the time allotted to the gentleman from California (Mr. STARK).

There was no objection.

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

Mr. Speaker, I rise today to express my strong support for H.R. 2739, a bill which will implement the U.S.-Singapore Free Trade Agreement that was concluded between the United States and Singapore in January of this year. The U.S.-Singapore Free Trade Agreement is, along with the U.S.-Chile Free Trade Agreement, a watershed in U.S. trade policy. These are the first FTAs to be considered by Congress since the passage of the U.S.-Jordan FTA in 2001 and the first to be considered under Fast Track procedures established as part of last year's landmark bipartisan trade promotion authority since the passage of the North American Free Trade Agreement almost 10 years ago.

The fact that this agreement is one of the first to be considered under TPA authority, however, is not only the first for the U.S.-Singapore agreement. The U.S.-Singapore FTA, along with the U.S.-Chile FTA, is one of the first agreements of its kind, laying the groundwork and establishing high benchmarks for future trade agreements. For example, in the area of investment, the U.S.-Singapore FTA makes improvements to NAFTA chapter 11 model called for in TPA by providing more transparency, greater public input in the dispute resolutions process, and mechanisms to improve the investor-state process by eliminating frivolous claims.

The agreement is also groundbreaking in the area of intellectual property rights, providing new WTO plus state-of-the-art protections for U.S. patents and trade secrets and for digital products such as U.S. software, music, text, and videos. Enforcement of intellectual property rights is also enhanced and strengthened under this agreement.

I am also pleased that Singapore, as part of this agreement, has agreed both to permit the importation of certain chewing gums into Singapore and to allow some chewing gums with therapeutic value to be sold without a prescription in Singapore pharmacies. This issue may seem small to us, but it is a big step for them, demonstrating Singapore's commitment to the FTA and its willingness to strengthen its strong trade and economic relationship with the United States.

Mr. Speaker, I believe that this agreement is a win-win agreement for both the United States and Singapore. I urge my colleagues to support the bill and to support the further opening of trade between the United States and Singapore.

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

Mr. MCDERMOTT. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. RYAN).

Mr. RYAN of Ohio. Mr. Speaker, I thank the gentleman for yielding me this time.

It tickles me to sit here and listen to these Members talk about agriculture and opening markets with a subsidized product; and if those of us from the Midwest talk about subsidizing steel, we would be Neanderthals. So I just hope everyone understands the duplicity that is going on here.

We all want trade. We all want to trade with other countries. We all recognize the comparative advantage that certain countries have, and we want to help them lift the standards.

□ 1245

The question we have is why do we put commercial standards at such a high level, and we are taking down the environmental and the labor standards that we have agreed to in the last agreement we had with Jordan?

Now, this is a great example from 1994 after we delinked with China human rights from commercial interests. In 1995 there were some property rights that were in question. McDonald's had a lease problem. Mickey Mouse had an intellectual property and royalties problem, and the United States Government threatened a $1 billion trade sanction to protect Mickey Mouse.

Now, give me a break. But we do not have enough energy and commitment to protect the environmental and the

workplace rights that we have established over the last century in this country.

Now we are saying that this is also going to create jobs, when the NAFTA agreement that we agreed to has lost us 3 million jobs. I was in college in 1992, 1993, 1994; and I remember the NAFTA debate and how the United States Government was going to be a country club. Everyone was going to have a great high-tech job, nobody had to use their hands, we would be able to have flex-time at work, and it was going to be a great society.

Now we are finding out that IBM is sending 3 million high-tech software jobs, computer-design jobs to India, so is Microsoft, so is Oracle, and we wonder why there is not a recovery in this country. The investments, the capital, are going to countries that we are doing trade deals with that have low environmental standards and low labor standards.

It is time to start protecting the jobs here in this country and to start exporting our ideals that we have in this country.

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

Mr. LEVIN. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. DOOLEY).

Mr. DOOLEY of California. Mr. Speaker, I rise in strong support of both the Chilean and the Singapore free trade agreements. I want to compliment Ambassador Zoelick, as well as the gentleman from Michigan (Mr. LEVIN), the gentleman from New York (Mr. RANGEL), the gentleman from California (Mr. THOMAS), and others who played such an important role in ensuring that these agreements are advancing the interests of the U.S. businesses as well as the people they employ.

In the passage of these measures, we are really reaping the benefits that result from the passage of Trade Promotion Authority last year, which gave the United States the ability to maximize its leadership internationally, to ensuring that we can advance a policy of economic engagement that will create additional opportunities for the citizens of this country, and at the same time ensuring that we can facilitate and accelerate the development of economies throughout the world, and, in this case, Chile and Singapore.

These agreements are important because of the enhanced market access that they provide to U.S. farmers as well as many other products that are produced in the United States.

These agreements are also important because they help to strengthen the partnership with the United States and Singapore that ensure that we have a platform in that region of the world that allows us to expand further opportunities. The same case can be made with Chile. With the agreement we have negotiated with Chile, we are once again demonstrating that the United States has a commitment to be a good partner with our friends in South America.

This is going to be important, both in Singapore and Chile, so that we can advance our interests in terms of regional and multilateral trade agreements. We want to continue to build upon these agreements and see progress in the Doha Round of the WTO in order to once again ensure that we can benefit the entire international economy by seeing greater levels of market access.

I am also pleased that we have been able to distinguish that we have to have different approaches in how we advance the issues of labor and the environment and different agreements with different countries. I think the way that we have advanced the issue of ensuring enforcement of domestic labor laws in Chile is appropriate, that we understand that we can invest in the ability and capacity of the government of Chile to enforce their labor laws. That is going to be an important tool in terms of seeing advancement in labor conditions there. We always hold out the tool and the enforcement mechanism of sanctions if we do not see progress.

I think this is an excellent way to achieve the objectives that we all share and seeing the ability of the policy of economic engagement and trade to provide the ability to see greater progress in the improvement of environmental conditions.

Once again, in closing, both the Singapore agreement and the Chilean agreement are very important to the economic welfare of the citizens of the United States and will certainly strengthen the partnership of the United States in two very important regions of the world, in South America as well as Asia.

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

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

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

Mr. STRICKLAND. Mr. Speaker, as we debate in this Chamber today, I believe a vast majority of the American people are angry. And why are they angry? They are angry because over the last 3 years, since President Bush came into office, this country has lost approximately 3 million jobs.

I believe the people in this country are skeptical. Why are they skeptical? Because there is a disconnect between what so many of us say and what we do, a disconnect between rhetoric and reality. We talk about how these trade deals will result in additional exports and conveniently forget to talk about the imports that will flood our markets as a result of what we do in this Chamber.

The American people are puzzled. They are puzzled because they think we are United States Representatives, that our first obligation ought to be to the American people, to the American worker, the American company, the American community; and yet we hear so much talk about what this will do to help the citizens of Singapore or Chile.

Well, you know, I am concerned about those citizens; but our first obligation is right here at home. This agreement will result in jobs being sent out of the country and workers being brought into the country. Under this agreement, 5,400 workers from Singapore can come into this country every year, every year, with a visa that will be forever renewable. That means that in 10 years we can have 54,000 people from Singapore here in our country taking jobs that ought to be held by American citizens, by the people we are obligated to be representing.

I do not know what it is going to take to cause this Congress to come to its senses. Vote ''no'' on this unwise trade deal.

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

Mr. LEVIN. Mr. Speaker, it is my privilege to yield 4 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I thank my friend from Michigan (Mr. LEVIN) for his leadership on these issues.

Mr. Speaker, I want to speak both to the Chile and Singapore Free Trade Agreements. With regard to Chile, this is going to level the trade playing field for U.S. companies and workers. Chile's uniform tariff of 6 percent will be immediately removed for more than 85 percent of all U.S. exports, and the remaining tariff is going to be phased out. By contrast, 65 percent, two-thirds of Chile's exports to the United States are already duty free, and there is an average of one-half of one percent tariff on those goods that face any duty.

But the problem with Chile has been that, while the U.S. has spent years debating Trade Promotion Authority, Chile has been busy striking free trade deals with Canada, Brazil, Argentina, Mexico, and the European Union. Because of these agreements, the U.S., which was once the dominant market for Chile's foreign trade, has seen its share of the Chilean market drop by one-third since 1997, and its bilateral trade agreement has reversed from surplus to deficit.

Equally important, this is going to promote broader U.S. foreign policy goals in the Americas. Because Chile is one of the most stable, transparent and wealthy South American nations, it boasts impressive labor and environmental standards. We are also going to have the opportunity to further exercise our world leadership role by actively promoting democracy, civil rules of law, and human rights.

With regard to Singapore, again, this should be a no-brainer for the Congress. Singapore is our 11th largest trading partner. It is renowned for its world-class infrastructure and very well-educated workforce. In my congressional district, for example, and there are many such suburban technology-oriented districts like mine

across the country, it is going to have a very significant positive impact for the high-tech community.

High-technology trade between the United States and Singapore represents about half of the total two-way trade. In 2002, the U.S. exported nearly $6 billion in high-tech goods to Singapore.

The technology sector is the largest merchandise exporter in the United States, and that is the sector that is going to benefit most from the free trade agreement with Singapore.

With respect to intellectual property rights, the U.S.-Singapore Free Trade Agreement contains protections to ensure that a rich, diverse, and competitive marketplace will be maintained throughout Asia. Singapore is our key gateway to the rest of Asia; so it is very important that they are going to grant our inventors, our writers, our artists, our business people strong enforceable property rights over the fruits of their creations.

It establishes standards of protection that are consistent with U.S. law and requires that those protections be effectively enforced. Each party has to protect copyrights, trademarks, and patents against the illegal manufacture, import and export of pirated goods. It is terribly important. This is the right thing in promoting long-term economic growth for the United States and for Singapore and for this entire region of the world.

So both with respect to Chile and Singapore, these are major advancements. This is the right thing to do for our economy, and for our foreign policy and I trust that these agreements are going to pass overwhelmingly.

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

Mr. CRANE. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. THOMAS), our distinguished chairman of the Committee on Ways and Means, for a colloquy with our other distinguished colleague, the gentleman from Pennsylvania (Mr. ENGLISH).

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

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

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

Mr. Speaker, as we have studied this treaty, and as I have talked to people in northwestern Pennsylvania who have had an interest in the results of this trade agreement, I have heard concerns regarding the so-called integrated sourcing initiative. Is it true that this provision can be used to openly transship products from China to the United States duty free?

Mr. THOMAS. Mr. Speaker, reclaiming my time, the short answer can be quickly dealt with, but I think a longer one is necessary for people to fully appreciate.

The integrated sourcing initiative, or the ISI, the products on this list currently have no duty or restrictions when they enter the United States, regardless of where they come from or what country they pass through. The Singapore agreement identifies these goods and deems them to be of Singaporean origin for certain carefully delineated, limited purposes when they do move through Singapore for the administrative convenience of businesses and our own Customs Service. However, they are still considered of third-country origin for purposes of applying the global safeguard.

Many people are alarmed by, I think, the word ''transshipment,'' because they think it would be an illegal movement or smuggling of goods. But that is simply not true here. These are legal goods that under current law can enter the U.S. without restriction. In this case, the Chinese goods on the ISI list could come directly to the United States without duty or restriction currently. So what difference does it make if it goes through Singapore or any number of other countries along the way?

I have heard concerns from Members about the nature and impact of this provision. As a result, I think it is prudent to ask the International Trade Commission to monitor Singapore trade in certain ISI goods and associated downstream products. If there is a significant change in the level of trade, the commission then will be asked to investigate further and report to us.

Frankly, I do not anticipate significant changes in trade in these goods as a result of the ISI provisions, but I do not think it does any harm to monitor it either. This provision makes it marginally easier on businesses, but I do not believe enough to change trade flows very much. But I want to underscore, notwithstanding that, I think it is prudent to monitor.

□ 1300

Mr. ENGLISH. Mr. Speaker, that is most reassuring.

On another point, if the gentleman will continue to yield, reading the proposal that is before us, can the administration add products to the ISI list as it sees fit without congressional approval and oversight?

Mr. THOMAS. Mr. Speaker, reclaiming my time, in the measure before us the very short and direct answer is ''no.'' Whatever may have occurred in the process of developing this legislation or whatever was a desired result really is the past.

The measure in front of us says the list that is in this bill is the list, period. If Congress wants to address it, if Congress wants to expand or shrink the list, that is within the congressional prerogative. No other group, administration or otherwise, can change the list. Of course, the administration could be offering a proposal to Congress to consider, but it will be Congress' decision to modify the list that is in front of us in this bill.

Mr. ENGLISH. Mr. Speaker, if the gentleman will again yield, I want to thank the chairman for clarifying these points. Let me say that having participated in the process of vetting these two treaties, I believe they have been examined with a fine degree of concern, particularly for their impact on the manufacturing and agricultural sectors.

I feel very strongly that what we have here is the best kind of treaty that we can have to expand our economy, open up markets, and allow for trade on a very fair and balanced basis, with transparency and provisions that are very clearly enforceable.

So I want to thank the gentleman for his comments and add my voice to the long list of those who are urging that these two agreements be passed to create opportunities, to create good-paying American jobs, and to promote healthy trade relationships with two of our better trading partners.

Mr. THOMAS. Mr. Speaker, I want to make it perfectly clear that although that list of items is contained in this bill, which is being handled under the trade promotion authority, the so-called fast track with no amendments, if the administration or a Member introduced a piece of legislation which was to expand or contract that list, it would not be handled under the trade promotion structure; it would be handled as an ordinary piece of legislation, open to amendment and modification.

Mr. ENGLISH. Mr. Speaker, I recognize that as a very important parting shot, because that provides, I think, a greater level of protection and transparency by requiring any changes go through congressional oversight and the full legislative process.

I thank the gentleman for his points of clarification.

Mr. THOMAS. Mr. Speaker, I thank the gentleman for his continued interest in these very important pieces of legislation.

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

Mr. LEVIN. Mr. Speaker, I yield 5 minutes and 15 seconds to the gentleman from Texas (Mr. DOGGETT), a distinguished colleague of mine on the Committee on Ways and Means.

Mr. DOGGETT. Mr. Speaker, I rise to question these agreements, reluctant in support, not because my interest in expanding international commerce has waned over the years, but reluctant because of this Administration's consistent refusal to support a balanced, bipartisan trade policy.

Like most of its foreign policy, the Administration's guiding principle is not moderation, but arrogance. It pursues go-it-alone, one-on-one trade deals like these instead of reforming the structure that would promote more multilateral world trade.

These agreements perhaps represent a perfect fit for this Administration, whose approach toward environmental protection and worker rights ranges from conscious indifference to open hostility, an Administration that apparently views a few attacks on health and safety laws by a foreign multinational investor trading partner as more of a help than a hindrance.

All the hullabaloo that we heard this morning about these agreements is more symbolic than it is real. The economic impact of these agreements is minuscule: less than one-hundredth percent of our gross domestic product for Singapore and less than five-hundredths for Chile. Not much to crow about for an Administration whose trade policy has followed rather crooked twists and turns.

Its enthusiasm for giant subsidies to giant agribusiness corporations impedes and distorts our efforts to expand world commerce. It cannot even permit trading catfish without demanding that the catfish be called something other than ''catfish.''

And, of course, this very day, efforts are under way to deny seniors in America the right to reimport FDA-approved prescriptions from Canada.

Against this backdrop of protection for its buddies, this bill represents the crowning achievement of this Administration in trade, free trade with the important, but tiny, island of Singapore. I am not willing to say ''no'' to this modest achievement, but we should recognize that it speaks more of failure than of success.

As a model for the future, the provisions on investor protection, on workers' rights, on environmental protection are a complete failure. Those provisions are not the result of hard-fought negotiations. In the case of Singapore, for example, that country was willing to accept most anything the United States tendered on these issues. And the Administration requested just as little as possible to justify a pseudo-claim that it cared about these issues.

As a precedent, these agreements deserve just as little respect as this Administration has now shown toward the stronger, but still very flawed, U.S.-Jordan Free Trade Agreement.

Freeing markets is very important, but so is freeing children from sweatshops. In contrast with its willingness to protect catfish farmers, the Administration is indifferent to the lakes in which those fish swim. These agreements do not guarantee that governments have the right to prevent a public nuisance like pollution of our air or water without paying compensation. The Administration is willing to protect special interests from foreign lumber competition, but not the forests that our families enjoy and the wilderness areas that are so important to our global future.

Countries should have the right to insist that electric utilities include devices that reduce air pollution, the right to limit roads into forests, and insist on replanting as a condition to investment. Expanding the investor-state language in these agreements to derivatives, stocks, and bonds raises questions about future demands for post-Enron-type accountability that may well reduce a corporate insider's short-term return on investment, even though the reform increases the security of the public as a whole over the long term. There is a great danger that these agreements will be misconstrued to facilitate challenges to all of these.

Bipartisan support for more international trade has been greatly weakened by this Administration's consistent indifference to meaningfully opening up trade to public participation. More is required than allowing a few hand-picked industry representatives with national security clearances in the back door to review documents. When key decisions are being made behind closed doors, shielded from the press, the public, and watchdog organizations like the Sierra Club, we all lose.

Reacting to its defeat in a Freedom of Information Act lawsuit recently, to force disclosure, the U.S. Trade Representative audaciously began classifying documents, and the Administration issued an Executive Order blocking the public's right to know about what was happening on trade—hardly ''free and open trade'' when it is closed to the people of America, even though our trading partners know what secrets are under way.

How trade affects our water, our food and working families should not be a trade secret. America's most important export—democracy—is weakened by ''star chamber'' trade policies.

It is possible to promote more world trade, economic growth, and opportunity without undermining our environment and facilitating child labor, but only by pursuing a different course. Open government is not inconsistent with opening markets. It is the only path that will ultimately lead to our achieving that goal.

The SPEAKER pro tempore (Mr. LINDER). It is now in order under the rule to move to the Committee on the Judiciary's 20 minutes. It is my understanding the gentleman from Texas (Mr. SMITH) will control 10 minutes for the majority, and the gentlewoman from Texas (Ms. JACKSON-LEE) will control 10 minutes for the minority.

The Chair recognizes the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. Mr. Speaker, I yield 4 minutes to the gentleman from Iowa (Mr. KING), a valued member of the Committee on the Judiciary.

Mr. KING of Iowa. Mr. Speaker, I thank the gentleman from Texas for yielding me this time.

Mr. Speaker, I rise in support of both resolutions, H.R. 2738 and H.R. 2739, the Chilean and Singapore Free Trade Agreements.

The U.S.-Singapore and -Chile agreements will help a wide range of U.S. businesses, including manufacturers, service providers and farmers to get back into the game on international trade. This Free Trade Agreement also raises the bar for the Free Trade Area of the Americas. Implementing the Free Trade Agreement with Chile, the leading economic reformer in Latin America, sends a message to other countries taking part in the Free Trade Agreement negotiations that the U.S. is prepared to improve trade relations with countries that stay on the path of economic reform, free markets, and democracy.

U.S. agriculture needs trade agreements in order to obtain the global market access necessary to expand sales and farm incomes. Since 96 percent of the world's population resides outside the United States, access to foreign markets is essential for the continued growth and viability of U.S. agriculture. Bilateral agreements such as the Singapore and the Chile Free Trade Agreements are essential, because they provide benefits immediately. They help the U.S. keep pace with global competitors who currently have better access than U.S. exporters due to existing preferential trade agreements. This agreement is comprehensive, calling for an eventual duty-free, quota-free access for all products.

I would point out that Adam Smith wrote this in about 1776, that ''if you can buy it cheaper than you can make it, you ought to buy it; if you can make it cheaper than you can buy it, you ought to make it.'' That is what this is about, this Free Trade Agreement.

The Free Trade Agreement for Singapore works to guarantee access for U.S. firms into Singapore's industries, such as express delivery, legal services, financial services, and communications.

Congress, not the U.S. Trade Representative, has plenary power over immigration. I firmly believe that immigration policy does not belong in free trade agreements.

I thank the U.S. Trade Representative for working with the Committee on the Judiciary to address some of our bipartisan concerns about the Chile and Singapore agreements. As a member of the Committee on the Judiciary, I offered amendments to help fix problematic immigration provisions in the Chile and Singapore trade agreements. I particularly appreciate the cooperation and promise of Ambassador Zoellick that immigration provisions will not be included in future trade agreements.

Many Members have supported trade promotion authority in the past. However, if the U.S. Trade Representative includes immigration provisions in future trade agreements, support for extensions of this authority and of the free trade agreements themselves will be jeopardized. The outcry here in Congress shows that the U.S. Trade Representative cannot garner the necessary support for any future trade agreements containing immigration provisions.

The message is clear: Immigration provisions will not be tolerated in future trade agreements; that is the province of the United States Congress, according to our United States Constitution.

We must step forward and fulfill our constitutional obligations here. We have done so from the Committee on

the Judiciary. I will continue observing these trade agreements as they are negotiated and carried out.

I do appreciate the cooperation of the Trade Representative and also of our chairman, the gentleman from Wisconsin (Mr. SENSENBRENNER), who has led the battle on this issue, and I intend to be part of that team. But I will vote in support of this trade agreement.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I claim the 10 minutes on behalf of the Committee on the Judiciary Democrats, and on behalf of the gentleman from Michigan (Mr. CONYERS), and I yield myself such time as I may consume.

Mr. Speaker, first of all, let me, since we have done two, this is the second trade bill, acknowledge the hard work of the gentleman from Wisconsin (Chairman SENSENBRENNER) and the gentleman from Michigan (Ranking Member CONYERS) on one of the key elements of dissension in this legislation, and that, of course, is the fact of immigration policy on a trade bill.

We are familiar with the concept of legislating on appropriations bills. Many of our colleagues and many of us, might I say, attempt on many occasions to try and find ways to instruct this Congress as it relates to appropriations bills in terms of policy; and we suggest that there is a nexus in spending money and policy.

Well, frankly, the nexus that the USTR has tried to create between a trade bill and immigration policy is a bogus one and inappropriate. Might I cite for my colleagues again, Mr. Speaker, the constitutional clause that under article I, section 8, clause 4 of the Constitution provides that Congress shall have the power to establish a uniform rule of naturalization. The Supreme Court has long found that this provision of the Constitution grants Congress plenary power over immigration policies.

□ 1315

Statutory law and legislative law suggests the same.

Now, let me say that I am a friend of Singapore, as well as a friend of Chile, and believe that we should created and enhance friendships. We are an equal trading partner with Singapore. But I also believe we have not established the necessity for Fast Track Authorization, which from my perspective again violates some of the authority of Congress.

The commerce clause, or commerce, is adjudged by the Constitution so it is a power constitutionally provided for and should be respected. But the question is are we adhering to the Constitution by protecting the interests of the American people? Do we have a clause in this trade bill that requires employers to attest that they cannot find anyone to do the job, that they are now providing a visa, both in Chile and Singapore, for those individuals to come to the United States? Are they attesting to the fact that they need to have this visa perpetual, no end to it?

The H1–B visas had an end, a 3-year term; and it could be renewed. We were not even allowed to put a cap, nor were we allowed to direct the visa fees that would come from these perpetual visas to be able to help bring down the overload of the costs of processing visas throughout the word.

So what happens? Medical institutions are penalized, like the Texas Medical Center, because they cannot get their researchers here to do good work, researchers from around the world because of the clogging of the system. Who else is hurt? Peoples lives are lost. Why? Because those who are patients of American doctors who are trying to come back for treatment are backlogged because we cannot get visas because of the backlogged system. But yet the U.S. Trade Representative would not even tolerate that kind of discussion. Further, the U.S. Trade Representative staff, thereby him, would not even engage in negotiations around these very issues that might have made this palatable.

As I close, Mr. Speaker, let me simply say that we can see jobs leaving now. IBM, Microsoft, Oracle sending 3 million jobs overseas as we speak. There is a 6.4 million unemployment. It may be rising. This is not an appropriate time, even with our friends, to suggest that we should have Fast Track Authority and overlook the economic crisis that is in the United States today.

I close by simply saying that the real angst of this bill is for us to accept the abdication, if you will, of congressional power on immigration laws. I will not do so, and on behalf of the American people I will not do so.

I will begin by saying that I value the trade relations that the United States has with Singapore. Singapore is America's largest trading partner in Southeast Asia with two-way trade of $31 billion and a United States bilateral merchandise trade surplus in 2002 of $1.4 billion. Singapore is the 11th largest export market for the United States with $16.2 billion in merchandise exports in 2002. It is the 16th largest source for goods imported into the United States with $14.8 billion in 2002. The United States is Singapore's second largest trading partner. I support trade with Singapore.

My concern is with the details of the trade agreement. The U.S. Trade Representative (USTR) should not have included immigration provisions in the Singapore Free Trade Agreement. The negotiating objectives that Congress laid out for the USTR in Trade Protection Act of 2002 (TPA) do not include a single work on temporary entry into the United States. There is no specific authority in the TPA to negotiate new visa categories or to impose new requirements on our temporary entry system, yet that is exactly what USTR has done in the Singapore Free Trade Agreement.

The inclusion of immigration provisions overstepped the bounds of the USTR and usurped the jurisdiction of the Congress. Article I, section 8, clause 4 of the Constitution provides that Congress shall have the power to establish a uniform Rule of Naturalization. The Supreme Court has long found that this provision of the Constitution grants Congress plenary power over immigration policy. The Court has found that the formulation of policies [pertain to the entry of aliens and their rights to remain here] is entrusted exclusively to Congress has become firmly embedded in the legislation and judicial tissues of our body politics as any aspect of our government. Nonetheless, the Administration has negotiated a new visa program in the Singapore Free Trade Agreement; usurping Congress' clear constitutional role in creating immigration law.

The Singapore Free Trade Agreement creates a new visa classification for the temporary admission of nonimmigrant professionals that is similar in many respects to the existing H–1B nonimmigrant classification. The new nonimmigrant visa classification, however, would differ from the existing H–1B program in significant ways.

The provisions for the new nonimmigrant visa permit an unlimited number of extensions in 1-year increments. This makes it possible for a foreign employee entering the country on a supposedly temporary basis at the age of 22 to remain until he is ready to retire at the age of 70. In effect, this gives American employers the option of keeping permanent workers in a temporary legal status. In contract, under the H–1B program, workers are granted a three-year visa that can be extended only once. A single three-year extension is available.

The Labor Certification Attestation is one of the few safeguards we have in our H–1B system for ensuring that employers do not abuse temporary workers to undermine the domestic labor market. The implementing legislation contains some, but not all, of the attestation requirements that apply in our H–1B program.

The implementing legislation completely omits the category of H–1B dependent employers and the additional attestation requirements that apply to them. H–1B dependent employers are required to attest that new entrants will not displace American workers and demonstrate that they have tried to recruit American workers. The implementing legislation should have a similar provision.

In addition, the H–1B program authorizes the Secretary of Labor to initiate her own investigations and enforcement proceedings based on credible information that an employer is violating the rules of the H–1B program. No such authority is granted to the Secretary in the Singapore agreement's implementing legislation.

The Singapore Free Trade Agreement requires permanent changes to our immigration system, but for now these changes are limited to two countries. Unfortunately, we may see these programs expanded to dozens of additional countries in future Free Trade Agreements. The administration is currently negotiating additional Free Trade Agreements with Australia, Morocco, five countries in Southern Africa, five countries in Central America, and the 34 countries of the Western Hemisphere.

Immigration policy is a sensitive, political matter. Changes in immigration law traditionally have been the result of intense, open negotiations between workers, employers, immigration advocates, and Members of Congress. These issues simple do not belong in fast-tracked trade agreements negotiated by executive agencies. Because the legislation is

being fast-tracked, Congress does not have the power to amend it. We have to vote on it as written with no power to make any changes.

If amendments had been permitted, I would have offered one to put a limit on renewals. My amendment would have permitted no more than 8 one-year renewals of the nonimmigrant status. That would have permitted a 9-year period, which would be 50 percent longer than is allowed for employees who are here with H–1B status.

I also would have offered an amendment that would have used part of the fees generated by the new visa classification for accelerating the processing of nonimmigrant visas by the State Department's consulate offices. Delays in processing nonimmigrant visas are causing difficulty to people coming to the United States for medical treatment, to do important research, or for any of a number of other urgent reasons.

I urge you to vote against the U.S.-Singapore Trade Agreement Implementation Act, H.R. 2739.

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

Mr. SMITH of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. STEARNS).

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

Mr. STEARNS. Mr. Speaker, I rise in support of the Singapore Free Trade Agreement. As many of my colleagues know, I support free trade. I believe it must be fair trade. I voted in the past for some of these agreements, but this one I think is very good with Singapore and Chile.

The free trade agreements under consideration today represent a significant step towards the goal of open and nondiscriminatory international markets for services and e-commerce. The agreements contain commitments from both Singapore and Chile for substantial market access across nearly all of their service sector including banking, insurance, telecommunication, computer and related services, energy, direct selling, tourism, professional services, and even express delivery services.

This is a significant departure from trade agreements in the past, as all our service sectors are open and the few exceptions are memorialized in what is called a ''negative list.'' Moreover, the market access and nondiscrimination commitment are bolstered by strong and detailed regulatory transparency requirements, a first in trade agreements. Regulatory transparency is very important to many service industries as they are subject to government regulation. Lack of such transparency and regulatory uncertainty are nontariff barriers that impede trade and services.

The Chile and Singapore agreements, in my mind, provide for commitments that have been missing in past agreements. In the area of services, the commitments are regarding telecommunications, intellectual property protection, and in electronic commerce and digital products. We have what I see as fair and nondiscriminatory treatment with regard to both cross-border trade in services and the right to invest in and establish local services.

Finally, Mr. Speaker, I would like to mention that Singapore has been a staunch ally with the United States on our war on terrorism. In December 2001, Singapore authorities were successful in foiling a potential terrorist attack on Western targets by an organization linked to al Qaeda. And today Singapore civilian police are working with us in Iraq to train the new Iraqi police force. In fact, within this first week, Singapore police trained 90 new recruits to assist in bringing and maintaining security and order to the Iraqi people.

Mr. Speaker, we already have a strong partnership with Singapore, and the agreement before us will further strengthen that partnership while providing excellent opportunities for U.S. businesses.

I rise in support of the Singapore Free Trade Agreement. As many of my colleagues know, while I support free trade, I believe it must be fair trade. I have voted, in the past, against those trade agreements that I felt were detrimental to our agriculture, textile, and manufacturing base and I stand behind those previous votes.

Though international trade is increasingly becoming an important component of our domestic economy, we must remain concerned with the consequences of some of these agreements. In a recent article, I spoke to the fact that over the past decade, the trade deficit of the United States has steadily risen. In 2002, the trade imbalance reached an all-time high of $435 billion—a $100 billion increase over the 2001 deficit.

Having said that, one area of trade in which the U.S. is, in fact, benefiting is the trade in services. America ran a record high surplus in services of $69.8 billion in 2001, although that surplus shrank to $44.7 billion in 2002. Another bright spot in our balance of trade calculus is the steadily increasing international e-commerce, which holds particular promise for U.S. companies. The Information Technology Industry Council projected that between 1999 and 2003 the market for electronically distributed software alone will grow from $0.5 billion to $15 billion.

The importance of the service industries to the U.S. economy today cannot be over stated. The U.S. economy is a service economy where better than ⅔ of our GDP is composed of services output. Just over ¾ of our employment base is provided by the service industries. There is also little argument that many aspects of our Nation's economic life is now, to varying degrees, substantially reliant on e-commerce. Recent data shows that e-commerce growth is even outpacing the rosy predictions of the ''dot-com bubble'' period. In 1999, Forester Research Inc. estimated that U.S. e-commerce between businesses would reach a staggering $1.3 trillion by 2003. Today, Forester Research estimates that networked business-to-business transactions stand at $2.4 trillion.

Thus, the service industries and e-commerce are not only key components of our domestic economy, but increasingly trade in services and electronic commerce are becoming growth areas where U.S. firms have a comparative advantage, given open and nondiscriminatory access to other markets.

The FTAs under consideration today, as I noted, represent a significant step forward towards the goal of open and non-discriminatory international markets for services and e-commerce. The Agreements contain commitments from both Singapore and Chile for substantial market access across nearly all their services sectors: including banking, insurance, telecommunications, computer and related services, energy, direct selling, tourism, professional services and even express delivery services. This is a significant departure from trade agreements in the past, as all service sectors are opened up and the few exceptions are memorialized in what is called a ''negative list.'' Moreover, the market access and nondiscrimination commitments are bolstered by strong and detailed regulatory transparency requirements, a first in trade agreements. Regulatory transparency is very important to many service industries as they are subject to government regulation. Lack of such transparency and regulatory uncertainty are nontariff barriers that impede trade in services.

In addition, the Agreements include significant commitments establishing that the principle of non-discrimination applies to products delivered electronically and prohibiting the levying of customs duties on digital products. Furthermore, the Agreements affirm that commitments made relating to services also extend to the provisioning of such services via electronic delivery.

The Chile and Singapore Agreements, in my mind, provide for commitments that have been missing in past agreements. In the area of services, the commitments regarding telecommunications, intellectual property protection, and in electronic commerce and digital products, we have what I see as fair and nondiscriminatory treatment with respect to both cross-border trade in services and the right to invest in and establish local services.

Finally, I would like to mention that Singapore has been a staunch ally with the U.S. in our war on terrorism. In December 2001, Singapore authorities were successful in foiling a potential terrorist attack on western targets by an organization linked to Al-Qaeda. And today, Singapore civilian police are working with us in Iraq to train the new Iraq police force. In fact, within their first week, Singapore police trained 90 new recruits to assist in bringing and maintaining security and order to the Iraqi people.

We already have a strong partnership with Singapore and the agreement before us will further strengthen that partnership while providing excellent opportunities for U.S. businesses.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Illinois (Ms. SCHAKOWSKY), a member of the Committee on Energy and Commerce.

Ms. SCHAKOWSKY. Mr. Speaker, I rise to join my colleagues, concerned Americans, and unions that represent the hard-working people of America in opposition to the U.S.-Chile and U.S.-Singapore Free Trade Agreements.

Like many of my colleagues who stand in opposition today, I long for a trade agreement that I can support because I really believe in the essential

nature of global trade. But I am sick of seeing one after another of these agreements that come before us actually hurting U.S. working men and women; and that is why they are opposed by unions like the Teamsters; the AFL/CIO; the Brotherhood of Boilermakers; electrical workers; auto workers; steel workers; UNITE!, of which I am a proud member; and the Machinists Union.

I want to just list four of the many reasons that I am opposed to these trade agreements. They set a dangerous precedent for the Central American Free Trade Agreement, CAFTA, and the free trade agreement of the Americas. If passed, these agreements will put the United States on record as being indifferent to the gross violations of human labor rights that we know occur every day in Central America.

Two, these trade agreements would not only result in job losses here at home but would do nothing to ensure workplace standards and environmental protections elsewhere. Under the agreements, Chile and Singapore would be allowed to set labor and environmental laws below international standards in order to attract investment.

Three, under the Chile and Singapore trade agreements, corporations in Chile and Singapore would have the right to challenge environmental, health, labor and other public interest measures in this country on the grounds that these protections infringe on their profits. But perhaps most offensive of all to me is that for the first time these agreements will allow for U.S. companies to exploit foreign workers here in the United States. Corporations will no longer have to go overseas to do that. They can do it here.

The agreements create new immigration provisions that allow U.S. corporations to import foreign workers to the U.S. to do blue and white collar jobs here in this country, but do not include prevailing wage requirements and other critical labor rights guarantees. Vote ''no.''

Mr. SMITH of Texas. Mr. Speaker, I yield 1 minute to the gentleman from Colorado Mr. (TANCREDO).

Mr. TANCREDO. Mr. Speaker, I thank the gentleman for yielding me time, especially for his very gracious allowing me to speak in opposition to this bill.

Mr. Speaker, the fact is people keep getting up and saying that we are concerned about immigration provisions in the bill. We have talked to the Trade Representative. They have responded to our issues; and, in fact, the Committee on the Judiciary will act to change one part of this bill that pertained to immigration provisions, but there are still several parts in this bill that are completely unacceptable, and that should never be in there because they are immigration provisions. It allows for L–1's, an unlimited number of L–1's. Okay. What happens when we actually begin to deal with the violation of the L–1 category that is now rampant?

We will be unable to deal with it in terms of Chile and Singapore because it is in the trade agreement that it will not be changed. It cannot be modified. So that is an immigration proposal that is still in this bill. H1–B category visas, what we are saying is that they can be annually renewed as opposed to the present system that requires some degree of attention being paid to renewal. But, as a matter of fact, that is even being ignored significantly. So if we tried to ever reform these categories, if we try to remove them, they will be there forever for these two countries because they are in the trade agreement. And that is the problem with integrating trade agreements and immigration proposals. I am against the two proposals for that reason.

Ms. JACKSON-LEE of Texas. Mr. Speaker, how much time remains on both sides?

The SPEAKER pro tempore (Mr. LINDER). The gentlewoman from Texas has 4½ minutes remaining. The gentleman from Texas (Mr. SMITH) has 3 minutes remaining.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield 2 minutes to the gentlewoman from Indiana (Ms. CARSON).

Ms. CARSON of Indiana. Mr. Speaker, I thank the gentlewoman for yielding me time and for allowing me to address the House on the Chile and Singapore trade agreements, which, in my opinion, represent another attack on American working families. But this administration and people in this House do not understand the abominable effect that trade agreements have on the working people of our country. Neither agreement contains basic labor standards to protect workers' rights, freedom of association, freedom to bargain collectively, freedom from child labor, freedom from forced labor, freedom from discrimination. These agreements contain no labor law enforcement mechanism.

Let me further explain why I am opposed to this bill. Indiana working families and manufacturers simply cannot afford any more trade agreements. I find it unconscionable that the manufacturing industry, Indiana's gift to the American economy in more prosperous times, suffers the indignity of unfair competition from unfair trade agreements negotiated by our own government.

U.S. manufacturing job losses from August 2001 to 2002 numbered 606,000. Indiana lost 16,200 manufacturing jobs in the same period of time; 45,000 manufacturing jobs lost in November 2002. Unemployment in this country, Mr. Speaker, is 3.6 million.

Since NAFTA was enacted 10 years ago, there has been the loss of more than 100,000 jobs in Indiana, all attributed to NAFTA. Trade agreements undermine Indiana's businesses, working families, decent wages, and strong environmental protections that Americans have fought so hard for.

I would urge defeat of this measure.

Mr. SMITH of Texas. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I support the strong intellectual property protections contained in both the Chile and the Singapore trade agreements. These agreements will boost U.S. trade in open markets in both countries. They also set a standard for the protections that should be included in future trade agreements.

In today's global economy, it is becoming increasingly easier for criminals to steal intellectual property. Whether this theft takes the form of pirated music, stolen software, or counterfeited trademarks, it has a severe impact on our industries and on our economy. Intellectual property is one of our Nation's major assets. The United States is a consistent leader in manufacturing high-tech and the creative industries. Strong intellectual property protections both in our law and in our trade agreements are important to ensure our economy continues to flourish.

The intellectual property found in our country is a result of the American creativity. When properly commercialized, these works lead to jobs, profits, and a better quality of life for all Americans. These agreements will enlist international cooperation that respects and protects our intellectual property.

The strong protections in these agreements set a good precedent for future free trade agreements, such as those with Australia and Central America.

Mr. Speaker, I urge my colleagues to support both the Chile and Singapore free trade agreements.

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, how much time remains, please?

The SPEAKER pro tempore. The gentlewoman from Texas (Ms. JACKSON-LEE) has 3 minutes remaining. The gentleman from Texas (Mr. SMITH) has 1½ minutes remaining.

Ms. JACKSON-LEE of Texas. Mr. Speaker, may I inquire if the gentleman has any additional speakers.

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me close by acknowledging the positive aspect of trades bills. They are deals and they help enhance relationships between our friends, and they create vehicles for trade. We recognize that.

□ 1330

There are also constitutional duties that we have in this body, and let it be very clear, this trade bill implodes the constitutional responsibility of this

Congress, and that is to create immigration policies. My greatest respect to the gentleman from Wisconsin (Chairman SENSENBRENNER) and the gentleman from Michigan (Ranking Member CONYERS) for claiming jurisdiction on behalf of the Committee on the Judiciary, but that jurisdiction did not prevail to the extent that we crafted or carved out bad immigration policy.

What do we have, Mr. Speaker? One, we have an unending visa that, in essence, gives citizenship to an individual over others who are standing in line here in the United States. It gives citizenship to those who are here undocumented, working, paying taxes and have been begging to get in line to get their citizenship. It allows an individual to have perpetual citizenship by way of a visa with no capping whatsoever.

In this climate of terrorism and the war against terrorism and the responsibilities of the Homeland Security Department, what protection do we have to prevent individuals not purposely from utilizing and abusing this visa process?

Additionally, in the backdrop of Microsoft and IBM and Oracle sending jobs overseas and high unemployment, we are providing this trade bill under fast track authority. Would it not have been more appropriate if we had been able to negotiate in the backdrop of the economic crisis?

This bill does not require employers to attest to the fact that they need this employee because they do not have American workers. It does not revenue track the visa fees so we can use it to assist our visa officers across the ocean to be able to bring in the researchers, scientific personnel that we really need and, as well, to be able to help those patients who are in line suffering from cancer and other diseases who cannot get here for treatment.

This bill is a bad bill because it should not and cannot pass constitutional muster. This fast track authority is a problem in and of itself, but the United States Trade Representative has chosen to, in essence, enhance the constitutional problems and highlight why fast track is bad because all they are doing is doing a deal. They are not concerned about the responsibilities of this Congress or the obligations to the American people.

I wish the trade representative had been responsive because I believe that Singapore and Chile have great opportunities for us to do trade in a reasonable way that protects labor rights and the environment, and that we actually have a negotiated deal that impacts positively on the American people and the American workforce. Since this bill does not do that and it violates the Constitution, I ask my colleagues to vote against it.

The SPEAKER pro tempore (Mr. LINDER). All time for the Committee on the Judiciary portion has expired.

It is now in order to return to the Committee on Ways and Means portion with the time of the majority controlled by the gentleman from Illinois (Mr. CRANE) and the time of the minority controlled by the gentleman from Washington (Mr. MCDERMOTT) and the gentleman from Michigan (Mr. LEVIN).

Mr. CRANE. Mr. Speaker, I yield 2 minutes to our distinguished colleague, the gentleman from Ohio (Mr. PORTMAN).

Mr. PORTMAN. Mr. Speaker, I thank the chairman for recognizing me. This is a very positive day on the floor of the House. I commend the chairman and his staff for getting us to this point, as well as colleagues on the other side of the aisle and the U.S. Trade Representative.

These are the first two agreements we have been able to take up under so-called fast track authority, trade promotion authority, for the last decade, and particularly the U.S.-Singapore trade agreement has a number of aspects which are very positive for us. This, of course, is a milestone for us. It is the first agreement we have had with an Asian-Pacific nation. It is also an agreement that is in our interests. Two-way trade is now approaching $40 billion with Singapore and making them our 12th largest trading partner. This agreement will enhance that trade and strengthen it.

Ninety-nine percent of the trade in goods with Singapore is already tariff free, so it really is not about goods; it is more about services. And that is great for us because we have a massive service economy in this country. In fact, I am told that our service sector now accounts for about 80 percent of our gross domestic product. So by opening up those markets to services, it helps the United States tremendously.

U.S. direct investment in Singapore was $27 billion in 2001. This will also create a more predictable and secure legal framework for U.S. investors because they now will be treated as if they were local investors and have access to better dispute settlement mechanisms.

We also live in an advanced technological age, Mr. Speaker, and to keep jobs in the United States, we must depend on that. We must have higher technology in order to increase productivity and efficiency and keep jobs here. This agreement is good in that regard, too, because it has state-of-the-art protection for U.S. intellectual property, which is increasingly important in a digital age.

Finally, trade in agriculture is important to us. We have a net surplus, of course, in agriculture trade. In 2002, we exported around $259 million worth of food products to Singapore. By binding all of those tariffs at zero, it helps us, it helps our farmers, it helps open up those markets to our products and, therefore, creates jobs here in the United States.

Overall, again I think this is a good day for us in that we are moving forward with positive agreements. In the Singapore case, I think there are lots of benefits to the United States. I strongly urge my colleagues to support this good, bipartisan trade agreement.

Mr. MCDERMOTT. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. LYNCH).

Mr. LYNCH. Mr. Speaker, it has been about a year since this Congress voted to give the President fast track authority, and now we are seeing the first fruits of that effort, and I must say that for the democratic process and for our constitutional government and for the American workers, this is bitter fruit indeed.

It is sadly ironic that a half a world away we have about a quarter of a million American sons and daughters who are fighting and dying every day to remove a hostile regime both in Iraq and in Afghanistan with the hope and the purpose of bringing democratic rights, individual rights, human rights to the people in those countries. Yet here we are today with an agreement in which the U.S. Trade Representative has the ability to serve the same purpose with the stroke of a pen, and yet the U.S. Trade Representative has chosen not to do that. We have fumbled an opportunity to strike a blow for democracy in these agreements.

We should remember that our trade policy is an essential tool of democracy, and arguably the United States Trade Representative could have accomplished much on our behalf in these agreements, and I think Congress needs to get back into the process.

I think it is instructive that these agreements are very specific, very meaningful, very clearly defined when parties or countries violate the commercial terms of this agreement. However, when labor protections are denied and human rights are denied, the agreements are either silent or vague and unenforceable.

One would think that an administration that has ridden herd on the worst job creation performance of any President in this country since Herbert Hoover, one would think that that President would be reluctant to bring in tens of thousands of foreign workers into this country. One would think that with the jobs lost, 1.3 million jobs lost in the past 2 years, that this administration would be hesitant about adopting this type of agreement.

It is shameful indeed that this administration has not, and I ask my colleagues to vote ''no'' on both the Chile and Singapore trade agreements.

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

Mr. LEVIN. Mr. Speaker, I yield 3 minutes to the gentleman from Louisiana (Mr. JEFFERSON), my distinguished colleague on Ways and Means.

Mr. JEFFERSON. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I rise today in strong support of the U.S.-Singapore FTA, and I urge my colleagues to vote for it.

This is one of the first agreements negotiated under the trade promotion

authority or under the old term ''fast track authority.'' Many of us were concerned that the efforts we made to get labor and environmental guidance in this fast track authority would not be heeded or heeded sufficiently by the administration. I am relieved to know that this is not the case, that this agreement does address, in the way that was intended by this Congress when we passed it, the important issue of labor and environmental concerns, but it also gets to the heart of so many other concerns that I think are most important to our economy.

The U.S.-Singapore FTA is a thorough, comprehensive agreement. It will remove Singaporean restrictions through the importation of a broad range of products and a broad range of services and a broad range of sectors as different as information technology, engineering, environmental services, legal and financial services.

Singapore is already the United States 11th biggest trading partner, with bilateral trade of nearly $40 billion. It has one of the world's most open and dynamic economies. Its port is one of the world's most efficient. Over 1,300 U.S. companies are now doing business in Singapore; some 300 of those have made Singapore their Southeast Asian regional business headquarters, it is such a vibrant area for it.

The U.S.-Singapore FTA will serve as a catalyst, I think, for broader U.S. economic engagement in Southeast Asia. It will also celebrate the progress of a multilateral trade agenda that our country has there.

Singapore has been a stalwart ally of the United States and the war on terrorism. It has worked very closely with us on container security and other important trade initiatives. It is a solid agreement that deserves our strong support, deserves bipartisan support, and I urge my colleagues to vote for it today.

Mr. CRANE. Mr. Speaker, I yield 4 minutes to our distinguished colleague from Arizona (Mr. KOLBE).

Mr. KOLBE. Mr. Speaker, I thank the gentleman for yielding me the time, and I want to commend him and the members of the Committee on Ways and Means for bringing forward these two free trade agreements with Chile and with Singapore and to commend our U.S. Trade Representative, Ambassador Zoellick, for the outstanding work that he has done to get us here.

I think I look on this as a very singular accomplishment for the United States. I remember back a few years ago traveling to Chile shortly after the adoption of the NAFTA agreement and its implementation. I went at the behest of the then-Speaker of the House Mr. Gingrich to talk about trade, and there was so much anticipation and so much excitement about the possibility of a free trade agreement; and I felt confident at that time that we would have what we then called fast track authority and now trade promotion authority for the President so these agreements could be negotiated quickly.

Of course, as we know now, it was not to be, and it has only been in the last year that the President has had this authority. But today, we are seeing for the first time in a decade agreements brought to the floor of the House of Representatives that have been negotiated using this authority of the President.

Today, for the first time, we are seeing the beginning of what I believe will be a very robust period of American trade agreements that will begin to open markets for America around the world and begin to open markets in the United States for other countries as well, to make it possible for other countries to have access to our markets, to make it possible for our consumers to have more choices, to make it possible for American workers to have jobs that can allow for the export of manufactured goods and the export of services as well. That is what these agreements are all about. They are about enhancing the lives of people not only in this country, but around the world.

The Singapore Free Trade Agreement is one that is especially important, I think, to the United States because it marks the first free trade agreement we have with an East Asian country. Ninety-nine percent of all the trade of goods in Singapore is already tariff free, and so this agreement helps us by removing some restrictions on some of the other things we have not had open yet, and that is mostly service.

Singapore, like the United States, even more than the United States, is a tremendously service-oriented economy. There is not a lot of manufacturing, as we know, in Singapore. It is about trading, and it is about services; and opening up that economy to those kinds of services is extraordinarily important. Eighty percent of our GDP depends on those kinds of services.

Singapore, despite its tiny size, is the 12th largest trading partner of the United States. It has a two-way trade in goods and services of nearly $40 billion, and this free trade agreement will enhance and strengthen this trade relationship.

I have already mentioned that there are new opportunities for U.S. service providers. U.S. negotiators in this agreement secured key protections in a framework and had minimal carve-outs, that is, the other side reserved only very small things from the application of the free trade agreement.

Our investment in Singapore was over $27 billion last year. This will create a predictable legal framework that U.S. investors can operate in in Singapore to be sure that they are being treated as favorably as local investors; and they will also have access to meaningful dispute settlements.

Mr. Speaker, one of the very important aspects of this is to have dispute settlements so that when we do have disagreements in our trade, whether it is at services or manufacturing, we can settle these agreements in a fashion that allows trade to move forward. We know all too well what happens when we do not have that kind of opportunity.

Mr. Speaker, I believe that this agreement is in the best interests of the United States and of Singapore and of the world, and I urge its adoption.

Mr. MCDERMOTT. Mr. Speaker, could the Chair kindly tell us the amount of time left for each of us?

The SPEAKER pro tempore. The gentleman from Washington (Mr. MCDERMOTT) has 14 minutes remaining. The gentleman from Illinois (Mr. CRANE) has 32½ minutes remaining. The gentleman from Michigan (Mr. LEVIN) has 11¼ minutes remaining.

□ 1345

Mr. MCDERMOTT. Mr. Speaker, I yield 2 minutes to the gentleman from Maine (Mr. MICHAUD).

Mr. MICHAUD. Mr. Speaker, I thank the gentleman from Washington for yielding me this time.

Mr. Speaker, the Singapore and Chile agreements are wrong for labor standards, they are wrong on the environment, they are wrong on the economy, and they are wrong for the American people.

I have been a mill worker at Great Northern Paper Company for over 30 years. I have had firsthand experience with the devastation of the so-called free trade agreements on the U.S. economy. I know what they really mean to the working people of this country. Almost no one else in this Chamber can claim that experience. These kinds of agreements are bad for the working American people.

NAFTA has been nothing but a disaster in my State of Maine, costing over 24,000 manufacturing jobs alone since NAFTA came into effect. As a matter of fact, in some parts of my district, the unemployment rate is over 38 percent. Working people do not want the programs or handouts that we have created because of trade agreements, they want to keep their jobs.

No, I do not oppose all free trade agreements categorically; but they must be truly free, and they must be truly fair for our workers. Singapore and Chile are neither.

Mr. Speaker, the problem with these agreements is made far worse by the Trade Promotion Authority which shuts out the people's voice and even prevents Members of Congress from holding negotiators responsible for harmful and misguided policies. That is why today I am introducing a bill to repeal Trade Promotion Authority.

If the people had a voice in how these agreements are reached and we could amend sections of these agreements that are lacking, then we might have fair and free trade agreements. In fact, we might not even need this debate today.

So I urge my colleagues to stand up for the working Americans who sent us

here to fight for them, and I urge my colleagues to vote against both agreements.

Mr. CRANE. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from California (Mr. HERGER).

Mr. HERGER. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in support of this. I represent one of the richest agricultural areas in our Nation in northern California, the northern Sacramento Valley, just north of Sacramento. This agreement will be very, very helpful to our agricultural commodities.

Singapore imports virtually all of their food products. Trade and agricultural products represent a net trade surplus for the United States. In 2002, American farmers exported around $259 million worth of food products to Singapore. By binding all of its tariffs at zero, Singapore will open its markets to American agricultural products and create new opportunities for American farmers to sell their produce to a nation whose small size prevents it from being able to grow enough food for consumption by its citizens.

Again, Mr. Speaker, I feel that this would be very beneficial for our country, for their country, in general; and I urge support of this.

Mr. MCDERMOTT. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Speaker, I thank the gentleman from Washington for yielding me this time, and I rise to oppose H.R. 2739, which would implement the United States-Singapore Free Trade Agreement.

I am especially opposed to the intellectual property rights provisions contained in chapter 16 of this agreement because they could restrict the access of the people of Singapore to affordable medicines for HIV/AIDS and other diseases. The agreement delays the introduction of generic competition and extends patent terms, thus extending the length of time during which people in Singapore would be required to pay monopoly prices for medicines.

The agreement also restricts Singapore's use of compulsory licensing and parallel importation mechanisms that allow governments to override patents in order to protect public health. If the United States-Singapore Free Trade Agreement becomes a template for negotiations with other developing countries, people throughout the developing world will find it harder to gain access to affordable medicines.

Currently, access to medicines is severely limited in developing countries because developing countries cannot afford to purchase medicines at the prices charged by the multinational pharmaceutical companies. More than 40 million people are living with HIV/AIDS worldwide, and over 95 percent of them live in developing countries. Yet many of the medicines that treat people with HIV/AIDS here in the United States are unavailable in most developing countries. Patients in developing countries with other diseases, such as heart disease, diabetes, and cancer, also lack access to lifesaving medicines.

The Doha Declaration on the TRIPS Agreement and Public Health affirmed the rights of developing countries to take measures to protect public health and promote access to medicines. This declaration was adopted by the World Trade Organization at the Fourth Ministerial Conference at Doha, Qatar, on November 14, 2001. The Fast Track bill passed by Congress last year specifically directs the President to negotiate trade agreements that are consistent with the provisions of the Doha Declaration.

We cannot trust this administration to negotiate free trade agreements with developing countries when the administration ignores the explicit instructions of Congress in the Fast Track bill to respect the Doha Declaration and allow developing countries to take appropriate measures to protect public health.

I urge my colleagues to support the rights of developing countries to promote access to affordable medicines by opposing the U.S.-Singapore Free Trade Agreement.

Mr. MCDERMOTT. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. BACA).

Mr. BACA. Mr. Speaker, I thank the gentleman from Washington for yielding me this time, and I stand in opposition to the Singapore-Chile Free Trade Agreement.

Mr. Speaker, this agreement will do nothing to promote fair trade and nothing to help working families in this Nation. We need to create jobs here in the United States. We have seen the damage and what has happened when Congress passes free trade agreements. We have lost over 3 million jobs since NAFTA came into existence. In California alone, we have lost over 80,000 jobs. We currently have an unemployment rate right now of 6.4 percent. A 6.4 percent unemployment rate right now. Hispanics have an 8.4 percent unemployment rate. African Americans have an 11.8 percent rate. We need to create jobs here in the United States, not somewhere else. We cannot let this happen to us again.

The Chile and Singapore trade agreements will hurt American manufacturing jobs here in the United States. At one time we used to be proud to go into our stores and buy American products that said ''Made in America.'' We are not seeing that any more. What happens when those products are not made and manufactured here in the United States? We lose revenue right here in the United States. What happens to Social Security? What happens to Medicare? It affects the kinds of income that we need in the future when we look at the services that we have to provide if we are going to some other country.

We continue to give exporters in foreign countries an opportunity to build there but not to create the jobs here in the United States. We need to protect working families right here in the United States. We need to create jobs right here. Our families need to put food on their tables. They must not fear that they are going to lose their jobs to some foreign country.

The agreements are an insult to workers' rights. This agreement will change immigration rules, which have no place in trade agreements. The Singapore agreement will label and import raw materials from countries like China and assemble them and import them into America duty free.

We must not let this become the future example of free trade. We must stand together and fight against unfair and unsafe agreements that hurt American workers.

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

Mr. LEVIN. Mr. Speaker, I am privileged to yield 3 minutes to the very distinguished gentleman from Florida (Mr. DAVIS).

Mr. DAVIS of Florida. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in strong support of the Singapore trade agreement.

As we debate trades agreements, it is terribly important that we try to work off the same set of facts, even though we will disagree on the interpretation of those facts and, ultimately, opinions. But this is a solid trade agreement.

It is important not to overstate the impact of this agreement. While this agreement is terribly important to Singapore, our relationship with Singapore is terribly important, this trade agreement and its implementation will not have a dramatic impact on the United States in terms of imports or exports. But it is an important stepping stone for the future.

It is increasingly clear that the Far East, Asia, is a very important part of our future in terms of national security, in terms of our political relationships, in terms of the world economy. The situation in North Korea underscores the need for us to be developing friendships with countries with whom we have much in common. Singapore is a democratic society. This is a model we should be holding up throughout the world of a country that has values they have implemented in a manner that makes them compatible with us and a model that we would hold up to other countries.

Singapore has a middle class. This is a critical ingredient to having a level playing field in terms of the rights that we guarantee and sometimes take for granted with respect to our workers and protection of our environment and natural resources here. This agreement achieves a level parity in that regard, because Singapore has adopted forward laws on both labor and environment. We need to hold that up as a model as well.

We would be mistaken, though, if we were to conclude that our work is finished once this trade agreement has

been adopted. Because as has been mentioned by some of the speakers in opposition to this bill, there will be parts of the country, there will be sectors of our economy in which people will face increased competition, whether it is in the Singapore trade agreement or others we have debated or will debate on the floor of Congress. And it is critically important we recognize that ultimately this is about equipping our workers with the tools they need to compete in an increasingly competitive global economy.

Now, that means that as we begin to debate spending in this Congress in the weeks ahead, to support the States that are struggling to continue job training programs, strong community college, State university educations, even Head Start programs, we must be terribly mindful that if we do not fulfill our responsibility to equip our workers with the tools they need to do their jobs, the global economy ultimately will not work for them, it will work against them.

So let us adopt this trade agreement today; but let us fulfill our ultimate responsibility, which is to make sure the people we are here to represent have the tools they need to compete in this increasingly competitive global economy.

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

Mr. MCDERMOTT. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. WU).

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

Mr WU. Mr. Speaker, I rise today in support of the U.S.-Chile Free Trade Agreement and in opposition to the U.S.-Singapore Free Trade Agreement.

I believe in vibrant trade, and I believe in vibrant democracy. It has often been referred on this floor today that the U.S.-Singapore Free Trade Agreement is the first free trade agreement signed with any Asian nation. And I must point out that instead of selecting vibrant democracies, such as South Korea, Japan, Taiwan, or India, this administration has negotiated a free trade agreement with a single-party authoritarian state.

I think that by choosing this course, we are, in effect, endorsing our competing model for this next century. That is, in the last century the competition of ideas in the world was between our ideals of free markets and free societies versus fascism or communism. In this next century, the competition is between our ideals of a free market and a free society versus a free market coupled with a one-party authoritarian state, such as exists in the city-state of Singapore.

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The Singapore Free Trade Agreement will pass. Even without that agreement, 99 percent of trade is without tariffs. But I ask at least some Members of this Chamber to stand with me today and show that there is a distinction between the Chilean and Singaporean Free Trade Agreements because when you are asked, what is the difference, since these agreements are so similar, what is the difference and why did you vote for one and not the other, the answer is, we should have free trade with free people and we should use our economic leverage to enhance democracy in this next century.

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

Singapore is not the same as Chile. Each negotiation has to be taken on its own. In Singapore, there was a provision relating to the integrated sourcing initiative, and we were concerned about that. We on the Democratic side initiated efforts to make sure that there could not be use of that provision so that it was misused, so that Singapore would become a vehicle for essentially evasion of the rules. Working together, we were able to very much address, I think, the most major problem, and that is any addition of components or products unless there was the approval of this Congress in the same course as with any other piece of legislation.

In both cases, there were immigration provisions. They were of major concern to us. Again, we on the Democratic side initiated a discussion of these concerns, and we worked on a bipartisan basis within the Committee on Ways and Means and between the Committee on Ways and Means and the Committee on the Judiciary. As a result, virtually all of these concerns have been, in my judgment, essentially addressed with the additional proviso, which the gentleman from Wisconsin (Mr. SENSENBRENNER) has indicated, and that is a warning to the USTR that Chile and Singapore, in terms of immigration provisions, should not be a template, should not be a model in the future for any agreement.

The same is true of core labor standards. Here I want to be very clear. Jordan is Jordan. Singapore is Singapore. Chile is Chile. The agreement as to Jordan was satisfactory. It was, however, changed to some extent by the administration through an exchange of letters. We voted for it anyway, despite the exchange of letters, with some hesitation because Jordan, in fact, has core labor standards in their lasws and enforces them. Chile does also. In its own way, so does Singapore.

I do not think the Jordan or the Singapore or Chile agreements would be satisfactory as applied to Central America and the conditions for workers in those countries. They are suppressed, and to apply even Jordan to Central America would be a serious mistake because the provisions regarding enforcement of core labor standards by Jordan talk about striving to ensure. That may be okay for a country that has them; it is unsatisfactory for most countries in Central America that simply do not have, in laws or in practice, core labor standards.

So, in my judgment, the best way to approach these trade agreements is to take them on the terrain that exists and is likely to exist. In that respect, I am going to vote for these two agreements, as many of my colleagues will, but I think for almost all of us on this side, whether we vote ''yes'' or ''no,'' there is a similar message to USTR and, that is, do not consider these agreements as a model or a template for Central America or FTAA. If you do so, you are likely to jeopardize an important agreement, CAFTA, you will not bring about the benefits that these Central American countries need, and you will have the strong opposition not only of the workers of America but virtually everybody on this side of the aisle.

Under those circumstances, I close, urging the Democrats to vote ''yes.'' However we vote, I hope the stated message is clear to this administration and, indeed, to everybody who is concerned.

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

Mr. MCDERMOTT. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from Washington is recognized for 5½ minutes.

Mr. MCDERMOTT. Mr. Speaker, as you listen to my colleague from Michigan and me, you will hear us say many of the same things. You kind of wonder, why does one vote ''yes'' and one vote ''no''?

I have been on the Committee on Ways and Means since 1991. I have been involved in all the labor agreements in the last 12 years. Today, we are voting on the first two agreements negotiated by the new Trade Representative. Most of the provisions in the two agreements do not really require Chile, Singapore or the United States to do much more than they have already agreed to do in the World Trade Organization. In fact, the service sector portions of the Singapore agreement simply restate commitments made in the WTO General Agreement on Trade and Services.

I have deep concerns about these two agreements because they are indicative of the Bush administration's poor approach to trade policy. The primary mission of the United States Trade Representative is to open up foreign markets to create economic growth and raise living standards. The agreements brought here today by the President and the ones that he is currently pursuing with Morocco and Bahrain, for example, will do little to provide economic gains for the United States. In fact, the entire economy of Singapore and Chile combined does not even equal Japan's service sector.

Furthermore, considering that the size of Russia's economy is equal to 15 countries with which we are now negotiating free trade agreements, the limited resources at USTR would be perhaps better put in focusing on Russia's accession to WTO, not a free trade agreement with Namibia.

The criterion that the Bush administration employs to determine which

countries to pursue trade agreements with is dubious at best. It is apparent that our Trade Representative is basing his decisions almost exclusively on geopolitical rather than economic criteria. I believe that Secretary Powell's agency is the appropriate one to conduct our foreign policy, not the Trade Representative.

America's best exports are the democratic values that we hold dear. While capitalism and open markets may boost trade flows, democratic values must always be a centerpiece of U.S. trade. I supported the U.S.-Jordan Free Trade Agreement because it incorporated labor and environmental issues. This was a profound development, because it symbolized the acknowledgment that we need to approach international trade in a more holistic manner. While the Chile and Singapore agreements incorporate labor and environment, they treat these issues as inferior to commercial interests, as illustrated by the inadequate dispute settlement process. This is a step backward from where we were with the Jordan agreement.

Singapore, for instance, is a hub for illegal timber, illegal wildlife and restricted pollutants like chlorofluorocarbons. The Environmental Investigation Agency reports that Singapore is, quote, ''a major center of illegal trade in endangered wildlife including poached elephant ivory, tiger bone, parrots and other species.'' The same agency reports that Singapore is central to the regional Asian black market trade in chlorofluorocarbons, even though international trade in CFCs is strictly limited by the Montreal Protocol on Ozone Depleting Substances.

The USTR had an opportunity to change Singapore's course of illegal environmental trafficking with this agreement. Unfortunately, they decided to turn a blind eye to these illegal and harmful environmental practices on behalf of free and unbridled trade. It is now up to Congress to stand up for the environment and say ''no.''

I mentioned in earlier remarks how disappointed I was over the clandestine, undemocratic process that the Trade Representative has gone about, negotiating these agreements. Mr. Zoellick simply does not seem to trust those whom he claims to represent.

I am voting ''no,'' and I encourage my fellow Democrats and Republicans, vote ''no'' on these agreements because I do not agree with the process or the spirit in which these agreements were negotiated. And I am voting ''no'' because of the trade policies that these agreements symbolize.

Although I expect these agreements will pass, the Bush administration had better take to heart the concerns of the Congress, of industry and of civil society as it continues to pursue this trade liberalization. They will not always have easy little ones like Chile and Singapore, and I do not think in the administration they yet understand the depth of concern that this Congress has about the environment and about labor. They continue to think if we just put some fuzzy words in there that kind of feel soft and warm, that maybe that will get it by. There is coming a time when that will not.

They have seen the evidences already, and they are going to find it in the Doha Round. People are saying, how can the United States talk about liberalizing farm commodities and then pass out of the Congress $160 billion in trade subsidies to farmers? Where is the fairness? How are you going to keep doing that to the world? I think the Trade Representative had better listen.

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

The U.S.-Singapore Free Trade Agreement marks the first time the United States has entered into an FTA with an Asia-Pacific nation. Also, our agreement with Chile marks the first time that we have entered into a free trade agreement with a South America nation. Those will serve as precedents for further, ongoing negotiations and agreements, I am sure.

Because 99 percent of trade and goods with Singapore is already tariff-free, this agreement focuses on removing restrictions on trade and services to the benefit of our massive service sector, which accounts for around 80 percent of our GDP. Singapore is the 12th largest trading partner with the United States, with two-way trade approaching $40 billion last year. The U.S.-Singapore FTA will enhance and strengthen this trade relationship.

These agreements reflect bipartisan consensus in TPA on labor and the environment. Some Members seek to reopen that consensus, but the law does not support them. The gentleman from Michigan is right: Singapore is not the model for future agreements nor is Chile. Trade Promotion Authority is the model and the law. These agreements embody that law and contain strong, enforceable labor and environment provisions.

The U.S.-Singapore FTA will serve as the foundation for other possible FTAs in Southeast Asia just as our Chilean agreement will do the same in South America. The FTA establishes standards for trade that mirror U.S. law and sets a precedent for future agreements.

I urge my colleagues to join in collegial, bipartisan support for these important trade bills that serve our interest as well as our trading partners' interests.

Mr. BLUMENAUER. Mr. Speaker, initially, I had significant reservations about the trade agreement with Singapore. The Integrated Sourcing Initiative was too open-ended and Singaporean enforcement of environmental laws regarding commerce in endangered species was not as rigorous as it could be.

However, a willingness to compromise and address these concerns makes me optimistic about future trade between the United States and Singapore. The progress I have seen regarding the tightening of the Integrated Sourcing Initiative encourages me. The implementing language that we are voting on today makes it clear that ISI expansion can only occur by express approval of Congress and can only apply to products that are already approved to enter the U.S. tariff-free.

Regarding the transshipment of endangered species and illegal timber, I was buoyed by the Memorandum of Intent in Environmental Matters signed between the U.S. and Singapore last month. The statement directly addresses endangered species conservation and the intent to work regionally in Asia on best practices and capacity building. I am confident that by continuing in this spirit of cooperation, we can work to address transshipment of this contraband that is devastating to critical ecosystems.

The legislative process has, in fact, worked, and appropriate actions are being taken to answer critics. I hope that we are able to bring this atmosphere of discussion and debate to upcoming free trade agreements, thus ensuring that each is tailored to the specific needs and opportunities that we may encounter with future partners.

Mr. CONYERS. Mr. Speaker, I rise in strong opposition to the Chile and Singapore free trade agreements.

We have lost three million jobs in this country over the last two and one half years. Unemployment is at a ten year high. Our trade deficit is $500 billion per year, and hits a new high every month. Our manufacturing base is in tatters, and our workers are crying out for help. Yet the bills we are voting on today only add insult to the injuries our workers have already suffered.

It there any question that because of the lack of labor and environmental protections in these agreements, they will cost American jobs, increase poverty overseas, and pose grave harms to our environment? Does any one not realize that these agreements do nothing but foster a race to the bottom where American workers are forced to compete with what ever foreign workers will accept the lowest wage?

If you read these bills closely you will see there is no language which will protect our jobs or our environment. There is nothing in the legislation which requires compliance with internationally recognized core workers' rights under the International Labor Organization. And there is nothing to insure that foreign manufacturers face the same environmental standards that our own companies and workers face.

Even worse, the agreements allow thousands of workers to come into this country every year from Singapore and Chile who will take even more jobs from American workers. Unlike workers from almost every other country in the world, these foreign workers will be able to stay here indefinitely, and their employers will not be forced to comply with all of the temporary worker rules we have in place.

We should never use our immigration laws as a bargaining chip to negotiate bade trade deals. We shouldn't have offered visas to Mexico and Canada as part of NAFTA, we shouldn't have given 6,000 visas to Chile and Singapore as part of these trade deals, and we shouldn't trade American jobs as part of the Central American Free Trade Agreement.

Chairman SENSENBRENNER and I were able to work together to make the best we could

out of a bad situation. We made sure that the new visas, and any visas which extend beyond six years, counted against the overall temporary worker cap. And we made sure the employers paid $1000 fees for each temporary worker that would be used to pay for training Americans. These are useful and important improvements.

But at the end of the day, we are still left with a bad trade deal that harms our workers and damages our communities. I urge a ''no'' vote.

Ms. ESHOO. Mr. Speaker, I rise in support of both the Chile and the Singapore Free Trade Agreements.

Free trade and expanding global markets for U.S. goods and services are critical tools to spur our faltering economy.

The Chile and Singapore free trade agreements open new markets in Latin America and Asia, important regions in the midst of economic development.

The Chile Free Trade Agreement immediately drops tariffs on 85 percent of all U.S. exports, providing a penalty-free entry for almost all American products into an untapped market. We must seize this opportunity.

The Singapore Free Trade Agreement is especially critical since it's the first trade agreement we've negotiated with an Asian country.

I recognize that through trade we export more than just U.S. goods and services. We are in fact exporting our domestic standards for protecting our environment and workforce.

I have strong concerns about how this Administration has diminished the domestic environmental and labor standards they inherited.

But I also believe that we must move forward to open global markets and I think these trade agreements set a solid precedent for doing just that.

I'm encouraged that both Chile and Singapore have a history of protecting the environment and that their labor laws are based on the International Labor Organization's core principles.

It's critical that future trade deals enhance these important standards.

I urge my colleagues to join me in supporting these important trade agreements.

Mrs. MALONEY. Mr. Speaker, I rise in support of the Singapore bilateral trade agreement.

Singapore is a valued U.S. ally and a supporter in the war on terrorism. While Singapore is a good friend and a responsible world citizen I am voting for this agreement because it is a good deal for my constituents.

The bilateral trade deal allows increased access to a number of important markets such as financial services, telecom and technology.

Much of our country's exports are now products of intellectual capital. From movies and records produced in New York City's arts community, to software developed by city programmers, protecting intellectual property is an elemental key to future trade agreements.

Accordingly, I am pleased that this agreement contains strong intellectual property protections. With the U.S. trade deficit at more than $500 billion annually it is notable that the U.S. has a $2.7 billion trade surplus with Singapore.

Today the House is also considering the bilateral trade agreement with Chile which I support for similar reasons including the fact that Chile has reached trade agreements with Europe and other U.S. competitors. As a result, the U.S. has lost one third of its Chilean market share since 1997.

One other reason I am talking about both these agreements together is there is one provision in each that I oppose and that I do not want to see as a precedent in future agreements.

The trade agreements contain investor-state dispute settlement procedures that determine how U.S. investors can win damages if Chile or Singapore violate the ''free transfer'' provisions in each agreement. As Ranking Member of the Subcommittee on Domestic and International Monetary Policy, Trade and Technology, I was part of a hearing on this issue and have worked closely with Financial Services Ranking Member BARNEY FRANK on it.

Effectively, these provisions allow U.S. investors to seek damages in the event that Chile or Singapore take measures to limit capital flight in the event of a reoccurrence of an Asian financial crisis-like calamity.

While Chile and Singapore are unlikely to need to impose capital controls, many economists have expressed the concern that the Administration will insist on these provisions as a template in future trade negotiations with less stable countries.

Such a policy could lead to a situation where wealthy U.S. bondholders have legal claims against a country that has imposed capital controls while all other investors face losses and where the country's own people are suffering through an economic collapse.

This special status for U.S. investors sends the wrong message about promoting free trade and could increase anti-American feelings.

I will support these agreements but urge the Administration and Treasury not to include the capital control provisions in future agreements.

Ms. DUNN. Mr. Speaker, I rise in support of the U.S.-Singapore Free Trade Agreement. It is a comprehensive trade agreement that will provide greater market access for businesses, enhance protection and enforcement of intellectual property rights, and expand investment opportunities in both countries.

While Singapore is the United States' 11th largest trading partner with two-way trade in goods and services of over $38 billion, their importance cannot be measured in trade alone. Singapore's strategic location makes it an attractive regional hub for many U.S. multinational businesses to export in Asia. This trade agreement is not only about expanding market access, but also ensuring that U.S. businesses remain strategically competitive among APEC countries and the Asia Pacific region.

The U.S.-Singapore FTA will certainly benefit those of us from the Pacific Northwest. As you are aware, Washington is the most trade dependent state in the nation, with nearly one in three jobs related to trade. In 2000, 80 percent of Washington State's $103 billion worth of trade were with APEC countries.

Let me give a few examples why the U.S.-Singapore FTA is important.

For the 25,000 Boeing workers I represent, this FTA means keeping the aircraft industry viable in our community. Nearly 90 percent of Singapore Airlines fleet is Boeing aircrafts, making the airline one of Boeing's key customers in the Asia Pacific region and the world. Over the years, Singapore Airlines has added approximately $20–$25 billion to our economy.

For our high tech firms, this FTA means strengthening intellectual property standards. I represent Microsoft's corporate campus and the software industry loses $12 billion annually due to counterfeiting and piracy. In this FTA, the Singaporean government will implement tough penalties against piracy and counterfeiting.

For our ports, increasing the volume of trade in Asia Pacific region will create high-wage jobs that would otherwise not have existed. The Ports of Seattle and Tacoma handle approximately seven percent of all U.S. export and 6 percent of all imports. Without a doubt, expanded trade with Singapore will make our ports more critical and valuable to the U.S. economy.

These are just some of the benefits of this FTA. More significant than the statistics and dollar value of goods traded, the U.S.-Singapore FTA reflects a continued commitment by President Bush, Ambassador Zoellick, and Congress to reduce global trade barriers. This FTA is a reminder to other nations in the region that they need to join us in furthering trade liberalization.

Vote for this bill to implement the U.S.-Singapore Free Trade Agreement.

Mr. ETHERIDGE. Mr. Speaker, I rise today to announce my support for H.R. 2739, legislation implementing a free trade agreement with Singapore.

This agreement represents a historic first for the United States as it will be the first FTA we sign with an Asian nation. The Asian-Pacific region represents approximately 50 percent of the world's population, and we must work aggressively to open up new markets in this region to remain competitive in the world marketplace. The Singapore FTA is an important first step in that regard.

Our high-tech industry stands to gain new opportunities with this agreement. Last year the U.S. exported nearly six billion dollar's worth of high-tech goods to Singapore. The high-tech sector is the largest merchandise exporter in the United States, and this agreement will help build on that success.

Unlike other trade agreements, this Agreement guarantees zero tariffs on all U.S. products imported by Singapore immediately upon ratification. This means companies do not have to wait years to realize the benefits of trade with Singapore.

As America's twelfth largest trading partner and export market, Singapore possesses a world-class infrastructure, a well-educated workforce, and growing middle-class. This Agreement will allow the United States to compete effectively in this vibrant market and demonstrate to the rest of Asia the benefits of fair free trade.

While this is an acceptable agreement for a nation as economically advanced and sophisticated as Singapore, I want to make it perfectly clear to the Administration that the Singapore Free Trade Agreement, and the Chile Agreement, are not sufficient models for future trade agreements.

Currently, the Administration is negotiating a Free Trade Agreement of the Americas, a Central American Free Trade Agreement, and several other FTAs with a variety of nations. As the Administration's first attempts to negotiate a free trade agreement, I believe Singapore and Chile deserve support. However, future agreements will prove to be much more difficult tests of the Administration.

I support fair trade. However, on future FTAs, the Administration will need to do a better job with regard to market access, sanitary and phystosanitary issues, labor and environmental standards, and intellectual property protection. I look forward to continuing to work with the Administration and my colleagues in Congress on all of these important issues.

I ask my colleagues to support this bill.

Mr. KIND. Mr. Speaker, I rise today in support of the U.S.-Singapore Free Trade Agreement (FTA). While I maintain reservations about certain sections of this agreement, overall I believe that this FTA will benefit Wisconsin and the United States.

As our nation leads the world into the 21st century, we should not shy from opportunities to guide and expand global trade. Singapore is a model of successful, pro-trade economic growth in a region still seeking to establish stable economies. Our enhanced engagement with Singapore, symbolized in the free trade agreement, is a necessary commitment to stability and economic prosperity in Asia, while at the same time serving to expand American export opportunities.

The U.S.-Singapore FTA builds upon an already strong trade relationship with mutually low tariffs. While over $16 billion in American imports in 2002, Singapore is the 11th largest export market for the U.S. This includes over 120,000 manufactured goods exported to Singapore from Wisconsin with a total value of $102 million, including $42.6 million in industry machinery.

Some of the most important benefits to U.S. workers in this agreement will be realized by addressing issues of growing concern for international trade in the 21st century. Today's trade environment is constantly changing, with non-tariff trade issues impacting all aspects of our economy and law. Through numerous rounds of negotiation over 3 years, negotiators were able to reach agreements on very complicated and important issues including state-of-the-art intellectual property protections, e-commerce, market access, and government procurement. Further, this agreement increases government transparency and regulatory reform necessary to protect American businesses and women.

As I mentioned earlier, I do have concerns with this agreement, but on its merits, I believe the FTA with Singapore addresses a number of important issues and will benefit the American economy. It also serves to demonstrate to other Asian nations the high standards demanded by the U.S. when engaging in trade relationship.

As with the Chile Agreement, controversy remains on a few very important aspects of any trade agreement—those dealing with labor and environment. While these provisions are some of the most difficult to find agreement on with potential trade partners, I, along with many in Congress, believe bilateral trade agreements can serve to raise labor and environmental standards in developing nations an must be included in FTA's.

While the labor provisions in this agreement differ from those in the Jordan agreement, the labor language of this bill, requiring Singapore to enforce its labor laws or be subject to penalty, is acceptable because there is wide agreement that Singapore's labor laws are consistent with high International Labor Organization standards and are systematically enforced. In addition, there is wide agreement that, while possible, it is very unlikely that Singapore would regress and lower labor standards to entice trade.

I, along with many members, also remain concerned with the inclusion of immigration policy in a fast tracked trade bill. While the U.S. Trade Representative (USTR) argues that the temporary worker provisions can be an aspect of services trade, I believe that Congress must thoroughly debate any changes to immigration policy. These objections were strongly conveyed by my colleagues and me to the USTR, and as a result, the implementing language before us includes language placing certain H1–B visa restrictions and caps on the temporary worker provisions in this agreement that were previously excluded.

One of the most confusing aspects of this agreement relates to the Integrated Sourcing Initiative (IS). I, along with many members, had serious reservations about this ambiguous provision as originally drafted and raised these concerns with the USTR. The implementing bill before us, however, includes language virtually nullifying the transshipment concerns with the original draft. Under this bill, the ISI only applies to the limited number of information and medical technology products already allowed to enter the United States duty free under the WTO's Information Technology Agreement. And, contrary to the original draft, this list of eligible products cannot be expanded without congressional approval. In order for a third party to take advantage of the ISI, the eligible product would have to first be shipped to the U.S. from the country of origin, then to Singapore, and then back to the United States. Given these restrictions, there is wide agreement that the ISI will not pose a threat to American workers.

Trade agreements cannot be one-size-fits-all, and this comprehensive bilateral agreement conforms to the characteristics of Singapore and the United States. With an open and developed economy grounded in market-based principles, a strong and growing middle class, and laws respecting human rights, Singapore, like Chile, is a model trading partner. It is in the strategic interest, and economic interest to engage Singapore and complete this bilateral free trade agreement. I urge my colleagues to support this agreement.

Mr. SENSENBRENNER. Mr. Speaker, both the U.S.-Chile and U.S.-Singapore Free Trade Agreements include several important provisions within the purview of the Judiciary Committee. Both agreements contain competition clauses that ensure antitrust laws are applied in a neutral, transparent, nondiscriminatory manner while safeguarding basic procedural rights. The agreements also contain robust intellectual property protections, requiring the governments of Chile and Singapore to take affirmative steps to eradicate the piracy of trademarks, patents, satellite television signals, and other forms of intellectual property. These intellectual property provisions are widely supported and are likely to serve as a model for future Free Trade Agreements. The intellectual property and antitrust provisions required no substantive changes to U.S. law.

For the last several years, I have vocally and repeatedly expressed concern about substantive changes to U.S. law contained in free trade agreements. Before passage of Trade Promotion Authority, immigration provisions were included in earlier free trade agreements such as NAFTA, without formal consultation with Congress. This regrettable practice created precedent for subsequent trade agreements, and immigration provisions were included in both the Chile and Singapore Free Trade Agreements before the elevated consultation requirements created by Trade Promotion Authority were enacted last year.

Mr. Speaker, Article I, Section 8, Clause 3 of the Constitution gives Congress plenary authority over matters pertaining to immigration and naturalization. During the Judiciary Committee's ''mock markup'' of this legislation, I, Ranking Member CONYERS, and several Members of the Committee spoke with a united bipartisan voice and declared that immigration provisions in future free trade agreements will not receive the support of the Judiciary Committee.

Following the markup, I and Ranking Member CONYERS transmitted a letter to the United States Trade Representative that reaffirmed Congress' exclusive constitutional mandate to consider immigration law. An additional letter by other Members of the Committee and several Members of Congress echoing this bipartisan commitment was also sent to the Trade Representative.

Mr. Speaker, the Judiciary Committee's July 10th pre-introduction markup of this legislation was a ''mock markup'' in name only. At the markup, the Committee reported several substantive amendments to this legislation which were incorporated into the legislation we consider today.

First, while the draft implementing legislation created a separate visa category for skilled workers from Chile and Singapore, the Judiciary Committee amended the Immigration and Nationality Act to ensure that these visas—6,800 in total—are now deducted from the national H–1B cap at the time they are issued and when they are renewed after five or more prior extensions.

The Committee also reported an amendment to ensure that every second extension of temporary status for citizens of Chile and Singapore be accompanied by a new employer attestation to ensure that an employer updates the prevailing wage determination after each second application for extension. In addition, the Committee approved an amendment that requires an employer to pay a fee equal to that charged to an employer petitioning for H–1B visa status whenever a temporary entry visa is granted and after every second extension of that status.

Finally, H.R. 2738 and H.R. 2739 now explicitly state that an employer generally cannot sponsor an alien for an E, L, or H–1B1 visa if there is any labor dispute occurring in the occupational classification at the place of employment, regardless of whether the labor dispute is classified as a strike or lockout. In this regard, Title IV of both bills provides greater worker protection than that presently contained in the H–1B program.

The Committee's commitment to ensuring that its amendments were incorporated into the introduced bills we consider today dramatically enhanced the quality of the legislation and recaptured a crucial prerogative of Congress. It is my hope and expectation that the Judiciary Committee's clarion call over the last two weeks that immigration provisions be excluded from future trade agreements will be clearly received by this—and future—Administrations. Given the leadership of Ambassador

Zoellick, his proven commitment to working with Congress on a cooperative and constructive basis that fully respects the constitutional prerogatives of this body, and the dedication and professionalism of his staff, I have great confidence that the will of Congress will not be ignored.

Mr. Speaker, reducing barriers to U.S. exports is crucial to restoring America's economic vibrancy. U.S. products containing intellectual property continue to lead America's exports, and it is incumbent upon this body to ensure that foreign governments stamp out the rampant piracy that costs America several billion dollars a year.

Strong safeguards in these agreements will ensure that the governments of Chile and Singapore create criminal sanctions to punish intellectual property theft with the seriousness and severity that it demands. In addition, the antitrust provisions will ensure that these governments do not rely on the increasingly common foreign practice of manipulating antitrust laws to discriminate against United States businesses.

Mr. Speaker, the Chile and Singapore Free Trade Agreements contain critical market-opening provisions which will expand commercial opportunities for America's farmers and dairy producers, and ensure that the United States continues to lead the world in exports. These agreements also advance America's broader strategic interests by liberalizing trade with two key economic allies which serve as regional models for neighboring countries.

For the reasons I've outlined, I urge my colleagues to support this legislation.

Mr. SHAYS. Mr. Speaker, I rise in strong support of this legislation to implement free trade agreements that have been negotiated with Chile and Singapore. These agreements are an important step in restoring our international competitiveness, stimulating our economy and promoting long-term economic growth.

The Administration's first two negotiated agreements since receiving trade promotion authority in 2002 will benefit businesses in Connecticut, which exported $279 million worth of goods to Singapore and $59 million worth of goods to Chile in 2000. More broadly, these agreements provide an excellent framework for creating larger free trade areas.

Chile could be a model for creating a Central American Free Trade Agreement, and even more broadly, a Free Trade Area of the Americas. The country is an ideal partner in South America because, unlike many other nations in the region, it has stabilized and restructured its economy, lifting price controls, deregulating labor markets, and privatizing state enterprises.

The United States is Chile's largest single-country trading partner, accounting for 20 percent of Chilean exports and 15 percent of imports in 2002. Chile is the United States' 34th largest export destination and 36th largest import contributor, but because Chile already has free trade agreements with other countries, including Canada, an agreement with Chile is critical to reduce the relatively high tariffs U.S. businesses face compared to these countries, and allow them to compete.

Singapore is a much larger trading partner for the United States. It is our 11th largest export market, with $16.2 billion in goods, and the 16th largest source for imports, with $14.8 billion. The United States is Singapore's second-largest trading partner, after Malaysia and before even Japan. Both countries already have relatively open trade with very low tariffs, if any at all, so the implementation of this agreement should not create a significant imbalance of any sort.

Southeast Asia generally has been a poor partner in trade, with average tariffs near 30 percent, and I have serious concerns about these nations' respect for intellectual property (IP) rights, but this agreement is a step in the right direction. The agreement allows U.S. companies to receive monetary compensation in cases where IP rights have been violated, and establishes tough penalties under Singapore law for IP violators.

In my judgment, trade can have a positive effect on social reforms and environmental protections by facilitating economic development and creating both the income and the institutional structures to address those issues.

Since 1994, when trade promotion authority expired, the United States has been steadily losing its status as the leader of free trade. We can't afford to let this decline continue. Passing trade promotion authority was like setting up a ladder that gives us the ability to get back to the top, and passing these two free trade agreements takes the first steps up that ladder. I urge my colleagues to support H.R. 2738 and H.R. 2739.

Mr. MOORE. Mr. Speaker, I rise in support of both H.R. 2738 and H.R. 2739, the U.S.-Chile and U.S.-Singapore Free Trade Agreements, respectively.

Globalization is here to stay. With markets now linked globally by computers, satellite communications, and advanced transportation networks, international trade and investment will play an increasing role in American prosperity. We cannot, as a nation, afford to retreat from a proactive strategy of trade expansion that takes advantage of our position as the world's most prosperous and dynamic economy.

I have great faith in American workers. They are the best in the world. And, I'm convinced they can compete with workers from any other country.

Trade liberalization is also an important tool towards developing responsible global relations. It is a tool, as the preamble of the GATT states, for ''raising standards of living, ensuring full employment, developing the full use of the resources of the world and expanding the production and exchange of goods.'' Indeed, open markets are an important engine of economic growth, which can expand opportunities, raise living standards, and affect social change. Perhaps most importantly, however, trade liberalization provides our nation with an additional diplomatic tool and a forum within which our nation may deal with international disputes and/or coalition building. Trade's national security component cannot be understated.

The Chile and Singapore Free Trade Agreements include strong and comprehensive commitments from both of these nations to open their goods, agricultural and service markets to U.S. producers. These agreements include commitments that will increase regulatory transparency and act to the benefit of U.S. workers, investors, intellectual property holders, businesses and consumers.

While some of the provisions in these FTAs could serve as a model for other agreements, a number of provisions clearly cannot be, nor should they be. As a general rule, I believe that each country or countries with whom we negotiate are unique, and while the provisions contained in the Chile and Singapore FTAs work for Chile and Singapore, they may not be appropriate for FTAs with other countries, where there may exist very different circumstances.

Indeed, concerns have been raised that the Administration may sue some of their provisions contained in the agreements as models for other FTAs, such as the Central America Free Trade Agreement (CAFTA), where the conditions may make it inappropriate to do so. Specifically, with regard to the labor and environmental provisions, there are separate dispute settlement rules that place arbitrary caps on the enforceability of those provisions. Moreover, these agreements that contain an ''enforce your own laws' standard for dealing with labor and environmental disputes. In the context of Chile and Singapore, I have limited concerns about this standard since both of these countries' laws essentially reflect internationally recognized core labor rights. How they are applied does vary in the two countries, reflecting the different general characteristics of the two nations; however, there is little practical concern that these countries will backtrack.

Concerns about labor and environmental standards, however, should receive careful scrutiny on a case-by-case basis as different circumstances and situations warrant. Use of the ''enforce your own law'' standard is invalid as a precedent—indeed is a contradiction to the purpose of promoting enforceable core labor standards—when a country's laws clearly do not reflect international standards and when there is a history, not only of non-enforcement, but of a hostile environment towards the rights of workers to organize and bargain collectively. Using a standard in totally different circumstances will lead to totally different results.

As such, my vote for the Chile and Singapore FTAs should not be interpreted as support for using these agreements as boilerplate models for future trade negotiations. I will evaluate all future trade agreements on their merits and their applicability to each country to ensure that core international labor rights and environmental standards are addressed in a meaningful manner. Expanded trade is important to this country and the world; but it will be beneficial to a broad range of persons in our nation and in other nations only if these trade agreements are carefully shaped to include basic standards, including the requirement that nations compete on the basis of core rights for their workers, not by suppression of these basic rights.

The Singapore and Chile FTAs meet these standards and I urge my colleagues to support these two important initiatives.

Mr. SHAW. Mr. Speaker, I rise today in support of H.R. 2739, the United States-Singapore Free Trade Implementation Act. A free trade agreement with Singapore allows U.S. industries access to America's 12th largest trading partner—a partner that represents roughly $40 billion in two-way trade of goods and services.

H.R. 2739 provides direct market access for American industries and workers. With the implementation of this bill, Singapore will immediately eliminate tariffs on all goods from the United States.

The agreement before us is also critical to U.S. investors. Direct foreign investment in Singapore was more then $27 billion in 2001. This agreement ensures U.S. investors will receive the same fair treatment as investors from Singapore.

Mr. Speaker, I salute Ambassador Robert Zoellick and his team for successfully negotiating the agreement before us today. I urge adoption of H.R. 2739.

Mr. UDALL of New Mexico. Mr. Speaker, I rise today in opposition to H.R. 2738 and H.R. 2739, the U.S.-Chile FTA Implementation Act and the U.S.-Singapore FTA Implementation Act, respectively. It is unfortunate that I find myself in this position because I want to support trade agreements because I believe they can have a positive effect on our economy. However, they only can have a positive effect if they are negotiated properly. They only can have a positive effect if they have strong labor, environmental, and consumer protections. Unfortunately, these two bills before us, and the underlying Free Trade Agreements, are woefully inadequate in these regards.

Unlike the U.S.-Jordan FTA, which passed unanimously in the 107th Congress, these FTAs—the first signed by the Administration since passage of Trade Promotion Authority—will set a dangerous precedent for future agreements, including the Central American FTA and the Free Trade Area of the Americas (FTAA).

Unlike the U.S.-Jordan FTA, which provided workers with enforceable protections based on the core International Labor Organizations workers' rights—freedom of associations; the right to bargain collectively; prohibitions on child labor, forced labor and employment discrimination, these FTAs give scant attention to these important issues. The ONLY reference to workers' rights is a provision stating that each party ''shall not fail to effectively enforce its labor laws,'' no matter how inadequate they may be. There is no parity between our strong labor laws here in the United States and the weak protections in Singapore or Chile.

As predicted during the TPA debate during the 107th Congress, these trade agreements are bad environmental policy—and now, we have no change to amend them. Contrary to the claims of the FTA supporters, the provisions on investment in the Chile and Singapore FTAs do not meet the requirements of the Trade Act of 2002 that foreign investors should receive ''no greater substantive rights'' than U.S. citizens under U.S. law. What this means is that foreign investors will be granted broad rights under international law that do not exist under U.S. law. For example, many companies have aggressively used NAFTA's Chapter 11 authority to undermine our strong environmental protections. This continues with the Chile and Singapore FTAs where foreign investors can bring suit against our laws to prevent pollution because they may claim a right to be compensated. This is just one example. Applied broadly, these two FTAs have investment language that could cause serious harm to the environment and the public interest.

The Chile and Singapore FTAs also undermine U.S. immigration policy. Specifically, they loosen policies regarding temporary entry to workers. Some claim the H1–B visa issue has been addressed. However, this is far from true. While the implementing legislation claims to ''fix'' the problem by limiting the damage by applying SOME elements of the H1–B, these provisions are NOT legally binding because the agreements in the actual trade agreement has been violated by these ''fixes'' and will be eliminated in the pacts' dispute resolution systems. Furthermore, the Chile FTA has an unprecedented requirement that the U.S. provide ''written justification'' to any person denied a visa.

The Singapore FTA contains Integrated Sourcing Initiative (ISI)/Transshipment permissions. Last year's Fast Track, or Trade Promotion Authority contained no authority to negotiate such deals. Yet, the U.S. Trade Representative has this deal in the FTA, and the so-called ''fix'' largely replicates existing terms in the World Trade Organization Information Technology Agreement, for which even the Clinton Administration—as pro-free trade as any—never sought congressional approval.

Also, these FTAs could have very negative affects on the health care system. They will impede the access to life-saving medicines by extending patents beyond the 20-year limit required by the Trade-Related Aspects of Intellection Property Rights (TRIPS); they will require a 5-year waiting period before governments can provide generic drug producers test data, thereby delaying affordable medicines; they also will permit major pharmaceutical companies to block the production of generic medicines. Also, the Singapore FTA reduces tobacco tariffs to ZERO, which actually will encourage more dumping of U.S. tobacco products in Singapore. Finally, these FTAs will open the door to further privatization and deregulation of vital human services including health care professionals, and the provisions for public control of water and sanitation services. Amazingly, these FTAs will leave the U.S. open to challenges from foreign private corporations and the subsidiaries to compete for these public sector services. This is just plain wrong.

Finally, some have claimed to have ''fixed'' this legislation with a ''mock mark-up'' in the Ways & Means Committee. I'm not quite certain what a ''mock'' mark-up is, but most believe it hasn't done anything. Specifically, some who support this implementing legislation say we have two choices: one, we can block this legislation to send a message to the Administration that they need to do a better job of negotiating FTAs that have real environmental and labor protections. Or, two, we can approve this implementing legislation, and then send a message to the White House to do a better job the next time. I, for one, am not willing to take that risk—the risk that this White House and this USTR will actually listen to Congress. That is one of the reasons I voted against TPA in the first place. Sadly, many of my concerns and reason for voting no have come to fruition in these first two negotiations.

I want to support free trade because I know it has the potential to help American workers and consumers. In fact, I have supported trade agreements previously, including the U.S.-Jordan FTA. Unfortunately, however, I cannot find many positive developments in either the U.S.-Chile Free Trade Agreement or the U.S.-Singapore Free Trade Agreements. Reluctantly, Mr. Speaker, I will vote NO on H.R. 2738 and on H.R. 2739. I urge my colleagues to do likewise.

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

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 329, the bill is considered read for amendment and the previous question is ordered.

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

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

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

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

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, this 15-minute vote on engrossment and third reading will be followed by 5-minute votes on any other questions on which record votes may be ordered in series on the pending business.

The vote was taken by electronic device, and there were—yeas 309, nays 114, not voting 11, as follows:

[Roll No. 430]

YEAS—309

Aderholt
Akin
Bachus
Baker
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Bereuter
Berman
Berry
Biggert
Bilirakis
Blackburn
Blumenauer
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
Capps
Cardin
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Coble
Cole
Collins
Conyers
Cooper
Cox
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
English
Eshoo
Etheridge
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goodlatte
Gordon
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinojosa
Hobson
Hoekstra
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Issa
Istook
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Lampson
Larsen (WA)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Majette
Maloney
Marshall
Matheson

McCotter
McCrery
McHugh
McInnis
McKeon
Meehan
Meek (FL)
Meeks (NY)
Menendez
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
Owens
Oxley
Paul
Pearce
Pence
Peterson (PA)
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
Ross
Royce
Ryan (WI)
Ryun (KS)
Sanders
Saxton
Schiff
Schrock
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Stark
Stearns
Stenholm
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Upton
Van Hollen
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wilson (NM)
Wolf
Woolsey
Wu
Young (AK)
Young (FL)

NAYS—114

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bishop (GA)
Bishop (NY)
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Capuano
Cardoza
Carson (IN)
Clay
Clyburn
Costello
Cramer
Cummings
Davis (AL)
Davis (IL)
DeFazio
Delahunt
DeLauro
Deutsch
Dicks
Doyle
Engel
Evans
Farr
Fattah
Filner
Frank (MA)
Frost
Goode
Green (TX)
Grijalva
Gutierrez
Hoeffel
Holden
Holt
Israel
Jackson (IL)
Jackson-Lee (TX)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kleczka
Kucinich
Langevin
Lantos
Larson (CT)
Lee
Lewis (GA)
Lipinski
Lynch
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Murtha
Nadler
Napolitano
Oberstar
Obey
Olver
Pallone
Pascrell
Payne
Peterson (MN)
Rahall
Rodriguez
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sandlin
Schakowsky
Scott (GA)
Sherman
Solis
Strickland
Stupak
Taylor (MS)
Thompson (MS)
Towns
Udall (NM)
Velazquez
Visclosky
Weiner
Wexler
Wicker
Wilson (SC)
Wynn

NOT VOTING—11

Berkley
Bishop (UT)
Gephardt
Goss
Hinchey
Kilpatrick
Manzullo
Pastor
Pelosi
Spratt
Sullivan

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1436

Ms. MCCARTHY of Missouri, Mr. DEUTSCH and Mr. ROTHMAN changed their vote from ''yea'' to ''nay.''

Ms. DEGETTE, Ms. EDDIE BERNICE JOHNSON of Texas and Messrs. EMANUEL, CASE and JEFFERSON changed their vote from ''nay'' to ''yea.''

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

The result of the vote was announced as above recorded.

MOTION TO RECONSIDER OFFERED BY MR. LEVIN

Mr. LEVIN. Mr. Speaker, I offer a motion to reconsider the vote by which engrossment and third reading was ordered.

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

The Clerk read as follows:

Mr. LEVIN moves to reconsider the vote by which engrossment and third reading was ordered.

MOTION TO TABLE OFFERED BY MR. CRANE

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. CRANE) to lay on the table the motion to reconsider the vote by which the bill was ordered engrossed and read a third time.

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

RECORDED VOTE

Mr. LEVIN. 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 269, noes 153, not voting 12, as follows:

[Roll No. 431]

AYES—269

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

NOES—153

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Brady (PA)
Brown (OH)
Capuano
Cardin
Cardoza
Carson (IN)
Clay
Clyburn
Conyers
Costello
Cramer
Cummings
Davis (AL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doyle
Emanuel
Engel
Eshoo
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hinchey
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Israel
Jackson (IL)
Jackson-Lee (TX)
John
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Lewis (GA)
Lipinski
Lowey
Lynch
Majette
Maloney
Markey
Matheson
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Olver
Owens
Pallone
Pascrell
Payne
Peterson (MN)
Rahall
Rangel
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)

Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Schiff
Scott (GA)
Serrano
Sherman
Slaughter
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Taylor (MS)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wynn

NOT VOTING—12

Bartlett (MD)
Berkley
Bishop (UT)
DeLay
Gephardt
Goss
Kilpatrick
Pastor
Pelosi
Sullivan
Turner (TX)
Wu

□ 1445

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

So the motion to table the motion to reconsider engrossment and third reading was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. WU. Mr. Speaker, I entered the Chamber in the last rollcall vote prior to this one, attempting to vote by electronic device, when the electronic device would not take my vote. I approached the table and attempted to submit a vote on that motion and my attempt to vote was not accepted.

Had my vote been accepted, I would have voted ''no'' on that resolution.

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

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the passage of the bill.

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

RECORDED VOTE

Mr. LEVIN. 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 172, noes 155, not voting 7, as follows:

[Roll No. 432]

AYES—272

Bachus
Baird
Baker
Ballance
Ballenger
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bereuter
Berman
Biggert
Bilirakis
Blackburn
Blumenauer
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
Capps
Cardin
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Cole
Collins
Cooper
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Tom
DeGette
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Dooley (CA)
Doolittle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Emerson
English
Eshoo
Etheridge
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goodlatte
Granger
Graves
Greenwood
Hall
Harman
Harris
Hart
Hastings (WA)
Hayworth
Hensarling
Herger
Hill
Hinojosa
Hobson
Hooley (OR)
Houghton
Hoyer
Hulshof
Hyde
Inslee
Isakson
Israel
Issa
Istook
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
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
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Majette
Maloney
Manzullo
Matheson
Matsui
McCotter
McCrery
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
Nunes
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Pearce
Pelosi
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Saxton
Schiff
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Stearns
Stenholm
Sweeney
Tanner
Tauscher
Tauzin
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Upton
Van Hollen
Vitter
Walden (OR)
Walsh
Wamp
Watson
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wolf
Young (FL)

NOES—155

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Baldwin
Barrett (SC)
Bell
Berry
Bishop (GA)
Bishop (NY)
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Capuano
Cardoza
Carson (IN)
Clay
Clyburn
Coble
Conyers
Costello
Cummings
Davis (IL)
Davis, Jo Ann
Deal (GA)
DeFazio
Delahunt
DeLauro
Deutsch
Dingell
Doyle
Duncan
Engel
Evans
Everett
Farr
Fattah
Filner
Frank (MA)
Frost
Gephardt
Goode
Gordon
Green (TX)
Green (WI)
Grijalva
Gutierrez
Hastings (FL)
Hayes
Hefley
Hinchey
Hoeffel
Hoekstra
Holden
Holt
Honda
Hostettler
Hunter
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larson (CT)
Lee
Lewis (GA)
Lipinski
LoBiondo
Lynch
Markey
Marshall
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McNulty
Menendez
Michaud
Millender-McDonald
Miller (NC)
Mollohan
Murtha
Nadler
Napolitano
Norwood
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Paul
Payne
Peterson (MN)
Quinn
Rahall
Rodriguez
Rohrabacher
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Scott (GA)
Scott (VA)
Serrano
Sherman
Simmons
Slaughter
Solis
Spratt
Stark
Strickland
Stupak
Tancredo
Taylor (MS)
Taylor (NC)
Thompson (MS)
Tierney
Towns
Udall (NM)
Velazquez
Visclosky
Waters
Watt
Wexler
Wilson (SC)
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—7

Berkley
Bishop (UT)
Goss
Gutknecht
Miller, George
Pastor
Sullivan

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1454

So the bill was passed.

The result of the vote was announced as above recorded.

Stated against:

Mr. GEORGE MILLER of California. Mr. Speaker, on rollcall No. 432, which was the passage of the Singapore Trade Agreement, I inadvertently missed that vote. Had I been present, I would have voted ''no.''

PERSONAL EXPLANATION

Mr. GOSS. Mr. Speaker, on rollcall Nos. 430, 431 and 432 I was unavoidably detained. Had I been present, I would have voted ''yes'' on all three.

MOTION TO ADJOURN

Mr. MCDERMOTT. Mr. Speaker, I offer a privileged motion.

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

The Clerk read as follows:

Mr. MCDERMOTT moves that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn.

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

RECORDED VOTE

Mr. MCDERMOTT. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 33, noes 383, not voting 18, as follows:

[Roll No. 433]

AYES—33

Andrews
Capuano
Clay
Clyburn
Conyers
Doggett
Emanuel
Evans
Farr
Filner
Ford
Grijalva
Hastings (FL)
Hinchey
Honda
Johnson, E. B.
Kennedy (RI)
Lampson
Lewis (GA)
Lynch
McDermott
McGovern
Miller, George
Oberstar
Rangel
Sanchez, Loretta
Sandlin

Schakowsky
Strickland
Thompson (MS)
Towns
Waters
Woolsey

NOES—383

Abercrombie
Aderholt
Akin
Alexander
Allen
Baca
Bachus
Baker
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
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 (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)
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)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Everett
Fattah
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley (OR)
Hostettler
Houghton
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
Kaptur
Keller
Kelly
Kennedy (MN)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McHugh
McInnis
McIntyre
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
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Paul
Payne
Pearce
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
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanders
Saxton
Schiff
Schrock
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
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
Watson
Watt
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—18

Ackerman
Baird
Baldwin
Berkley
Berman
Bishop (UT)
Deutsch
Frank (MA)
Harman
Hoyer
Pastor
Pelosi
Rothman
Scott (GA)
Stenholm
Sullivan
Waxman
Wexler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1512

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

UNITED STATES-CHILE FREE TRADE AGREEMENT IMPLEMENTATION ACT

The SPEAKER pro tempore. Pursuant to section 3 of House Resolution 329, proceedings will now resume on the bill (H.R. 2738) to implement the United States-Chile Free Trade Agreement.

The Clerk read the title of the bill.

The SPEAKER pro tempore. When proceedings were postponed earlier today, the question of engrossment and third reading of the bill had been postponed.

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

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, this 15-minute vote on engrossment and third reading will be followed by 5-minute votes on any other questions on which record votes may be ordered in series on the pending business.

The vote was taken by electronic device, and there were—yeas 299, nays 129, not voting 6, as follows:

[Roll No. 434]

YEAS—299

Aderholt
Akin
Bachus
Baker
Ballance
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 (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Eshoo
Etheridge
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
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
Holt
Honda
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Isakson
Israel
Issa
Istook
Janklow
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
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
Maloney
Manzullo
Marshall
Matheson
Matsui
McCotter
McCrery
McDermott
McHugh
McInnis
McKeon
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Miller (FL)
Miller (MI)
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
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Sanders
Sandlin
Saxton
Schiff
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
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Upton
Van Hollen
Vitter
Walden (OR)
Walsh
Wamp
Watson

Watt
Waxman
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wolf
Wu
Young (AK)
Young (FL)

NAYS—129

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berry
Bishop (GA)
Bishop (NY)
Boucher
Brown (OH)
Capuano
Cardoza
Carson (IN)
Clay
Clyburn
Conyers
Cummings
Davis (AL)
Davis (IL)
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Emanuel
Engel
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Goode
Gordon
Green (TX)
Grijalva
Gutierrez
Hoeffel
Holden
Hooley (OR)
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larson (CT)
Lee
Lewis (GA)
Lipinski
Lowey
Lynch
Markey
McCarthy (MO)
McCarthy (NY)
McCollum
McGovern
McIntyre
McNulty
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Nadler
Napolitano
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Payne
Pelosi
Peterson (MN)
Rahall
Rangel
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Schakowsky
Scott (GA)
Scott (VA)
Serrano
Sherman
Slaughter
Solis
Spratt
Stark
Strickland
Stupak
Taylor (MS)
Taylor (NC)
Thompson (MS)
Tierney
Towns
Udall (NM)
Velazquez
Visclosky
Waters
Weiner
Wexler
Wilson (SC)
Woolsey
Wynn

NOT VOTING—6

Berkley
Bishop (UT)
Gephardt
Hinchey
Pastor
Sullivan

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1529

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

The result of the vote was announced as above recorded.

MOTION TO RECONSIDER OFFERED BY MR. MCDERMOTT

Mr. MCDERMOTT. Mr. Speaker, I offer a motion to reconsider.

The SPEAKER pro tempore (Mr. SIMPSON). The Clerk will report the motion.

The Clerk read as follows:

Mr. MCDERMOTT moves to reconsider the vote on ordering engrossment and third reading of the bill.

MOTION TO TABLE OFFERED BY MR. CRANE

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. CRANE) to lay on the table the motion to reconsider the vote by which the bill was ordered to be engrossed and read a third time offered by the gentleman from Washington (Mr. MCDERMOTT).

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

RECORDED VOTE

Mr. MCDERMOTT. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 276, noes 152, not voting 6, as follows:

[Roll No. 435]

AYES—276

Aderholt
Akin
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Berman
Biggert
Bilirakis
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
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Coble
Cole
Collins
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (CA)
Davis (FL)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Eshoo
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinojosa
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Israel
Issa
Istook
Janklow
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
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Manzullo
Marshall
Matheson
McCotter
McCrery
McHugh
McInnis
McKeon
Meek (FL)
Meeks (NY)
Menendez
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pelosi
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ruppersberger
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
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Van Hollen
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (AK)
Young (FL)

NOES—152

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

NOT VOTING—6

Berkley
Bishop (UT)
Gephardt
Nethercutt
Pastor
Sullivan

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1538

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

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

MOMENT OF SILENCE OBSERVED IN MEMORY OF OFFICER JACOB J. CHESTNUT AND DETECTIVE JOHN M. GIBSON

The SPEAKER. Pursuant to the Chair's announcement of earlier today,

the House will now observe a moment of silence in memory of Officer Jacob J. Chestnut and Detective John M. Gibson.

Will all please rise for a moment of silence.

Thank you.

UNITED STATES-CHILE FREE TRADE AGREEMENT IMPLEMENTATION ACT

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the passage of the bill.

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

RECORDED VOTE

Mr. MCDERMOTT. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 270, noes 156, not voting 8, as follows:

[Roll No. 436]

AYES—270

Bachus
Baker
Ballance
Ballenger
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bereuter
Berman
Biggert
Bilirakis
Blackburn
Blumenauer
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
Capps
Cardin
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Cole
Collins
Cooper
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
DeGette
DeLauro
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dooley (CA)
Doolittle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Emerson
English
Eshoo
Etheridge
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gingrey
Gonzalez
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayworth
Hensarling
Herger
Hill
Hinojosa
Hobson
Houghton
Hoyer
Hulshof
Hyde
Inslee
Isakson
Israel
Issa
Istook
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
Kind
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
LaHood
Larsen (WA)
Latham
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Majette
Maloney
Manzullo
Matheson
Matsui
McCotter
McCrery
McInnis
McKeon
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Nunes
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Pearce
Pelosi
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Saxton
Schiff
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Stenholm
Tanner
Tauscher
Tauzin
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Upton
Van Hollen
Vitter
Walden (OR)
Walsh
Wamp
Watson
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wolf
Wu
Young (FL)

NOES—156

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Barrett (SC)
Bell
Berry
Bishop (GA)
Bishop (NY)
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Capuano
Cardoza
Carson (IN)
Clay
Clyburn
Coble
Conyers
Costello
Cummings
Davis (IL)
Davis, Jo Ann
Deal (GA)
DeFazio
Delahunt
Deutsch
Dingell
Doggett
Doyle
Duncan
Engel
Evans
Farr
Fattah
Filner
Frank (MA)
Frost
Gephardt
Gillmor
Goode
Gordon
Green (TX)
Grijalva
Gutierrez
Hastings (FL)
Hayes
Hefley
Hinchey
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Hunter
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larson (CT)
LaTourette
Lee
Lewis (GA)
Lipinski
LoBiondo
Lynch
Markey
Marshall
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McNulty
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Murtha
Nadler
Napolitano
Norwood
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Paul
Payne
Peterson (MN)
Quinn
Rahall
Rodriguez
Rohrabacher
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Scott (GA)
Scott (VA)
Serrano
Sherman
Slaughter
Solis
Spratt
Stark
Strickland
Stupak
Sweeney
Tancredo
Taylor (MS)
Taylor (NC)
Thompson (MS)
Tierney
Towns
Udall (NM)
Velazquez
Visclosky
Waters
Watt
Wexler
Wilson (SC)
Woolsey
Wynn
Young (AK)

NOT VOTING—8

Berkley
Bishop (UT)
Davis, Tom
Kirk
Myrick
Pastor
Stearns
Sullivan

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1547

So the bill was passed.

The result of the vote was announced as above recorded.

Stated for:

Mr. TOM DAVIS of Virginia. Mr. Speaker, on rollcall No. 436, I was off the House floor and didn't hear the bells. Had I been present, I would have voted ''aye.''

Mr. STEARNS. Mr. Speaker, on rollcall No. 436, I was inadvertantly detained. Had I been present, I would have voted ''aye.''

Ms. MYRICK. Mr. Speaker, I was unable to participate in the following votes. If I had been present, I would have voted as follows: Rollcall No. 436, on passage of H.R. 2738, the U.S.-Chile Free Trade Agreement, I would have voted ''aye.''

NOTICE

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, THURSDAY, JULY 24, 2003 No. 111

Senate

(Legislative day of Monday, July 21, 2003)

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. STEVENS].

PRAYER

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

Let us pray.

God of hosts, great and marvelous are Your works. We thank You for the lives of great people that challenge us to live more sacrificially.

Today, we give a special thanks for the lives of two of our heroes, Detective John Gibson and Officer Jacob Chestnut, Capitol Policemen who gave their lives for freedom.

Lord, You said that a willingness to sacrifice one's life demonstrates the greatest love. Teach us how to give our lives in the living days. Use us to bring hope to those who fear tomorrow more than death.

Give our Senators wisdom so that they will truly be guardians of liberty. May they fulfill their calling in this generation to save lives by losing themselves in loving concern for others near and far.

We pray this in Your strong name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

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

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mr. BROWNBACK). The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning the Senate will be in a period for the transaction of morning business for 30 minutes. Following that time, the Senate will resume consideration of H.R. 2555, the Department of Homeland Security appropriations bill. We disposed of a number of amendments during yesterday's session, and I understand there are a few issues remaining. I reiterate that I hope we can expedite consideration of these amendments and proceed to final passage of this bill at an early hour today. We would then like to proceed to two additional appropriations bills this week.

In addition, we have the Chile and Singapore free trade agreements that we would like to consider this week if possible. Those bills are considered under fast-track procedures and have limited debate. I hope we will not use the time allotted under the statute and we can complete those two bills prior to finishing our business this week.

We will be devoting the entirety of next week to the pending Energy bill. We will have a full week's consideration, with debate and votes throughout the week. I have had the opportunity to talk with the managers of that bill, and they have been working very hard to have this bill addressed on the floor in an orderly, systematic way so that we can work toward completion of that bill beginning Monday.

I do expect lengthy sessions next week as we try to complete our work on that bill, which has been pending since May 6.

I also remind Senators that at 3:40 p.m. today we will observe a moment of silence to honor the memory of our two fallen Capitol Police officers, Officers Chestnut and Gibson. Members are encouraged to be in the Chamber for that moment of silence.

CHILD TAX CREDIT CHECKS

Mr. FRIST. Mr. President, I also wish to mention that tomorrow the U.S. Treasury will start rolling out additional child tax credit checks of up to $400 to over 25 million taxpayers over the next 3 weeks. Millions of America's working families will be getting a well-deserved break in the form of a tax rebate from our Federal Government. In fact, in Tennessee over 525,000 taxpayers will receive these child tax credit checks.

This tax relief is much deserved, and I am pleased that we are able to begin delivery of those checks. In this body, we passed the Jobs and Growth Tax Act, which is the third largest tax relief package in history, increasing that child tax credit from $600 to $1,000. We will continue to work on a whole range of issues that will strengthen our economy over time.

Next week, we will be addressing energy reform, and we will continue working on such issues in the coming weeks and months as medical liability reform and a host of other legislative issues that we believe strongly will create jobs, will grow the economy, and will help American families meet their bottom line.

I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business, with the first 15 minutes under the control of the Democratic leader or his designee.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. DASCHLE. Mr. President, I appreciate the announcements regarding the schedule of the distinguished majority leader. I simply say that I think the debate on homeland security this week has been a good one. I credit the chairman, as well as our ranking member, Senator BYRD, for the vigorous debate we have had on a number of issues relating to homeland security. We still have a number of amendments left to be resolved today, and I expect it will take a good part of the day before we are able to finish.

I can also appreciate the majority leader's desire to get as much work done prior to the August recess as possible, and his desire to move to other appropriations bills is understandable. However, I must say—and I have said privately and publicly—that his decision to wait until next week to begin and then finish the Energy bill leaves open the possibility that we will not finish, unless he is prepared to stay longer than next Friday. We have 382 amendments. That is about 77 amendments a day. I know some of those amendments will melt away, as oftentimes happens. But we have not seen the electricity title.

I am told there are other portions of the bill that are being revised as we speak. Senators cannot even offer amendments to those portions of the bill because they have not seen the draft. So it presents some logistical as well as really substantive questions and problems that, unfortunately, complicate the schedule even more and the majority leader's understandable desire to finish.

So I just warn my colleagues that, as much as I would like to see an Energy bill passed, we have a lot of concerns and some misgivings about the current bill. We hope we can address the renewable portfolio standard, the conservation issues, and a whole array of issues that have yet to be resolved. We have not been able to do that. So we are rolling the dice, in a way, and gambling, in a sense, that we can somehow accommodate all of these questions, all of this debate, and these very serious issues in a matter of a couple of days. I do not know how one does that. Obviously, it is certainly the majority leader's right to make these decisions so long as we all are aware of the challenges it presents and the complications to completion it would anticipate.

I again warn my colleagues and certainly in a most sincere way express a desire to complete the work, but we have to have time to do that. We do not have, in my view, adequate time with that schedule to complete the work on the Energy bill, as much as we would like to do that.

CHILD TAX CREDIT

I also note the majority leader talked to another issue we have been discussing on and off for a long time. I believe it is 48 days since we made the effort initially to reinstate the tax credit that was eliminated when the tax bill was signed into law for those whose incomes fall below $26,000. There are 12 million children—200,000 children of military families—who were intentionally left out of the legislation the majority leader referenced a moment ago. That has troubled us.

We have attempted on several occasions to reinstate that tax credit for those millions of families left out. We had a motion to proceed a couple of weeks ago, and we have indicated that we will continue to ask unanimous consent to ensure we have an opportunity, once more, to send as clear a message about the unfairness, the inequity, the extraordinary insult this represents to those families who are even, I would argue, more deserving of a tax credit than families with higher incomes.

So far our efforts have been unsuccessful because of the opposition expressed by our colleagues on the other side. But we will continue every day to find a way to see if this matter can be resolved prior to the time we leave for the August recess.

UNANIMOUS CONSENT REQUEST

I again renew the request. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 1434; that the bill be read a third time and passed; and that the motion to reconsider be laid upon the table. This is the Lincoln-Snowe child tax credit bill for those working Americans who will not get checks this week and which we have attempted to address now for several weeks.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, reserving the right to object, and I will be objecting, let me say to my good friend, the Democratic leader, that discussions continue between the two chairmen of Ways and Means in the House and Finance in the Senate. We are still optimistic that we will be able to move forward on something related to this matter in the near future. But in the meantime, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. DASCHLE. Mr. President, I appreciate the optimistic forecast of the distinguished assistant Republican leader. I will say, we have heard this now for some 48 days. The House leaves tomorrow, and they will have left without addressing this issue. So as checks are received for millions of families whose incomes exceed $26,000, all of those 12 million kids whose incomes are below $26,000 are going to be left empty-handed, in part because of objections, in part because of intransigence on the other side, in part simply because, by design, they were left out when this bill was written several months ago.

It is unfortunate but, as I say, we will continue to draw this matter to the attention of our colleagues, continue to find a way to resolve this so that some measure of equity can be provided, especially with regard to families who need it the most.

Mr. President, I know there are some Democratic Senators wishing to come to the Chamber soon to offer amendments. I understand we have morning business until 10 o'clock. I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, if there is no one wishing to speak, I wish to make a short comment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I know the order is for time on the other side. I ask to use about 5 or 7 minutes.

LEWIS & CLARK AND THE REVEALING OF AMERICA EXHIBIT

Mr. STEVENS. Mr. President, this is the time of year when Senators have visitors from home. I know many come to my office and ask me personally, What should I see in Washington now?

Last evening, I visited the opening of the Lewis and Clark exhibit, ''Lewis & Clark and the Revealing of America.'' It is at the Library of Congress from July 24 to November 29.

I have asked that a copy of the booklet that is being given out at this exhibit be placed on every Senator's desk. I do hope that will happen. I congratulate the Congressional Caucus on the Bicentennial of Lewis and Clark: Senators CONRAD BURNS, LARRY CRAIG, BYRON DORGAN, and Representatives DOUG BEREUTER and EARL POMEROY.

As one goes into the exhibit in the Library of Congress, the first thing one will see is the 1507 Waldseemuller world map. This is the first map that used the word ''America'' in the history of the world. Beyond that, there are a series of maps that lead up to the information that President Jefferson had when he dispatched Lewis and Clark to make their historic journey.

The interesting point about this is that for years, the maps of our part of the world were really kept classified by the Spanish, and it took a German geographer, Alexander von Humboldt, when he visited Mexico City and got access to the archives of Mexico to disclose to the world the maps that had been prepared prior to that time.

Copies of each of those maps is on exhibit at the Library of Congress. It takes us through the total exploration of Lewis and Clark but subsequent explorations of the American West, the Louisiana Purchase, and the total history of our country west of the Mississippi. It is told through maps and through artifacts that have been gathered not only to tell us the geography of our area, but really the dress of Americans at that time, the plants—a total description of the West as it was known then.

What is interesting is that the German geographer who had visited Mexico City actually visited with President

Jefferson prior to the time Lewis and Clark set off, as I said. The information he brought to the public, to the world at that time is just staggering.

I have seen a lot of exhibits at the Library of Congress in my day, and I have the honor to be the chairman of the Joint Congressional Committee on the Library. I believe this is an exhibition that should be called to the attention of every one of our visitors as they come into our offices.

I call to the attention of the Senate also that there is a film program that is going to go on starting Friday, July 25. There will be a series of films shown at the James Madison Building, which is part of the Library of Congress. These films are free and open to the public but require advance notice and reservations to get in. The seating is limited.

They are amazing historic films. It starts off with a 1955 Paramount film which is entitled ''The Far Horizons'' and continues through until November 21. The schedules are shown in the booklet. This is the kind of information I think Senators would be extremely wise to point out to their visitors. All they have to do to make reservations is call the number that is shown in this booklet, and they can have reservations for one of the finest historic films that one could think of. Each Tuesday, Thursday, and Friday, between now and November 21, there will be films shown to the public.

I do congratulate the Library of Congress, Dr. Billington and his staff, for putting together this enormous exhibition of the history of our American West. I do hope everyone has an opportunity to take the time to see it. It is not something one can just go in and make a 5-minute visit and look at a map. If they go through that door, they are going to be trapped for at least 30 to 45 minutes, or hours. It is one of the most staggering exhibits I have seen.

At one point, through our electronic means, they have the ability to show the actual outline of our Nation and put it up against the maps that were prepared back in the days before any digital concepts, before any real capability for surveying. It is amazing how close they came to preparing maps that were accurate, and this started off 500 years ago.

This is 500 years of history of the American West, and people can see it in a half hour or 2 hours. I do hope Senators will take the occasion to look at the booklet I have asked the Library of Congress to provide us. Copies of this chart are available to every Senator to put in their office so they can tell their visitors about this amazing exhibition.

In closing, I thank the Senate for the time, and particularly my friends on the other side of the aisle for letting me use some of their time, to speak about this exhibit. This is the work product of not only the Library of Congress, but they give credit to the Bicentennial Congressional Caucus, which is cochaired by my good friend from Montana. He will find an enormous number of photographs and history of his great State where I had the privilege of going to college for a short period of time. I want him to know this is a memory trip for me to go through this exhibition. I do thank him for his work, and I thank the other Senators for their courtesy.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, I put a footnote on this. I recommend the Lewis and Clark exhibit. It is wonderful history. Of course, the Louisiana Purchase is of great interest to all of us in the West. I recommend a book I am about two-thirds of the way through. It is called ''The Wilderness So Immense.'' It is the history of how we purchased all that land from France when Jefferson was ambassador to France. It goes back to 1785 and 1786, and also the politics involved with Spain. It involves the navigation of the Mississippi River, the control of New Orleans and, of course, Spain's influence in the great American southwest that led to the Louisiana Purchase. I recommend that book. It is written by Jon Kukla, and it gives a great insight on what happened.

I thank the Senator for mentioning this great 200th anniversary of the Louisiana Purchase.

The PRESIDING OFFICER. Under the previous order, there are now 15 minutes under the control of the Senator from Texas, Mrs. HUTCHISON, or her designee.

The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I yield up to 10 minutes to the Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana is recognized for up to 10 minutes.

THE GOOD NEWS IN IRAQ

Mr. BURNS. Mr. President, this morning we have been through a series of briefings with regard to Iraq. It amazes me, as we hear some of the rhetoric that is coming out of this town and, of course, across the waves, and I wish to bring to the attention of those who missed it, it was a very good briefing put on by Ambassador Bremer of what is happening in Iraq after the armed conflict is over, but which continues today on a guerrilla basis, and report to the American people that all the press we get is sort of on the negative side, but there are some very positive signs.

I hasten back to the start of our country. The path to democracy is a very rocky path. Sometimes it is very slow and sometimes it is very dangerous, but there are things being done now, and the best ambassadors I have found on the ground in Iraq are our uniformed troops.

If one can imagine a people who have been under the tyranny of Saddam Hussein for the last 25 years being told how evil this great army could be, that they would either cut out their tongues or they would kill them, and then have one of our soldiers or marines in combat gear and helmet, dirty, sandy, and grimy, walk up to a young Iraqi person with a smile and offer a hand of friendship in the form of water or some food, but mostly the hand of friendship, they are making great strides in winning the hearts of the Iraqi people and helping them to establish a free and open government for their own freedom and prosperity.

Right now, we are not hearing these kinds of figures: 85 percent of the cities and towns in Iraq now have elected councils in place and working. There was a strategy after the conflict was over, but No. 1 was security. We cannot do a thing in Iraq, and neither can the Iraqi people do for themselves, until it is secure so they will feel safe.

The building of central services, electrical power, water, sewer, all of these amenities that make life easy for us, are not in place. Saddam Hussein never paid a lot of attention to that. He rationed electrical power, water, all the services we take for granted in America. He limited them in order to suppress, and he got to pick and choose who were afforded those kinds of amenities or those central services we find so necessary in our own towns, villages, counties, and States.

We are making progress. We are now reconfiguring our military presence there. We are also doing something about the economy. How does one move state-owned enterprises into the private sector to provide some economic thrust for job and economic opportunity for the Iraqi people? That framework is in place, and it is being carried out.

How do we train a militia or a police force for the Iraqi people, headed by Iraqi people, and an armed forces for Iraq who answer not to a military tyrant but to a civilian government patterned somewhat like our own? That, too, is being put in place, and they are being trained by our forces.

We have around 30 to 40 coalition forces from different countries represented in Iraq right now. There are 12 top contributors, of which the U.S., the U.K., Spain, Norway, and others are all participating in this endeavor.

I advise the American people to look at the positive side of establishing a civil and free government in Iraq. We are building a new irrigation system and repairing old systems because the infrastructure has dwindled away. It has almost been destroyed—not by war but by use and wear. These folks need to be able to feed themselves.

We have agriculturists in the field, nongovernmental organizations in the field working in health care and agriculture and services vital to the Iraqi people to put this country back together and make it a democracy that will be the shining example of the Middle East.

We cannot lose our resolve. The Founders of this country did not lose

their resolve. They committed to an idea of freedom and self-government. Our path to democracy was not easy either. We have had 200 years of democracy. They have had less than 200 days to establish what they have dreamed of—freedom and the dignity of the individual. That is what this is all about. If they do not lose their resolve, we cannot lose our resolve.

Our President has provided that leadership under heavy criticism. He has established a goal and idea that will change the Middle East and how they do business in the Middle East.

Peace and freedom can be accomplished. The American people have made a commitment to do that goal. Now we have to maintain our resolve to the completion of that mission.

I thank our military forces this morning. They are men and women of great courage who know what the mission is and know how to complete the mission. Congratulations to our leadership, our leadership in Washington, President Bush and his staff. They have provided the resolve it takes to complete the mission.

There are many positive things. When the President said: We will hunt down these killers and deal with them—he meant it. The credibility around the world continues to be high with our leader. When he says it, he means it, he does it. It has bolstered Americans and shows what it is like to be the champion of freedom and human dignity around the world.

Is it costly? Yes, it is costly. Was it costly back in 1776 and the following years until 1800? Yes, it was costly. But we survived. We never lost our resolve. We cannot lose it now.

I thank the Senator from Texas for allowing me this little time. There are a lot of facts and figures we could throw out, but the message today is stand fast. If we believe in the fire of freedom, it is our responsibility to maintain that resolve.

I yield the floor.

Mrs. HUTCHISON. Mr. President, I thank the Senator from Montana for that wonderful speech. He did remind us once again the stakes we have in the war on terrorism. What is happening in Iraq is a high-stakes game. We are committed. America is not going to walk away. We are not going to start a job that we do not finish. The job is to bring peace and stability to the people of Iraq and to the entire Middle East. I thank the Senator from Montana for coming forward with that message.

How much time remains?

The PRESIDING OFFICER (Ms. MURKOWSKI). There are 4 minutes 45 seconds remaining.

Mrs. HUTCHISON. Madam President, I will continue on the same subject as the Senator from Montana and talk about what we are doing in Iraq. The meetings we had with Ambassador Bremer brought much more clarity to the progress being made in Iraq. Everyone is stunned and saddened by the loss of life of our soldiers that we see, unfortunately, on a daily basis. This gets worse every day because we are sick about losing these soldiers.

Part of the reason we have not been able to capture these people who are doing these horrible acts to our soldiers—one and two and three at a time—is because Iraqi people do not yet believe we are there to stay until they have a democracy in place. There is widespread belief in Iraq that Saddam Hussein is coming back. When we were able to capture the sons of Saddam Hussein, and they are now dead, that sent a message to the people of Iraq that we are going to capture Saddam Hussein. We are not going to stop until we know he is captured or dead. Two of his sons are dead, the two who would have been heirs to his incredibly cruel regime. They are dead. They are gone.

I applaud the President for saying he is going to show the dead bodies so the people of Iraq will be assured. In our culture, that would be horrifying. We would never show dead bodies in a newspaper in our country, particularly identified dead bodies. However, we have a different problem in Iraq. We have a problem that the people do not believe these people are really dead. Therefore, they fear coming forward and giving information about the people who are killing our soldiers. They fear coming forward and embracing Americans in many parts of Iraq. If that, in their culture, is what is necessary to show that these two sadistic tyrants are dead, that they can no longer cut off arms and legs, put children in shackles in jail, abuse children, abuse women, that they can no longer do these horrific acts, if that is the way we must show the Iraqis that these people are gone, I applaud the President for saying we will do it. I hope the President does.

We must get the trust of the Iraqi people. I do not think we are going to have that trust until they know that Saddam Hussein is dead, they know the sons are dead, and they know we are going to keep our commitment; that we are going to try to make life better for the Iraqi people and put their own people in charge of their own fate. That is what they are looking for. We must show them we are not going to give up because times are tough. Times are tough over there right now.

For people I talk to on the streets, it is incomprehensible they do not appreciate what we have done. We have to understand what they have lived through for the last 25 years in that country. They are used to being abused for no reason. If they look the wrong way, they may be shot at close range. That is what they have lived with. We cannot even imagine that in our country. We must try to win their trust in this slow and methodical way.

Madam President, our administration is making great progress. We are showing we will have the resolve to see this through.

If we can bring a quality of life and of freedom to the people of Iraq, then we do hope this will also stabilize the rest of the Middle East so we can bring a peace between the Palestinians and Israel, the two can live side by side in peace, and have at least the ability to live in peace if not trade together and work together.

That will also send a signal to the people of Iran that they can have freedom once again. It will send a signal to the people of Syria and throughout the Middle East that they, too, do not have to live under dictatorial regimes that allow them no freedom and do not have good education systems. We want the people of the Middle East to know what freedom is, to know what having an education is, so people can have jobs and have an economy and be able to live a life that has a quality of life.

We are bringing quality of life to Iraq through this administration. We are bringing health care services. Madam President, 90 percent of the people in the north have basic health care, 80 percent in the south, 75 percent in Baghdad. We are putting $210 million now into pharmaceuticals and basic health care services. This is an important quality-of-life issue for these people, and one of the first that we have addressed.

We have brought in 1.2 million tons of food since we ceased the hostilities in Iraq on March 30. We now have the ability to purchase local harvests in Iraq, so food will be available from the Iraqi people and for the Iraqi people.

I am very pleased with the progress. Is it enough? No. Is it going to take more time? Yes. Is it going to take patience? Absolutely. But America is not going to walk away when times get tough. We are going to see this through, and the world will be better when we do.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, morning business is now closed.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2004

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 2555, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 2555) making appropriations for the Department of Homeland Security for 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.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, I wanted to speak about an amendment I wish to offer that I have reason to believe may or may not be accepted. It

may be accepted, I am told. I was willing to do that in morning business or on the bill. Since we are now on the bill, is there an amendment pending?

The PRESIDING OFFICER. There is an amendment by Senator REID which is pending.

Mr. DORGAN. I ask unanimous consent that the amendment be set aside so I might offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1362

Mr. DORGAN. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from North Dakota [Mr. DORGAN] proposes an amendment numbered 1362.

Mr. DORGAN. 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 require a report on access by State and local law enforcement agencies to the Tipoff database on potential terrorists)

Insert after section 615 the following:

SEC. . Not later than 60 days after the date of the enactment of this Act, the Secretary of Homeland Security, in consultation with the Secretary of State and the Attorney General, shall report to the Committee on Appropriations of the Senate and the House of Representatives on the feasibility of providing access to State and local law enforcement agencies to the database of the Department of State on potential terrorists known as the ''Tipoff'' database, including the process by which classified information shall be secured from unauthorized disclosure.

Mr. DORGAN. Madam President, today we will hear the results of the 9/11 Commission, which will describe, after some study and hearings and consideration, what we knew prior to 9/11, prior to the devastating attack that occurred against this country that resulted in the murder of thousands of innocent Americans.

There have been past suggestions that some of our law enforcement agencies and others had information indicating a possible attack, and that the information didn't get evaluated or moved up the chain of command.

There are all sorts of discussions about what went wrong: What did we know? What could we have done with the information we had in our possession that might have foiled these attacks?

It is useful to evaluate all that. I hope this report, which I have not yet read, will advance our knowledge of this situation.

Information sharing is essential in the war on terrorism and in securing our country. But there is an alarming lack of information sharing when it comes to our state and local law enforcement officials. And that is the subject of my amendment here today.

On October 25 of last year, a task force headed by former Senators Warren Rudman and Gary Hart released a report titled ''America Still Unprepared, America Still In Danger.'' The bipartisan task force, sponsored by the Council on Foreign Relations, included former Secretaries of State Warren Christopher, George Shultz, retired Admiral William Crowe, former Chairman of the Joint Chiefs of Staff, and others.

What they found was that one year after the September 11 attacks, America remained dangerously unprepared for another terrorist attack. And at the top of the list of their concerns was this:

650,000 local and State Police officials continue to operate in a virtual intelligence vacuum, without access to the terrorist watch lists provided by the U.S. Department of State to immigration and consular officials.

That was the top concern raised by the report. What do they mean by that? They mean we do have a list of people who are known and suspected terrorists and individuals who associate with those known or suspected terrorists, and we use that list at the State Department to try to keep those people from coming into our country. It is made available to consulates across the world, to immigration officials across the world. It is a list meant to protect our country by preventing those who are known terrorist or those who associate with terrorists or suspected terrorists from entering our country.

The problem is this. This list is not shared with the 650,000 law enforcement officials in our country. We need 650,000 eyes and ears of local law enforcement officials able to access that list to see whether the car they pulled over on the interstate highway is filled with four terrorists.

Let me give an example: 36 hours before the September 11 attacks, one of the hijackers, the man who was at the controls of flight 93 that crashed in Pennsylvania—one of the hijackers named Ziad Jarrah was a 26-year-old Lebanese national. He was driving 90 miles an hour on Interstate 95, in Maryland. He was pulled over by the Maryland State Police. He was driving a car rented in his own name.

This fellow shared a Hamburg apartment with Mohamed Atta. He was, we think, at the controls of flight 93 that crashed in Pennsylvania and 36 hours before that attack he was pulled over for speeding on a Maryland highway.

It turns out, for a number of reasons, his name was not on the watch list. But had it been, and one would have expected it to be, that Maryland State trooper would not have been able to know that. If this afternoon, south of Drayton, ND, there is a highway patrol officer pulling over a car with three individuals in it, and if those individuals are known terrorists who have somehow come across the border from Canada, that highway patrol officer will not be able to access the terrorist watch list. So that highway patrol officer will be in the dark. He or she will stop that vehicle, will evaluate the occupants, search for information about their identity, but will not be able to access the watch list.

The officer can access the NCIC data list, and determine whether the person he has stopped has a criminal record, but the officer cannot access the list that includes the names of the terrorists. That makes no sense to me and it didn't make any sense to the commission headed by Senator Rudman and Senator Hart. They said, as long ago as last October, this needed to be fixed and it needed to be fixed now so that 650,000 additional pairs of eyes and ears belonging to law enforcement officials, city police officers, highway patrol, and others are available to help us look for terrorists who may be in this country.

Let me read in more detail excerpts from this Hart-Rudman report.

With just 56 field offices around the nation the burden of identifying and intercepting terrorists in our midst is a task well beyond the scope of the FBI. This burden could and should be shared by 650,000 local, county and State law enforcement officers. But clearly they cannot lend a hand in a counterterrorism information void. When it comes to combating terrorism, the police officers on the beat are effectively operating deaf, dumb and blind. The terrorist watch lists provided by the Department of State to immigration and consular officials are still out of bounds for State and local police. In the interim period as information sharing issues get worked out, known terrorists will be free to move about to plan and execute their attacks.

That is from the report issued last October, and nothing has been done about it.

The Senate passed, at my urging, a provision in the supplemental appropriations bill that effectively says to all the agencies to work to get this done. That provision was dropped in conference.

I will now offer the same piece of legislation and hope it will be attached to this appropriations bill. I hope it will be part of the bill that is signed into law. I hope we don't have to continue to prod executive agencies to do what they know we ought to do.

If, God forbid, there is another attack in this country by terrorists, if that attack is perpetrated by someone who is picked up by a highway patrol officer or a city police officer on a highway or a street, and that person's name was on the watch list, and it was in the bowels of the State Department available to all of the consular affairs offices in the world but not available to that law enforcement officer and, therefore, they let that known terrorist go because they did not know this was a terrorist, and that terrorist then commits an act of terror and murders thousands of Americans, then shame on this Government for not doing what all of us in this Chamber

know needs to be done—not tomorrow, not next week, not next year, right now, right this minute.

The report by the task force headed by Senators Hart and Rudman was titled ''America Still Unprepared, America Still in Danger.'' Their top recommendation of last October has still not been completed by the U.S. Government.

In my judgment, the American people ought to ask the question, Why on Earth is there foot dragging going on in making this watch list available to law enforcement all across this country in order to better prepare and better secure and better protect this country? It should not take a year for this database to be shared.

Today, I resubmit this amendment and say we should not waste one additional day.

I yield the floor.

Mr. COCHRAN. Madam President, we reviewed the amendment of the Senator from North Dakota. The operative language of the amendment is as follows:

The Secretary of Homeland Security . . . shall report to the Committee on Appropriations . . . on the feasibility of providing access to State and local law enforcement agencies to the database of the Department of State on potential terrorists . . . including the process by which classified information shall be secured from unauthorized disclosure.

We discussed the amendment with the distinguished Senator and are prepared to accept the amendment.

Mr. DORGAN. Madam President, I ask for its immediate consideration and ask for a vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1362) was agreed to.

Mr. DORGAN. I move to reconsider the vote.

Mr. DODD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Connecticut.

AMENDMENT NO. 1353

Mr. DODD. Madam President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Connecticut [Mr. DODD], for himself, Ms. STABENOW, and Mr. LIEBERMAN, proposes an amendment numbered 1353.

Mr. DODD. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To fund urgent priorities for our Nation's firefighters, law enforcement personnel, and emergency medical personnel, and all Americans by reducing the 2003 tax breaks for individuals with annual income in excess of $1,000,000)

On page 56, line 2, strike ''$172,736,000'' and insert ''$690,944,000''.

On page 58, line 6, strike ''$2,888,000,000'' and insert ''$11,552,000,000''.

On page 60, line 1, strike ''$750,000,000'' and insert ''$3,000,000,000''.

On page 60, line 15, strike ''$826,801,000'' and insert ''$3,307,204,000''.

On page 65, line 9, strike ''$165,000,000'' and insert ''$660,000,000''.

Mr. DODD. Madam President, I am offering this amendment on behalf of myself, my colleague from Michigan, Senator STABENOW, and my colleague from Connecticut, Senator LIEBERMAN.

The purpose of the amendment is very simply to take the report that has been discussed here, which was prepared over the last number of days by the Council on Foreign Relations, and identify and lay out in significant detail the priorities and the urgency in dealing with emergency responders. It is entitled ''Emergency Responders Drastically Underfunded, Dangerously Unprepared.'' It is the report of an independent task force sponsored by the Council on Foreign Relations and chaired by Warren Rudman and Richard Clarke, senior adviser, and Jamie Metzl, project director.

The purpose of the amendment reads:

To fund urgent priorities for our Nation's firefighters, law enforcement personnel, and emergency medical personnel, and all Americans by reducing the 2003 tax breaks for individuals with annual incomes in excess of $1 million.

That is the purpose.

Just so my colleagues understand, the language of the purpose does not mandate anything. The amendment would be subject to a point of order which I am confident my colleague from Mississippi would make, and there would be no vote on the amendment. I am setting out in the purpose what I would like to see occur.

Other than that, of course, the language of the amendment does specify some additional add-ons to meet the concerns raised by this task force on emergency responders.

Over the last day or so, we have had a series of amendments that have been offered to try to increase the funding in a number of areas.

I ask unanimous consent that this list be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE ROLLCALL VOTES 108TH CONGRESS 1ST SESSION (2003)

Vote No.	Date	Issue	Question	Result	Description
00298	July 23	H.R. 2555	On the Motion S. Amdt. 1351	Rejected 45–51	Motion to waive CBA Schumer Amdt. 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.
00297	July 23	H.R. 2555	On the Motion S. Amdt. 1350	Rejected 43–52	Motion to waive CBA Corzine Amdt. No. 1350; to appropriate $8,000,000 for the Office of the Under Secretary for Information Analysis and Infrastructure Protection to conduct chemical facility security assessments.
00296	July 23	H.R. 2555	On the Motion S. Amdt. 1346	Rejected 48–49	Motion to waive CBA Mikulski Amdt. No. 1346; to increase the amount of the appropriation for firefighter assistance grants by $150,000,000.
00295	July 23	H.R. 2555	On the Motion S. Amdt. 1343	Rejected 45–51	Motion to waive CBA Schumer Amdt. No. 1343; to increase the funds for research and development related to transportation security, and for other purposes.
00294	July 23	H.R. 2555	On the Motion to table S. Amdt. 1341	Agreed to 50–48	Motion to table Hollings Amdt. No. 1341; to provide funds to increase maritime security.
00293	July 23	H.R. 2555	On the Motion S. Amdt. 1327	Rejected 45–53	Motion to waive CBA. re Murray Amdt. No. 1327; to increase funding for emergency management performance grants.
00292	July 23	H.R. 2555	On the Amendment S. Amdt. 1331	Agreed to 79–19	Boxer Amdt. 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.
00291	July 22	H.R. 2555	On the Motion S. Amdt. 1317	Rejected 43–50	Motion to waive CBA re Byrd Amdt. No. 1317; To fulfill Homeland Security promises.

Mr. DODD. Madam President, there were amendments to make available additional dollars to increase the number of border personnel offered by our colleagues; amendments to appropriate funds for the Office of the Under Secretary of Information Analysis; amendments to increase the amount of appropriations for fire fighter assistance grants—Senator MIKULSKI and I offered that amendment—amendments to increase funds for research and to provide funds to increase maritime security; and, funds to increase emergency management performance grants. Senator BOXER offered an amendment to require a classified report to Congress on the security costs incurred by State and local governments, and so forth.

A number of amendments have been suggested. With very few exceptions, these amendments have been rejected on points of order. They were in violation of the Budget Act because they would break the caps.

I have great respect for those members who serve on the Appropriations Committee. It is not an easy job. But I think what we are faced with here is a problem that is far more significant than caps on these budget requirements under the appropriations bills.

You need go no further than to read the report prepared by the Council on

Foreign Relations that came out recently. It was begun in March and has been around here for the last several weeks. All Members, I presume, have received copies of it.

I want to read various passages of this to try to at least persuade my colleagues about the sense of urgency we ought to have in light of a survey and study done by those who are knowledgeable on the subject matter of international terrorism and very knowledgeable about what needs to be done to make this Nation more prepared.

Let me read the conclusion of this report. This was prepared by our former colleague, Senator Rudman, along with a very distinguished task force whose names I will share with the Members in a moment.

The terrible events of September 11 have shown the American people how vulnerable they are because attacks on that scale had never been carried out on U.S. soil. The United States and the American people were caught underprotected and unaware of the magnitude of the threat facing them.

In the wake of September 11, ignorance of the nature of the threat or of what the United States must do to prepare for future attacks can no longer explain America's continuing failure to allocate sufficient resources in preparing local emergency responders. It would be a terrible tragedy indeed if it took another catastrophic attack to drive that point home.

I do not think anything can be more clear than this language.

Listen further, if you will.

Listen further, if you will, in the foreword of this report by Les Gelb, who was the President of the Council on Foreign Relations. I will quote from his foreword. Les Gelb says:

As I sit to write this foreword, it is likely that a terrorist group somewhere in the world is developing plans to attack the United States and/or American interests abroad using chemical, biological, radiological, nuclear or catastrophic conventional means. At the same time, diplomats, legislators, military and intelligence officers, police, fire, and emergency medical personnel, and others in the United States and across the globe are working feverishly to prevent and prepare for such attacks. These two groups of people are ultimately in a race with one another. This is a race we cannot afford to lose.

In October 2002, the Council on Foreign Relations-sponsored Independent Task Force on Homeland Security issued the report ''America—Still Unprepared, Still in Danger.'' The Task Force, co-chaired by Senators Warren Rudman and Gary Hart, came to the general conclusion that ''America remains dangerously unprepared to prevent and respond to a catastrophic terrorist attack on U.S. soil.'' The report further warned that ''America's own ill-prepared response could hurt its people to a much greater extent than any single attack by a terrorist. . . . But the risk of self-inflicted harm to America's liberties and way of life is greatest during and immediately following a national trauma.''

Les Gelb goes on to say:

Although progress continues to be made to the newly formed Department of Homeland Security and other federal, state, and local institutions, America remains dangerously unprepared for another catastrophic terrorist attack.

In March 2003, the Council on Foreign Relations established an Independent Task Force on Emergency Responders to follow up on the specific recommendations of the Task Force on Homeland Security and to examine the status of preparedness and the adequacy of funding for emergency responders in the United States. The Task Force on Emergency Responders subsequently established an Emergency Responders Action Group, consisting of representatives of emergency responder professional associations, jurisdictional associations representing state and local officials, and congressional and budgetary experts, to provide expertise and advice to the Task Force. The Task Force performed its analysis in partnership with the Concord Coalition and the Center for Strategic and Budgetary Assessments, two of the Nation's leading budget analysis organizations. This represents the first realistic effort to develop a budget range of the costs necessary to protect the homeland [of the United States].

The preliminary analysis conducted by the Task Force suggests that the United States may be spending only one-third of what is required to adequately provide for America's emergency responders.

Of its most important recommendations, I would like to highlight the following—

Again, I am quoting Les Gelb—

Congress should require that the Department of Homeland Security work with state and local agencies and officials and emergency responder professional associations to establish clearly defined standards and guidelines for emergency preparedness.

Congress should work to establish a system for distributing funds based less on politics and more on threat. To do this, the federal government should consider such factors as population, population density, vulnerability assessment, and presence of critical infrastructure within each state. State governments should be required to use the same criteria for distributing funds within each state.

It goes on with these various recommendations. I will come back to those in a minute.

Let me also say, this is not an amendment where I just came up with a number. The number in the amendment I am offering is from the recommendation of this report. It is a large number. I have never offered, in all my years here, an amendment of this size. This amendment is nearly $15 billion in 1 year. That is in addition to the roughly $5 billion that is in this bill. This amendment is a little less than $15 billion. But those are the numbers recommended by this report. It is not a number I came up with or Senator STABENOW came up with or my staff came up with.

This is the recommendation of serious people who spent time looking at this problem, who have given us their best judgment of what we need to be doing, and saying we are coming woefully short of what needs to be done to keep this Nation prepared.

Let me share with you who these people are because it was not just some nameless or faceless group of individuals who prepared this report.

Charles Boyd is currently Chief Executive Officer and President of Business Executives for National Security. Before retiring from the U.S. Air Force, General Boyd served as Deputy Commander in Chief of the U.S. European Command.

Richard Clarke is Senior Adviser to the Council on Foreign Relations. Mr. Clarke served under the last three Presidents of the United States in a senior White House position.

Admiral William Crowe previously served as Chairman of the Joint Chiefs of Staff under President Ronald Reagan.

Margaret Hamburg is Vice President for Biological Weapons at the Nuclear Threat Initiative. Before coming to NTI, Dr. Hamburg was Assistant Secretary for Planning and Evaluation at the Department of Health and Human Services.

James Kallstrom is senior executive vice president at MBNA American Bank. Prior to that, he was on a leave of absence and served as the Director of the Office of Public Security for the State of New York.

Joshua Lederberg is a Nobel laureate. He currently serves as the president emeritus and Sackler Foundation Scholar at Rockefeller University.

Donald Marron is chairman of UBS America. He previously served for 20 years as chairman and chief executive officer for the Paine Webber Group.

James Metzl, I mentioned already. He served on the National Security Council at the White House, in the Department of State, and as Deputy Staff Director of the Senate Foreign Relations Committee.

Philip Odeen is former chairman of TRW. Previously he was president of BDM International, and a vice chairman at Coopers & Lybrand.

Norman Ornstein is a resident scholar at the American Enterprise Institute and senior counselor to the Continuity of Government Commission.

Dennis Reimer is director of the National Memorial Institute for the Prevention of Terrorism in Oklahoma City. Prior to that, he served in the U.S. Army in a variety of joint and combined assignments, retiring after 37 years as the Chief of Staff of the United States Army.

Warren Rudman, we all know, is our former colleague.

George Shultz is the Thomas W. and Susan B. Ford distinguished Fellow at the Hoover Institution. He has served as Secretary of State, Secretary of the Treasury, Secretary of Labor, and Director of the Office of Management and Budget and, of course, is a member of this task force.

Ann-Marie Slaughter is dean of the Woodrow Wilson School of Public and International Affairs at Princeton University.

Harold Varmus is president and chief executive officer of the Memorial Sloan-Kettering Cancer Center. He previously served as the Director of the National Institutes of Health.

John Vessey is a former Chairman of the Joint Chiefs of Staff, as well as Vice Chief of Staff of the United States Army.

William Webster previously was Director of the Central Intelligence

Agency from 1987 to 1991, and Director of the Federal Bureau of Investigation from 1978 to 1987.

Steven Weinberg is the Director of the Theory Group of the University of Texas, who is a Nobel laureate in physics and a recipient of the National Medal of Science.

Mary Jo White formerly served as U.S. attorney for the Southern District of New York from 1993 to 2002.

Madam President, these are the people who said we need to do what I am recommending, not some people—with all due respect—you might not meet or ever know who come up with a number.

Can you possibly imagine a more serious group of people who have looked at the threat to the United States, and who have given us a report only a few weeks ago? And here we are debating what needs to be done in homeland security. With great respect to those who are charged with living within the caps that are provided, they are saying to us, in this report—and I will quote from it—you need to do a lot more. America is vulnerable. America is in danger. What more serious group could we listen to?

Can you imagine if this group came to us—or a similar group—and said that our military was underfunded, that we didn't have the resources to deal with the threats in Iraq and North Korea and elsewhere around the globe? How long would we wait before responding to that recommendation?

Yet here we are with a similar group of people—former Chairmen of the Joint Chiefs of Staff, Directors of the CIA and the FBI, major figures in our society—recommending that we do more to protect our country, and we are not doing it.

I am stunned by it. I know we have caps in these budgets. But we just passed, in the last 28 months—if you collectively add them up—almost $3 trillion in tax cuts. And a sizable piece of those tax cuts have gone to some of the most affluent Americans. This Congress, if it wanted to, could find resources by paring back—not by blowing through the caps, but by paring back—on some of the tax cuts we have given to the most affluent Americans.

I represent a lot of affluent Americans in the State of Connecticut. I do not think I could find one of them who would not be willing to stand here and tell you: Roll back my tax cut if it means we can provide the resources to make America secure.

I do not know of a single wealthy citizen who believes that their tax cut is more important than keeping America secure.

What an indictment it will be. And we are told—in this report that you heard from Les Gelb—it is not a matter of if this happens but when it happens. When it happens, are we going to be prepared? Have we done the things necessary to keep our country strong?

Here we are getting a clear message from those people who spent the time looking at this saying we ought to do more. I apologize for offering an amendment of $15 billion, but that is what it takes. We have offered amendments for $15 million, $60 million, and $100 million here and there for firefighters, reports, and studies and to put more guards on the border. I said: Why not have an amendment that encompasses what this report recommends? That is what Senator STABENOW and I said. Let's put it on the line. Instead of nickel and diming this, let's say whether or not we in this body think the recommendations of these distinguished Americans deserve our support and in the waning days before we take a month off in August to go out and have a nice vacation for ourselves, whether or not we have the intestinal fortitude to step up and do what needs to be done to put this country on a more sound and secure footing.

That is the vote I will be asking our colleagues to make shortly on this issue. There will be a point of order and a motion to waive, and we can get confused. Let there be no doubt about what the vote is. The vote is not a point of order. The vote is whether or not we are going to have the resources to do what needs to be done, according to this report.

Let me share some of its conclusions. I see my colleague from Michigan. I want to give her the opportunity to be heard as well. But I want my colleagues to understand what we are going to be rejecting, having seen what has happened over the last several days. We will reject this, I presume. I would love to be proven wrong, but I suspect I will not. Just so the record is clear, I will ask unanimous consent that this report be printed in the RECORD. I will exclude the appendices and other materials. So every American who may not get a copy of this report, it can be pulled up on their Web site and they can read the report. I am not making it up. If you are interested in knowing what is in this report, you can read about it in tomorrow's CONGRESSIONAL RECORD.

I ask unanimous consent that the body of the report be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REPORT PREPARED BY THE COUNCIL ON FOREIGN RELATIONS—CONCLUSIONS AND RECOMMENDATIONS

1. DEFINE AND PROVIDE FOR MINIMUM ESSENTIAL CAPABILITIES

The Task Force found that there is no systematic national standard that defines the essential minimum capabilities for emergency responders that every jurisdiction of a given population size should possess or be able to access. Because of this, there are currently no comprehensive, systematic, and consolidated principles or measures against which the degree and quality of preparedness can be tracked nationwide. Current efforts to develop such standards are inconsistent and dispersed among various government agencies and nongovernmental organizations. Additionally, existing standards for minimum capabilities for emergency responders are a patchwork with many missing pieces that lacks systematic integration, are insufficient to address many major challenges—including that of catastrophic terrorism involving WMD—and are not harmonized across the many types of emergency responders. While existing standards provide a useful starting point, they do not constitute ''national standards for emergency response training and preparedness,'' as called for in the National Strategy for Homeland Security. (A selection from this document is included in Appendix B.) At the end of five years of federal funding, therefore, some metropolitan areas may still lack fundamental emergency responder capabilities.

Congress should require DHS and HHS to work with other federal agencies, state and local emergency responder agencies and officials, and standard-setting bodies from the emergency responder community to establish clearly defined standards and guidelines for federal, state, and local government emergency preparedness and response in such areas as training, interoperable communication systems, and response equipment. These standards must be sufficiently flexible to allow local officials to set priorities based on their needs, provided that they reach nationally determined preparedness levels within a fixed time period. These capabilities must be measurable and subject to federal audit.

Congress should require that the FY05 budget request for DHS be accompanied by a minimum essential emergency responder capability standard of WMD- and terrorism-related disaster equipment and training per 100,000 persons in a metropolitan region, and by separate standards for rural areas. Each recipient state and metropolitan area should then be required to submit a plan detailing how it intends to achieve that standard, to incorporate it into all appropriate training programs, and to regularly test its effectiveness.

National performance standards could be implemented through an incentive grant system making federal funding conditional and available to those localities that adopt federally approved standards of preparedness.

2. DEVELOP REQUIREMENTS METHODOLOGY

National capability standards for levels of preparedness must drive an emergency preparedness requirements process. This process must evolve into one similar to that currently used by the U.S. military. Threats must be identified, capabilities for addressing threats determined, and requirements generated for establishing or otherwise gaining access to necessary capabilities. The Task Force found that the administration and Congress were funding emergency preparedness without any agreement on methodology to determine how much is enough or what the requirements are. It is therefore extremely difficult, if not impossible, to measure how well prepared the United States is.

Congress should include in the FY04 appropriations for DHS and HHS a provision calling on each agency to accompany the FY05 budget request with a detailed methodology for determining the national requirements for emergency responder capability and assistance.

Congress should require that DHS and HHS submit a coordinated plan for meeting national preparedness standards by the end of FY07.

Congress should require DHS and HHS to report annually on the status of emergency preparedness across the United States. This report should indicate the levels of federal, state, and local expenditures for emergency preparedness, evaluate how effectively that funding is being used, and assess the status of preparedness in each state based on national preparedness standards.

3. ACCEPT NECESSARY BURDEN-SHARING

The Task Force found that there were no accepted national guidelines for determining the nature of burden-sharing between the federal government and state and local jurisdictions. Although state and local jurisdictions should maintain primary responsibility for funding normal levels of public health and safety readiness, the Task Force found that the federal government should be responsible for providing the funds necessary to cover the incremental costs of achieving essential standards in responding to the additional national security threat posed by terrorism. In some outstanding cases, federal funds may be required to enhance state and local emergency responder infrastructure that has been starved of resources if the deterioration of capabilities is such that it poses a threat to national security and state and local resources are not reasonably sufficient for addressing this shortfall.

4. GUARANTEE SUSTAINED MULTIYEAR FUNDING

The Task Force found that many state and local governments are unwilling or unable to accept federal funding for programs that will generate long-term costs in the absence of guarantees that the federal government will make funds available for sustaining such programs. Stable and long-term funding is critical for encouraging state and local governments to develop the necessary emergency response capabilities and, most critically, to sustain them over time.

Congress should accompany all authorizations for emergency responder assistance grants in FY04 and thereafter with budget authority for sustaining those grants through the following two fiscal years.

5. REFOCUS FUNDING PRIORITIES

The Task Force found existing systems for determining the distribution of appropriated funds to states to be badly in need of reform. The federal government currently determines levels for emergency preparedness funding to states primarily on a formula that guarantees minimum funding levels to all states and then determines additional funding based on each state's population. All citizens of the United States deserve a base level of protection regardless of where they live. Nevertheless, the state and population-drive approach has led to highly uneven funding outcomes. Wyoming, for example, receives $10.00 per capita from DHS for emergency preparedness while New York State receives only $1.40 per capita. While this approach may have political appeal, it unnecessarily diverts funding from areas of highest priority. In addition, decision by state officials regarding the allocation of funds in their states have not sufficiently taken into account the multitude of necessary factors.

Congress should establish a system for allocating scarce resources based less on dividing the spoils and more on addressing idenfitied 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. State governments should be required to use the same criteria for distributing funds within each state.

Congress should also require each state receiving federal emergency preparedness funds to provide an analysis based on the same criteria to justify the distribution of funds in that state.

6. RATIONALIZE CONGRESSIONAL OVERSIGHT

The Task Force found that the proliferation of committees and subcommittees in Congress makes it hard to devise a coherent homeland security policy and a focused homeland defense system. Congress needs to have a lead committee, or an effective joint committee, to shape overall policy. Otherwise the system is likely to be fragmented and plagued with pork.

The U.S. House of Representatives should transform the House Select Committee on Homeland Security into a standing committee and give it a formal, leading role in the authorization of all emergency responder expenditures in order to streamline the federal budgetary process.

The U.S. Senate should consolidate emergency preparedness and response oversight into the Senate Government Affairs Committee.

7. ACCELERATE DELIVERY OF ASSISTANCE

The Task Force found that many metropolitan areas and states had actually received and spent only a small portion of the funds for emergency responders that have been appropriated by Congress since September 11. The current inflexible structure of homeland security funding, along with shifting federal requirements and increased amounts of paperwork, places unnecessary burdens on state and local governments as they attempt to provide badly needed funds to emergency responders. While a balance should be maintained between the need for the rapid allocation of emergency preparedness funds and the maintenance of appropriate oversight to ensure that such funds are well spent, the current danger is too great to allow for business as usual. According to the National Emergency Managers Association, ''appropriation cycles have been erratic causing extreme burdens on state and local governments to continue preparedness activities when there is no federal funding, and then forcing them to thoughtfully and strategically apply several years of federal funds and millions of dollars at one time.'' (NEMA, State Spending and Homeland Security Funds,'' April 2, 2003) As a first step toward addressing this problem, Congress instructed the DHS Office of Domestic Preparedness in the FY03 consolidated appropriations measure (P.L. 108–7) to distribute grant funds to states within 60 days of the enactment of the bill and required states to distribute at least 80 percent of those funds to localities within 45 days of receipt.

Congress should ensure that all future appropriations bills funding emergency response include strict distribution timeframes as exemplified by the FY03 consolidated appropriations measure.

Congress should require states to submit data regarding the speed of distribution of the federal funds for emergency responders appropriated to states.

Congress should grant DHS the authority to allow states greater flexibility in using past homeland security funding. As a first step in this direction, Congress should authorize greater flexibility in the federal guidelines laid out in the FY03 Omnibus Appropriations Bill for the percentages of funds that can be used for various emergency response activities (e.g., 70 percent for equipment, 18 percent for exercises, 7 percent for planning, 5 percent for training) to make it possible for states to better allocate resources according to their most urgent needs. This authority should be granted on a case by case basis by means of a waiver from the Secretary of the Department of Homeland Security.

8. FIX FUNDING MECHANISMS

Many states have been mandated to develop more than five separate homeland security plans. While the information requested by each homeland security plan is similar, states and communities are often required to reinvent the wheel from one emergency plan to the next.

DHS should move the Office of Domestic Preparedness from the Bureau of Border and Transportation Security to the Office of State and Local Government Coordination in order to consolidate oversight of grants to emergency responders within the Office of the Secretary.

States should develop a prioritized list of requirements in order to ensure that federal funding is allocated to achieve the best return on investments.

Congress should require DHS to work with other federal agencies to streamline homeland security grant programs in a way that reduces unnecessary duplication and establishes coordinated ''one-stop shopping'' for state and local authorities seeking grant funds. Efforts to streamline the grants process should not, however, be used as a justification for eliminating existing block grant programs that support day-to-day operations of emergency responder entities. In many cases, such grants must be expanded.

Congress should create an interagency committee to eliminate duplication in homeland security grants requirements and simplify the application process for federal grants.

9. DISSEMINATE BEST PRACTICES

Although emergency responders have consistently identified as a high priority the need to systematically share best practices and lessons learned, the Task Force found insufficient national coordination of efforts to systematically capture and disseminate best practices for emergency responders. While various federal agencies, professional associations, and educational institutions have begun initiatives to develop and promulgate best practices and lessons learned, these disparate efforts generally are narrow and unsystematic and have not sufficiently reached potential beneficiaries. Such information-sharing could be one of the most effective ways to extract the greatest amount of preparedness from a finite resource pool. Once centralized and catalogued, such data will allow all emergency responders to learn from past experiences and improve the quality of their efforts, thereby assuring taxpayers the maximum return on their investment in homeland security. Access to this resource will provide the analytical foundation for future decisions regarding priorities, planning, training, and equipment.

Congress should establish within DHS a National Institute for Best Practices in Emergency Preparedness to work with state and local governments, emergency preparedness professional associations, and other partners to establish and promote a universal best practices/lessons learned knowledge base. The National Institute should establish a website for emergency preparedness information and should coordinate closely with HHS to ensure that best practices for responding to biological attack are sufficiently incorporated into the knowledge base.

10. ENHANCE COORDINATION AND PLANNING

The Task Force found that although effective coordination and planning are among the most important elements of preparedness, jurisdictions across the country are neither sufficiently coordinating emergency response disciplines within their jurisdictions nor adequately reaching across jurisdictional lines to coordinate their efforts with neighboring communities. Although Title VI of the Stafford Act (P.L. 106–390) authorizes the Director of FEMA to coordinate federal and state emergency preparedness plans, this authority has not been applied sufficiently to ensure adequate levels of coordination and planning between and among federal, state, and local jurisdictions. In addition, state and local emergency management agencies lack the resources to develop and maintain critical emergency management capabilities. More also needs to be

done to encourage and facilitate mutual aid and other cross-jurisdictional agreements that pool resources, minimize costs, and enhance national preparedness.

DHS should require that all states and territories submit statewide mutual assistance plans, including cross-border plans for all cities and counties adjoining state or territorial borders. Reference to such plans should be required in all homeland security grant applications for federal funding. Wherever possible, grants should be structured to reward the pooling of assets across jurisdictional lines.

DHS should develop a comprehensive national program for exercises that coordinates exercise activities involving federal agencies, state and local governments, and representatives from appropriate private sector entities including hospitals, the media, telecommunications providers, and others. These exercises should prepare emergency responders for all types of hazards, with a specific focus on WMD detection and response. When necessary, funds should be provided to ensure that exercises do not interfere with the day-to-day activities of emergency responders.

Congress should work with DHS to expand the capacity of existing training facilities involved in the National Domestic Preparedness Consortium and to identify any new training facilities for emergency responders that may be required.

Mr. DODD. Let me read some of the executive summary. I am quoting directly.

The tragic events of September 11, 2001 brought home to the American people the magnitude of the danger posed by terrorism on U.S. soil. Now in the aftermath of the September 11th attacks, the United States must assume—

Remember who I told you wrote this report now—

that terrorists will strike again, possibly using chemical, biological, radiological, or even nuclear materials. The unthinkable has become the thinkable. But although in some respects the American public is now better prepared to address aspects of the terrorist threat than it was two years ago, the United States remains dangerously ill-prepared to handle a catastrophic attack on American soil.

On average fire departments across the country have only enough radios to equip half the firefighters on a shift and breathing apparatus for only one-third of our firefighters. Only 10 percent of the departments in the United States have the personnel and equipment to respond to a building collapse. Police departments and cities across the country do not have protective gear to safely secure a site following an attack with weapons of mass destruction. Public health labs in most states lack basic equipment and expertise to adequately respond to a chemical, biological attack, and 75 percent of state laboratories report being overwhelmed by testing requests. Most cities do not have necessary equipment to determine what kind of hazardous materials emergency responders may be facing.

If the nation does not take immediate steps to better identify and address the urgent needs of emergency responders, the next terrorist incident could have an even more devastating impact than the September 11th attacks. According to data provided to the Task Force by emergency responder professional associations and leading emergency response officials from around the country, America will fall approximately $98.4 billion short of meeting critical emergency responder needs over the next five years if current funding levels are maintained.

That is my amendment. I can only put up a 1-year appropriation. We have roughly 5 in the bill before us. I put up an additional 15. That is 20. That gets you close to 98, if we did it each year over the next 5 years. The amendment is not made up out of whole cloth. It comes from the recommendations of this task force I have cited.

Currently the Federal budget to fund emergency responders is about $28 billion over five years.

It goes on, and I will not bore my colleagues. They can read it for themselves. It goes through what States may or may not be spending. The fact is, we know almost every State is facing huge deficits. The deficit of the State of California is $38 billion alone. My State is about $1.5 billion. In Michigan, it is around $4 billion. So you have roughly $100 billion in deficits. We read the other day that colleges and universities are going to raise tuition to make up for the shortfalls. The idea that States will allocate more money in light of their own fiscal difficulties is unrealistic. Candidly, the report says, over the next number of years, we cannot rely on States to fill in the gap. They are not going to be able to do it.

By the way, I want to repeat a point. I think it was tremendously worthwhile that Pete Peterson, the leader of the Concord Coalition and also the Center for Strategic and Budgetary Assessments, two of the Nation's leading budget analyst organizations, worked on these numbers. They say in the report that they are not claiming perfection, and there is a need to do a far better assessment of overall needs. But they also quickly say: You can't wait until you get all the assessments and perfection. You have to be on a dual track. I am almost quoting the report here, that you need to do a better assessment, but simultaneously we have to get the resources out to support the efforts being made to make us more secure.

We have had very strong organizations looking at what needs to be done. The additional funds that we are talking about in this amendment and some we have already voted on would allow for additional resources to support homeland security.

We would extend the emergency 911 system nationally to foster effective emergency data, to significantly enhance urban search and rescue capabilities of major cities and the Federal Emergency Management Agency in cases where buildings or large structures collapse and trap individuals; to foster interoperable communications systems for emergency responders across the country. This is a major area. I do not know of a single colleague that has not heard from their police and fire departments about the inability to communicate with each other.

On the interoperability of the telecommunications systems, there is a real gap across the country and a tremendous demand. Some have estimated the cost to be $400 or $500 million—and that may be low—to get the ability of our first responders to be able to talk to one another. That is a major item.

Again, citing from the report, to enhance public health preparedness by strengthening laboratories' disease tracking communications by training public health officials; to strengthen emergency operations centers for local police, public safety coordination; to provide protective gear and weapons of mass destruction remediation equipment to firefighters; to support an extensive series of national exercises that would allow responders to continually learn and improve on effective response techniques; to enhance emergency agricultural and veterinarian capabilities for effective response to national food supply attacks; to develop surge capacity in the Nation's hospitals and to help them better prepare for weapons of mass destruction attacks; to enhance capacity for emergency medical technicians, paramedics, and others to respond to mass casualty events.

This is just a list of the things they are talking about that they think are necessary.

They point out the importance of coordinating. I will not read all of that. I will put it in the record so Members who want to read the report for themselves can get a better feel for what is necessary.

I mentioned already some of the tremendous shortcomings that occur. Again I quote from the report:

It is impossible to overestimate the need to prepare for this threat. One way of understanding America's urgent need to prepare is to ask the question: If we knew that there was going to be a terrorist attack sometime in the next 5 years, but did not know what type of attack it would be, who would carry it out, or where in the United States it would occur, what actions would we now take and how would we allocate our human and financial resources to prepare?

The American people must assume this is the situation this Nation currently faces.

So we can anticipate an attack in the next 5 years. We don't know where or when, but it is going to come. What better warning could you have? What is history going to say about us? You had a report. You were told by highly competent individuals what a shortcoming you face.

This is only $15 billion. We are spending $5 billion every month in Iraq and Afghanistan—$1 billion a week in Iraq and $1 billion a month in Afghanistan. That is $15 billion in 3 months to try to deal with the threats there. I am asking for $15 billion for a whole year to make us more secure.

I certainly understand the reasons why we have to do what we do in Iraq and Afghanistan. I am not suggesting that is a bad idea. Don't misunderstand me. But if it is good enough to keep us secure by doing that there, and there is a report telling us we are not doing enough at home, can't we at least do what we do in those two countries on a 3-month basis in this country for a year to make us more secure?

Frankly, I don't understand why we are debating this. I would have thought we would have been told this is what we have to do, based on the best analysis of what needs to be done here. If we knew we were going to face a terrorist attack and we didn't know what type it would be, who would carry it out, where it would occur, what actions would we take now? I suspect that I would be overwhelmed by people who would want to be here to support an amendment to add these numbers.

As I said, we have not defined the national standards of preparedness. This report points it out—the essential capabilities of every jurisdiction, considering size, who would have immediate access to it, and so forth. This report clearly says you cannot wait for those reports to be done. I will quote again from the report. I think there is stunning language here:

The United States must rapidly develop a sophisticated requirement methodology to determine the country's most critical needs and allow for the setting of priorities and readiness training and procurement. The United States does not, however, have the luxury of waiting until an overreaching process is created to fund urgently needed enhancements to current capabilities. In the nearly 2 years since the September 11 attacks, Congress has dangerously delayed the appropriation of funds for emergency responders, Federal agencies have been slow getting funds to State and local jurisdictions, and States have hampered the efficient dissemination of much needed Federal funds to the local level. The overall effectiveness of Federal funding has been further diluted by a lack of process to determine the most critical needs of the emergency responder community in order to achieve the greatest return on investment. A dual-track approach is therefore required while developing a reliable systematic requirements methodology, and streamlining the appropriations process must be a priority. The United States must make its most educated guess based on incomplete information about what emergency funds are needed immediately.

So it says that Congress has dangerously delayed the appropriations process. This is not a report prepared by a group of Democrats. I don't think George Shultz and the others in this group—you can go back to advisers who would associate themselves with some partisan report but this is hardly partisan. It is a cold analysis of where we are and what kind of trouble we are in. It is about what kind of trouble we are in. Either we understand this and respond to it, or we will suffer the consequences of a historical judgment that will indict us for not having done what needed to be done in these days.

I will have more to say about this. I know some of my colleagues want to be heard as well. I don't fault my good friend from Mississippi, who has the unenviable task of chairing a subcommittee that has to grapple with these issues. I don't fault him in this. He is faced with the budget constraints we have adopted. I thank him for his commitment to these issues.

As I say, with a great deal of reluctance I have offered this amendment. It is a large amount—$15 billion—but I thought that instead of trying to go through 25 different amendments of little pieces here and there, we would lay out on the table this report and its recommendations and suggest how we might do it.

It is painful, obviously, to roll back something you have already adopted. But imagine what they would say about us historically—that we didn't want to roll back a tax cut—not all of it but just for those in the most affluent group of our citizens, and ask them to take a little less for a while in order to let us fund homeland security. Can you imagine what history may say 50 or 100 years from now, after we have gone through a series of events, that Congress had a report that warned otherwise in 2003 but they just could not find a way to do it, and we didn't fund it properly, so our people faced a great threat?

I don't understand how we would allow ourselves the vulnerability of that kind of historical judgment. So that is why I have put language in here to suggest how this could be done. Yes, $3 trillion is a lot of money. It is a thousand billion dollars. One thousand billion dollars is a trillion dollars. A thousand million dollars is a billion dollars.

I am asking for $15 billion out of a thousand billion, or the three thousand billion, in order to try to get this right. You cannot convince me ever that there is not enough room in that tax cut, those amounts, to find something here to make homeland security better for the people of our Nation. They deserve nothing less. They will be horrified to find out, if events occur, that we didn't do what we should have and could have done.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. COCHRAN. Madam President, the distinguished Senator from Connecticut has offered an amendment to add exactly, according to my addition, $14.408 billion to the total spending provided in this bill that funds the Department of Homeland Security.

The statements that he makes regarding the Council on Foreign Relations report are certainly to be considered seriously by the Senate. They have done good work. Former Senators Warren Rudman and Gary Hart have worked hard to bring the attention of the whole country to the needs we have in this area.

I think one thing overlooked is that the Department of Homeland Security's budget does not represent the total amount of spending being undertaken by the Federal Government, nor State and local governments, to do the things necessary to improve our capability not only to respond to natural and manmade attacks, or terrorist acts, but to prepare for them as well, and to improve our intelligence capability and what we are doing to find out what the terrorists are up to, who they are, and how they could pose threats to American citizens and our homeland.

Much of the spending is done in other Departments that is not included in this amount. So to focus on this budget for this Department and say there is not enough money here to do what we need—of course there is not. There is no money in here for the CIA or the FBI. There is no money in here for doing things such as bioterrorism research on how we can protect ourselves against bioterrorism threats. That is being done by the Department of Health and Human Services, through the Centers for Disease Control. They are funded in other bills.

This budget, and the budget request submitted by the President for homeland security, represents only 58 percent of the total Federal effort. So there is much more being done than is reflected in the budget of this Department and this appropriations bill which, incidentally, adds a billion dollars over the President's budget request for these activities. Much of that money is going to the first responders' effort this year and will next year.

We cannot measure what we have done in the last 2 years and project it as to what we will do in the future. We cannot do it all in 1 year. We are making progress, and more progress needs to be made.

It is not just a Federal program either, it is a national program. It involves all governments, all agencies, and the American people themselves. We are all more aware and more alert to the dangers and what we can do personally to help improve the security of our homeland. So the adding of $14.408 billion to this bill, with no corresponding offset, will violate the Budget Act because we are only allocated a certain amount of spending. When we go above that, then the bill becomes subject to a point of order that any Senator can make and the whole bill falls.

So with a great deal of respect for my friend from Connecticut, I 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.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of that act for purposes of the pending bill and 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. Does the Senator from Michigan desire to speak?

Ms. STABENOW. I ask unanimous consent to speak concerning the motion to waive the Budget Act on the Dodd-Stabenow amendment before proceeding with the vote.

Mr. DODD. A motion to waive is a debatable motion.

The PRESIDING OFFICER (Mr. ENSIGN). The Senator from Michigan.

Ms. STABENOW. Mr. President, I rise to debate that motion and support Senator DODD in his motion. I am very proud to be joining with him in the Dodd-Stabenow amendment concerning fully providing the resources for our first responders in our communities all across America. I appreciate the constraints our chairman is working under, but I cannot imagine a more important issue for all of us today than this particular amendment.

This is not a partisan amendment. The terrorists who come do not decide who is a Republican or who is a Democrat, where one lives, their age or ethnic background. This is an issue for all of us as Americans, certainly for the people who work in this building who were directly in the line of attack on September 11, certainly for all of those across the country who understand that this is a new world since September 11, 2001.

When it comes to protecting our country from terrorists, we should do whatever it takes, period, to make sure we are safe. We cannot live by artificial limits, by bureaucratic budget procedures. Just as Congress has come together, working with the President, and said whatever our military needs, whatever it takes to prepare our men and women to be successful overseas, to support our military, to support our Department of Defense, we will do, period, to make sure our people are safe abroad as well as at home. We should do no less.

I join with Senator DODD in saying this should not even be an issue that we are debating once we have seen this report—the emergency responders are drastically underfunded and dangerously unprepared—a report that does not just deal with one department; they look across the range of issues that relate to our folks on the front lines being able to respond, and they have a report about which every single American should be concerned. We should take this as a blueprint and immediately respond to it.

How do we determine what is the right amount to spend to protect our country? I cannot think of a more objective or credible group than the one which put this together. We should listen to the experts, and in this case a bipartisan commission of experts, charged with this task, who determined we need to spend an additional $98.4 billion over 5 years on top of what we are doing today. This is a shocking difference between what the American people need, what we need, and what we are providing as a Congress representing those American people.

This conclusion was reached by an impressive bipartisan commission. As the Senator from Connecticut has already indicated, it is led by former Republican Senator Warren Rudman, former White House cybersecurity chief Richard Clarke, and just to mention a few of those who have put these recommendations together for us and for the American people, a highly respected list of Americans, including the former Chairman of the Joint Chiefs of Staff, ADM William Crowe, former Reagan Secretary of State George Shultz, and former FBI Director William Webster.

When coming up with its conclusions, this distinguished panel consulted with organizations such as the International Association of Chiefs of Police, the International Association of Fire Chiefs, and the International Association of Fire Fighters. After much deliberation, this panel reached a dramatic conclusion, and the title of its press release says it all:

> Nearly 2 years after 9/11, the United States is still dangerously unprepared, and underfunded, for a catastrophic terrorist attack, warns New Council Task Force.

I read from the summary of this report:

> Nearly 2 years after 9/11, the United States is drastically underfunding local emergency responders—

Police, fire, emergency medical personnel, others—

> and remains dangerously unprepared to handle a catastrophic attack on American soil, particularly one involving chemical, biological, radiological, nuclear, or high-impact conventional weapons. If the Nation does not take immediate steps to better identify and address the urgent needs of emergency responders, the next terrorist incident could be even more devastating than 9/11.

Further, the summary reads:

> The task force met with emergency responder organizations across the country and asked them what additional programs they truly need—not a wish list—to establish a minimum effective response to a catastrophic terrorist attack. These presently unbudgeted needs total $9.84 billion, according to the emergency responder community and budget experts.

Finally:

> The . . . Task Force . . . based its analysis on data provided by frontline emergency responders—firefighters, policemen, emergency medical personnel, public health providers and others—whose lives depend upon the adequacy of their preparedness for a potential terrorist attack.

This report says our local communities need much more than we are currently providing. This is not a critique from me, as the Senator from Michigan, it is not a critique by the distinguished Senator from Connecticut, it is not by any politician or any person right now who would gain from some partisan advantage. This is a group of experts on a bipartisan basis who come together as Americans to say we are not doing enough.

This report reaches the same conclusion I have heard from my own first responders in Michigan. I have spent a great deal of time traveling across Michigan since last fall, and I have done over 11 different townhall meetings in Michigan with police departments, large and small, fire departments, police chiefs, sheriffs—Republican sheriffs, Democratic sheriffs—those at the health department, the folks who run the emergency rooms at the hospitals, all of those involved, and overwhelmingly they have said: We are working very hard. We cannot do it alone. Please get beyond the ideological debate and talk about what we need to prepare us to be safe.

It cannot be done just by asking the local city, township or county to provide additional resources alone. This is a national attack on our country. It needs a partnership from all of us, and they are speaking loudly that they need our help. More importantly, we need to make sure they are prepared and they are stepping up to the effort.

Unfortunately, they are receiving less from our State governments that are uniformly in a budget crisis. In Michigan, we are seeing about 26 percent of their general fund budget lost through the economy, through various decisions made at the State level. They need our help.

This amendment is much more than dollars. It is really not about the dollars. It is about being safe. It is about being prepared. It is about saying, We get it; we understand we have to do whatever it takes to be able to say to our own families: We are prepared in case another attack comes.

I heard from Michigan police and firefighters and emergency responders that the issue of radios is not some theoretical debate. The ability to communicate between the fire department and the police department or the city and the county, to be able to communicate in a way to respond most effectively if there is a message or an attack is not happening because of the lack of radios. They do not have the state-of-art radio technology, interoperability, to be able to communicate with one another. Imagine how difficult it is to coordinate a response after a terrorist attack if the department has only antiquated radio equipment. How basic can you get than being able to make sure people can communicate with each other?

This is not rocket science. We are talking about the ability to communicate, so they can call someone; so when you call 9–1–1 you know the folks on the other end can call the right people and talk to them to give you the help you need, to get the response you need in the community.

The Rudman report concluded, on average, fire departments across the country only have enough radios to equip half the firefighters. Only 33 percent had proper breathing apparatus. So there is a one out of two chance that the fire department will be able to communicate and only one-third of the personnel in the community have breathing apparatus. Furthermore, only 10 percent of United States fire departments have the personnel and equipment to respond to a building collapse. The Rudman report also stated that police departments in cities across

the country do not have the proper protective gear to safely secure a site following a weapons-of-mass-destruction attack. This type of gear, which we have as Senators and for staff, costs money to procure. Tragically, the men and women on the front lines of the war on terror do not have the equipment. They do not have the equipment I have in my office. That does not make sense. That is not fair. It is not right. There is not one American that would think we are doing the job when they look at the facts in this report.

The Rudman report said public health labs in most States still lack basic equipment and expertise to properly respond if there is a chemical or biological attack. In fact, 75 percent of State labs say they are overwhelmed with current testing loads. It is not that folks do not want to be prepared. It is not that they cannot have the expertise. These are competent people. It is a question of training. It is a question of having the right kind of equipment and technology. This is the United States of America. We can do better. We have to do better.

There are many other concerns. I have heard from local safety officials during my 11 town hall meetings. I heard from police chiefs who say they need resources to provide training, not only to have the trainer come in, but when you take an officer off the beat, off their regular assignment, for a week or 2 weeks or longer, we have to replace them or pay overtime to their replacement. That costs resources which are very difficult to come up with. So training becomes a major challenge for them—both in losing their staff to regular assignments, answering those calls in the neighborhoods, as well as the costs of the training and the equipment needed relating to the training. This becomes a major issue.

I believe the U.S. Government needs the flexibility, as well, so we are not tying their hands. We are saying these are the resources available, you decide what you need in training and equipment and make sure you have enough staff. You make those decisions. This is important. This is front-line defense. I trust the men and women in the State of Michigan and across the country to make the right decisions about what they need to be prepared and to keep us safe.

We have a motion challenging this amendment because it costs dollars. I reiterate, we spend resources and we make priorities every day based on what is important, what are our values, what are the most important things that affect Americans, that affect our families, that affect our communities. I cannot imagine something more important than this issue. I cannot imagine saying to families—and God forbid something happens—we were not willing to commit what was needed to keep you safe.

As my colleague from Connecticut said, we are spending about $4 billion a month, in other words, $1 billion a week in Iraq, almost $50 billion a year. This amendment costs less than a third of that to keep us safe at home. We know the tax cut passed earlier this year is much more than this amendment. The 10-year cost of the tax cut was almost $1 trillion. The total price tag includes $400 billion in tax cuts for those at the very top income bracket, and those with stock dividends and capital gains. In the State of Michigan there is not one person receiving another tax cut who is doing very well in the State of Michigan who would not say to me: Make sure my family is safe, first. I appreciate having another tax cut, but I want to make sure my family is safe. I am willing to wait a little bit. I will delay that because there is a higher value, a higher priority here. That is, making sure we do not lose human life in America on our own soil through another attack.

We can afford this amendment. All we need to do is slightly scale back some of the tax relief—again, to those who do very well in our country. We want everyone to do well in our country. We want everyone to have the opportunity to succeed. But we want to make sure, first, that they and their families are safe.

It does not matter how much you make in this country when it comes to a terrorist attack; we are all the same. We all join in wanting to make sure we are safe. God forbid there is another terrorist attack on our country. I hope and pray there will not be. But we must be fully prepared. We cannot be partially prepared. We cannot be half prepared. We need to do whatever it takes to help our firefighters, police officers, and first responders to protect us from terrorism.

As we watch the television news, we see a world in turmoil. There is violence against our own soldiers in Iraq. We watch Iran and North Korea develop nuclear weapons that could be sold to terrorists. We have not yet found Osama bin Laden. We cringe when we hear about increased nuclear tensions between Pakistan and India. And we are now witnessing chaos in Liberia. Since September 11, we live in a new world. We can no longer sit back and wait.

We must take action now to protect the American people. This amendment will do that. This amendment is based on those who have studied and have expertise and care deeply as Americans about keeping us safe and secure. This is not a political amendment. This is not an amendment designed in some way to split Democrats and Republicans. This is an amendment designed to meet the needs of those who are charged with protecting us.

The Homeland Security bill before the Senate provides the Department of Homeland Security with $28.5 billion for the next fiscal year. While it is a first step, this report makes it clear it is not enough to keep us safe. Protecting our country is not something we should simply squeeze into the normal appropriations limits. We are vulnerable. We must act now, not later. Otherwise, I am concerned that we will be sorry.

When my colleagues vote, I urge you to think of all those unmet needs in your State, in your community. Think of all the critical infrastructure that is barely protected, and consider what a biological attack could do to you and your family and to the people you represent, and then join with us in doing what the experts are telling us to do: Provide what is needed, whatever it takes to keep us safe.

We can do better for the American people. We are America; we can do what it takes to keep us safe. This amendment puts us in the direction of doing that. I urge support for it and support for a motion to waive.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, we are hearing a lot about the costs of the war. I am not addressing the need for homeland security per se. But I would point out, this bill before us now is over $29 billion for a Department that did not even exist 6 months ago. During the period of time of the blockade of Iraq following the Persian Gulf war, to carry out the mandates of the United Nations we built a new airbase, Prince Sultan Air Base in Saudi Arabia, the largest airbase in the world. We built a new airbase in Aviano. We built a new Army base in Kuwait. For 12 years, we maintained forces to blockade Iraq and to enforce the no-fly zones set forth by the agreement with Saddam Hussein after the Persian Gulf war.

I have asked the staff to get me the figures of how much that cost, how much did it cost to carry out the mandates of the United Nations following the Persian Gulf war, primarily because he did not comply with the agreement he made at the termination of that war. I believe it goes into the hundreds of billions of dollars that we spent in 12 years.

It is costing us a great deal of money to keep our forces in the field now. Hopefully, that will come to an end soon. But so has the cost of the blockade of Iraq. So has the cost of Prince Sultan. So has the cost of maintaining that Army base in Kuwait. Very soon we will be able to stand down a considerable portion of the people who are at Aviano in Italy. Those costs, by the way, were in addition to the costs we spent in Bosnia during the same period, and in Kosovo during the same period.

The American taxpayer has been bearing an enormous cost for many years to deal with the deployment of forces overseas. Hopefully, what we have done now will bring to an end, or at least to a very low minimum, the cost of maintaining forces in that area.

I believe we have taken actions that were necessary but I also know that we have done a lot to improve the morale of the Air Force. I personally, along

with my good friend from Hawaii, talked with many of the pilots who were flying what we call the CAP, the constant air patrol, over Iraq. They were shot at almost daily by missiles fired by Saddam Hussein. They lived in a period of constant terror, as they flew over those areas, that they would be attacked by the ground-to-air missiles. Thank God, they survived them. But it led to a period of time when our reenlistment rate in the Air Force reversed itself from about 72 percent, down to about 28 percent of our people reenlisted to fly in the Air Force, because of the strain of the constant air patrol over Iraq.

But I do think people ought to keep in perspective, when they say we can afford this, this amendment of the Senator from Connecticut, because we are spending so much money in Iraq—we have been spending a lot of money for a lot of years. The trouble is, we have to come back and have some perspective.

The amendment before us exceeds the budget by an enormous amount. It does not offset that, saying let's stop spending money somewhere else because, in fact, we cannot do that. There is no offset.

Under the circumstances, I think we ought to start having some discipline around here. That is what we are supposed to do because of the Budget Act. The Budget Act was supposed to give us discipline.

We are facing now a constant parade of amendments that the authors know is beyond the budget. The authors know we don't have the money. The authors know we found as much money as we possibly can find to allocate to homeland security for the fiscal year 2004.

I do hope Members will start thinking about the concept of affordability. We will soon stop spending that money that we are spending for the postwar security in Iraq and we will no longer have to maintain the blockade. We have had part of our Coast Guard over there for years, to try to stop the illegal exports and imports into Iraq. We had about 40 percent of our Air Force over there in those two major bases, Prince Sultan and Aviano, to maintain control of the air over Bosnia, Kosovo, and Iraq.

I do think we ought to keep in perspective what we have done, in terms of future expenses for our military. I hope we will not have a justification that we can spend this money the Senator from Connecticut wants to spend because we are spending too much money in Iraq. We are spending a lot of money in Iraq but it is not too much money. It is money well spent because it will terminate the expenses we have had to incur over the last 12 years.

Mr. DODD. Mr. President, before my good friend from Alaska leaves, and he is my good friend, the point I am making—I supported this. The needed resources there make sense. I am not suggesting in any way that the resources we are spending there somehow ought to be subtracted. I was making the point that, while we were doing the right thing, obviously, as part of our security—and no one knows these issues better than the chairman of the appropriations subcommittee and his colleague, DAN INOUYE, when they go into matters of what we need for our national security system. I respect them.

My point here is, we are being told, as we have been told by others, we need to do more at home if we are going to meet the security needs of the American people. Just as we are doing that, we merely pointed out, my colleague from Michigan and I, what we are spending on a weekly basis for reconstruction in Iraq and trying to get Afghanistan on its feet. We accept the notion that is going to be critical. Our point simply was, can you imagine someone coming in saying: ''We are not doing enough; we need more to get the job done over there but, I'm sorry, we can't afford to do what our men and women in the Armed Forces need; there are budget caps and we just don't have the resources''?

That argument wouldn't find five supporters here. The point Senator STABENOW and I are trying to make is we have men and women in uniform here as well. They are called firefighters, police, emergency medical personnel, hospital attendants and doctors and physicians and scientists. They are coming to us, in this report, and saying we have some real problems here at home. We are vulnerable. We are vulnerable.

What we are saying is, can we not find the resources? We have identified a source, which this Congress, if it has the will to do it, can come up and meet the challenge.

Ms. STABENOW. Will my colleague yield for a question?

Mr. DODD. I am happy to yield to my colleague.

Ms. STABENOW. I wonder if you might respond a little more on how we will be able to find the dollars? Because, as both of us have indicated—I know you have indicated in Connecticut; I have indicated it in Michigan—there are those who are doing very well, certainly in my State. They have the same concerns as everybody else about being safe and secure. If we ask them to be willing to delay receiving a little bit more back in their pockets, those who are doing very well, in order to be able to put it into keeping their families safe, I think they would be willing to do that.

Isn't that what the Senator is suggesting, that we look at our priorities and decide what is most important in terms of safety and security?

Mr. DODD. The Senator from Michigan is absolutely correct. I represent one of the two most affluent—two or three most affluent States in the United States. Always, each year when they list what is the most affluent State in the country on the per capita, Alaska, Connecticut, and New Jersey are always competing No. 1, No. 2, No. 3. Of course, we also have some significant poverty in our State. But on a per capita basis, Connecticut is one of the most affluent States. I am confident, as I am standing before you, if you ask any of the people in my State who are in the $1 million or more income category—and I have a lot of them in my State and I know them; they are tremendously patriotic, successful individuals—if you ask any one of them whether they would be willing to forgo some of the tax cut we have provided them over the last 2 years in exchange for getting resources to make this country more secure at home, I guarantee every single one of my affluent constituents would say: Absolutely. Absolutely.

They would be horrified to think that maybe they are being used as an excuse on why we can't do this, why we can't provide the additional resources.

I know we can't break the budget caps. I am not suggesting, nor is the Senator from Michigan, we do that. What the Senator from Michigan suggests is here is a source of revenue for us. Here is a case where some $3 trillion, in 28 months—what is $3 trillion? Mr. President, $1 trillion is one thousand billion dollars. We are talking about $15 billion instead of three thousand billion, $15 billion of it to go to make America more secure, not because the Senator from Michigan and I sat down at some point and concocted a number together. We read, and I now put it in the RECORD so all America can read it, a report put together by a distinguished group of Americans, former Chairmen of the Joint Chiefs of Staff, Director of the FBI, the CIA, and formerly colleagues of ours who said, and I quote from the report, and it is worth repeating again because it needs to be repeated:

> Congress has dangerously delayed the appropriation of funds for emergency responders.

Dangerously delayed. Listen to the conclusion of this report. I will read it again. My colleague, I know, knows this but let me read it.

> The terrible attacks of September 11 have shown the American public how vulnerable they are. Because attacks on that scale had never happened before, the United States and the American people were caught underprotected, unaware of the magnitude of the threat facing them. In the wake of September 11, ignorance of the nature of the threat or of what the United States must do to prepare for future attacks can no longer explain America's continuing failure to allocate sufficient resources to preparing local emergency responders. It would be a terrible tragedy indeed if it took another catastrophic attack to drive that point home.

That is the conclusion of George Shultz, of Admiral Crowe, of Les Gelb, of Director Webster. I read the list of the people who make up this report. These, with all due respect to congressional staffers, are Nobel laureates, William Webster, high-ranking former

chiefs of staff of the Army, national security advisers, White House employees over three administrations, Ronald Reagan appointees.

This isn't a partisan document. It is compiled by serious Americans who know what they are talking about. And they are telling us we are dangerously inadequate in understanding what needs to be done to make America strong. Many wealthy Americans will be glad to forgo a part of their tax dollars in order to make us more secure at home. I know many of them in Connecticut—and I am confident my colleague from Michigan would say the same thing about her constituents——

Mr. REID. Mr. President, will the Senator yield?

Mr. DODD. Yes.

Mr. REID. Is this the Rudman report?

Mr. DODD. This is the Warren Rudman report. He chaired it. The senior adviser was Richard Clarke, who served for three American President's, and Jamie Metzl, along with a task force. I have read all of the names. I will put them in the RECORD.

Mr. REID. I ask my friend if he would agree with the statement I am going to make.

I had the pleasure of serving in the Senate with Warren Rudman. I want the RECORD to reflect that Warren Rudman is not some person who just came upon the scene. He is a distinguished American. He is a combat veteran from Korea, a marine, a veteran. He is very proud of that. When he served in the Senate, he did a lot of very distinguished things, not the least of which as chairman and as ranking member of the Ethics Committee for a long period of time. He went into the private sector. He retired from partisan politics and decided not to run for reelection.

No one I know has ever in my presence criticized the former Senator from New Hampshire, Warren Rudman, for being anything other than a straight shooter. Any concern that people may have had was that sometimes he was a little too direct.

Will the Senator agree with me that the distinguished American who led this panel and affixed his name to it is a person who, for lack of a better description, is a very patriotic American, who is, by the way, a card-carrying proud Republican, and who has devoted a great deal of his life to public service and has told us we need to do something to protect the people in the States we represent?

Mr. DODD. In response to my colleague from Nevada, I served with Warren Rudman, as my friend from Nevada did. In fact, I was the fourth cosponsor of the Gramm-Rudman deficit reduction proposal and budget-saving mechanism when it was first introduced and was the subject of such heated debate in this body in the early 1980s.

I heard my colleague from Nevada yesterday talk about what a tight-fisted Senator, Warren Rudman was as a Member of this body as well. He was not someone who was known as a profligate spender. He believed very strongly in budget discipline.

By the way, we are low-balling the numbers. We are offering a little less than $15 billion. That is based on the assumption that States may be doing more.

When you read this report, you will get into some of the details and you will wonder why Senator STABENOW and I didn't offer an amendment with more dollars based on its conclusions.

The Senator from Nevada is absolutely correct. Warren Rudman is an individual who does serious work. This is the second report in which he has been involved. He was involved in an earlier one which was prepared along with another former colleague of ours, Senator Gary Hart, and got rave reviews by all who examined it. This report follows on as a result of that first report to determine where are we now after 2 years.

As I have said over and over again, and as my colleague from Michigan has said over and over again, the conclusion of these serious people is that we are way short of what we ought to be doing. They tell us what needs to be done, and they lay out in fact where the shortcomings are.

Senator Rudman is once again owed a deep sense of gratitude.

It is sort of like the mythical figure Cassandra. For those who love mythology as I do, Cassandra was doomed in mythology to always telling the truth and never being believed. Senator Rudman is becoming sort of the Cassandra in this debate, if this goes where I think it is going.

The Senator from Michigan and I have no illusions. She is a professional person who understands politics. She served in her State legislature for many years. We knew when we got up here that we probably weren't going to get 60 votes on this. So I am not fooled by what I face here with a waiver that we have to apply to a point of order. But we want to be on record, and we want our colleagues to be on record, to say when I was given a choice of where to be on this issue, this is where I came down; this is the side of the ledger on which I want to be recorded.

Maybe we will be surprised and 60 of our colleagues will join us in voting for the waiver. But if that is not the case, let the American public then judge where people were when the choices needed to be made.

I suspect we need to talk about this in more concrete terms.

I was impressed with the remarks of the Senator from Michigan about the comments of the people in Michigan. I believe she held a number of hearings or discussions with people in her State about first responders. I wonder if she might share with us once again some of the concerns she heard from her fire and police and emergency medical personnel about whether or not they believe they are better prepared.

We have heard from our distinguished panel of people who analyze this from more of a global perspective. But on the ground, in local communities—that may not have the benefit of Nobel laureates to examine all the laboratories in the country to look at this from a distance—what are they saying? What are our average police officers and firemen saying? What are our emergency medical personnel saying? How well do they think they are prepared?

Ms. STABENOW. I thank my colleague again for his leadership on this issue.

I have had 11 different meetings from Detroit—large urban areas—to Macomb County, all the way up to Marquette in the upper peninsula, and over to the west side of the State. This report talks about only 50 percent of our firefighters having the radio equipment they need.

I heard firsthand from the folks on the ground, and I am not sure it is even 50 percent. They talked about in some cases the fire department could not talk to the police department in the same city, that the city could not talk to the county.

When we call 911, we expect that call is going to lead to a series of other communications, that it is going to get the right people to us, and that we are going to be able to respond quickly. In the case of a bioterrorism attack, the public health department, of course, is very concerned about the inability to communicate with the fire department. And it is not that they do not have radios; it is that they do not have interoperability. They do not have the same frequency. They do not have the same technology. There is newer and newer technology that allows them to communicate ideally all across the whole State.

We hope we will be developing communications equipment that will have everybody in the county being able to talk to each other and able to talk around the entire State. But the radios, the communications systems were a major issue in those meetings.

The second major issue was training, the ability to have the newest training, the newest equipment in case of a bioterrorism attack. And then, of course, the whole question of added personnel.

I might just add, I believe the sense of urgency occurs here because of the lag time it takes when we approve the dollars to do the training, to get the equipment. I know last year, as a border State, in Michigan, this was a major issue for us. In Detroit, we have the largest border crossing of the northern border. We have over $1 billion in goods that come across the border every day.

And when we put in place—thanks to the support of our colleagues on both sides of the aisle—additional resources for Border Patrol and Customs, it has taken almost a year to train those folks. We are just now seeing the increased personnel at the border as a result of decisions made a year ago to increase the dollars.

Even if we do this now, we are talking about months or a year before the training can actually happen and take effect or that the communications equipment can be purchased and put together. I think there is even a greater sense of urgency as a result of the fact that it takes time once we even make the decision.

Mr. DODD. I thank my colleague for her comments. Maybe there are some who believe that terrorism is no longer a problem, that these organizations are no longer viable. I hope there are very few people who would embrace that belief. One needs only to read the papers every day to learn that even in Iraq it is not just a question of those members of the Baath Party who are apparently engaging in the assassination of our U.S. men and women in uniform in the military.

We are now told there are terrorist organizations operating that have gotten into Iraq from Yemen and Saudi Arabia and elsewhere. We know of cell groups. There is hardly a day that does by that we don't read about another group that has been identified or where contacts have been made by organizations. This is a real threat and a growing one. Again, the report points it out.

This is serious business. We should never again have to go through what we went through on 9/11 and the wake of 9/11. We cannot guarantee that, but there will be a tremendous indictment, in my view, historically if we don't act.

Just look at some of these numbers that we have received on the inadequacy. There are 1 million firefighters who put their lives on the line every day. Yet we are told currently two-thirds of all fire departments operate with inadequate staff—two-thirds of all fire departments, first responders, with inadequate staff.

In fact, as pointed out in testimony before the Committee on Science and Technology of the House of Representatives, on October 11, 2001: Understaffing had caused or contributed to firefighter deaths in Memphis TN; Worcester, MA; Iowa; Pittsburgh, PA; Chesapeake, VA; Stockton, CA; Lexington, KY; Buffalo, NY. There is about a fireman a day who loses their life or is seriously injured.

Now they are being asked to do that which they never would have imagined, such as dealing with chemical materials. Imagine a major terrorist attack with how we had our departments. Look what they had to do on 9/11. Departments from Connecticut went into New York. Departments from New Jersey went into New York. Other departments tried to backfill to cover our departments that left. It was a nightmare.

As the Senator properly points out, they could not even talk to each other. They did not have the proper interoperability of the phone systems. I would like say to my colleague that the problem has been corrected 2 years later, but it has not been. The fact is, it is still an incredible fact that most of our local people cannot even talk to each other, let alone talk across State lines where you have tremendous densities of population.

Again, the budget shortfalls at the local and State level are huge. Pick up your newspaper. Today it is California, $38 billion in deficit. I mentioned earlier what the deficit is in Connecticut. I mentioned what I thought was Michigan's number. My colleague may want to correct me, but I believe it is bigger than $4 billion, as she pointed out. I don't know what it is in Nevada or Alaska. But every State is facing tremendous pressures to meet these obligations. So the numbers are shrinking on the State and local levels.

By the way, while I have been critical about not doing more, I commend the Appropriations Committee. They upped the number $1 billion from what the President wanted. The Commander in Chief, in my view, ought to be leading on this issue and saying to Congress: I will help you get the money. We are going to provide the resources.

With all due respect, we need more help. And if the Commander in Chief is even low-balling a number from what the committee did, below what we are told we need by $15 billion a year, where is the leadership on this issue? I will be happy to yield to my colleague.

Ms. STABENOW. The Senator makes such an important point. I was thinking, as he was speaking about how we are losing a firefighter a day—I believe he said as a result of not being prepared for the challenges they face—we have people now, unfortunately on a daily basis, who are losing their lives in Iraq. We are deeply concerned about our troops.

But can you imagine if we said that only half of our military men and women in Iraq could talk to each other through their radios, that only half or maybe only 10 percent have the training they need, or that they did not have the equipment they need. Our Commander in Chief, rightly so—our President—has stepped forward and said: Whatever they need to be prepared, we will make sure they have it.

As the Senator has indicated—and as I have as well—the folks on the front lines at home, in their uniforms, should have no less consideration. Why don't we say, whatever you need—if you are wearing a firefighting uniform, a police officer's uniform; if you are emergency medical personnel—you ought to have whatever you need on the frontline fight because it is a war on terrorism. This should not even be a debate. I think when we compare it, it is startling to think about what we are saying to the men and women on the front lines at home.

Mr. DODD. My colleague again raises a very good point. Again, I am told by staff that every one of our men and women in military uniform in Iraq and Afghanistan have with them devices that allow them to determine immediately if they have been affected by chemical or biological weapons. There is a certain amount of equipment or type of equipment they can have which will allow them to immediately know. And they should have it.

The fact is, we have nothing like that available to our first responders at home who may be asked to respond to those situations.

The Senator makes the point so well. Again, our discussion of what our military needs to protect our country is not the subject of this debate. The mere point we are trying to raise this issue is that we are spending this amount in these places, and if someone were to come in and say we need more—and they will, no doubt; I guarantee you, as I stand here, there will be a request saying we need more—I suspect there will not be just two or three Senators sitting here arguing about whether or not we are going to get it, and if there are budget points of order against an amendment, they will be defeated when they ask for a waiver. I guarantee you, it will go through here like a hot knife through butter when it comes.

The issue is, we are making a similar case for a similar set of challenges.

Because I don't think my colleague was here when I started the debate, let me just read the first lines of this report written by Les Gelb, who is now stepping down and is being replaced by Richard Haass, the new head of the Council on Foreign Relations. I think my colleague from Nevada will appreciate this:

> As I sit to write this forward, it is likely that a terrorist group somewhere in the world is developing plans to attack the United States or American interests abroad using chemical, biological, radiological, nuclear, or catastrophic conventional means. At the same time diplomats, legislators, military intelligence officers, police, fire, and emergency medical personnel, and others in the United States and across the globe, are working feverishly to prevent and prepare for such attacks. These two groups of people are ultimately in a race with one another. This is a race we cannot afford to lose.

Right now we are losing the race, according to the report of people who tell us we are not meeting the requirements we should have. As we stand here, I promise you there are people somewhere planning to attack us. I know there are people in our Government working hard to stop it at the local, State, and national level. The distinguished group of people who compiled this report, led by a former colleague, says we are dangerously, inadequately not funding what needs to be done. We are losing the race.

All our amendment suggests is, let's find the means. We can do this. This isn't brain surgery. This is not that hard. If we were faced with a similar question about whether or not we need more resources to protect our men and women in military uniform, we would do it, and we should do it. We should do no less for those here at home trying to protect us against a terrorist attack.

Mr. REID. Will the Senator yield?

Mr. DODD. I am happy to yield.

Mr. REID. I hesitated because I think the final statements you have made here have so dramatically painted a picture of why we need to do something, not next Congress but now. I say to my two friends, the sponsors of this amendment, I personally very much appreciate the offering of this amendment. I appreciate it because we have had some other good amendments that have been defeated. But you have taken the approach that there are a lot of things that need to be done, that rifle shots won't work. We need to take into consideration the full impact of the Rudman report and do something about it.

I am convinced, as the Senator has indicated, the amount the Senators have suggested is really too small. But I say to everyone within the sound of my voice, let's say the distinguished Americans who wrote that report are 10 percent off and they are asking for 10 percent more than is really needed. What harm will be done from that because we have too much protection? We all know what can happen if we do not have enough protection.

I know the people of the State of Nevada are scrambling. On any given day in Las Vegas there are 300,000 tourists. People who are firefighters, police officers, medical personnel, when something goes wrong, have to take care of those tourists just as they do with someone born there. I was born in the State of Nevada. But they have as much responsibility to take care of the tourists from Connecticut as I do. I want this RECORD to be spread with my admiration and respect for the courage the Senators have shown in calling this really what it is. We need more money. That is what it takes to make sure this country is safe. Right now, according to some of the finest people in all America, we are not safe.

Mr. DODD. I thank our colleague from Nevada for that observation. He represents a unique State, he and the Presiding Officer. Literally millions of people, not just from the United States but from all over the world, visit Nevada. It is a special set of responsibilities that people of Nevada assume by inviting the world to come. And obviously, this could easily be a target. It is hard to imagine what the next target could be, but I promise, there are people planning it. They are planning it as we sit here today. Whether it is a nuclear powerplant, whether it is a major office building, whether it is a recreational facility, they are doing it.

I don't like saying that, but I can't say anything less to my colleagues because that is the conclusion of people who have spent hours and days and weeks examining all of this and telling us.

I thank my colleague from Michigan. I am grateful to her. She is a remarkable Senator. In a short amount of time, she has made a significant contribution to the public debate. I am very grateful to her for joining me in this particular effort. It is a lot of money. I have never offered an amendment of this magnitude.

I see the distinguished senior Senator from West Virginia, who has been around many years.

This is almost $15 billion. I have never offered anything quite like this. But I have never felt as concerned and as worried about a situation as I am about this one.

Shortly there will be a vote. We will more than likely not prevail. But there will be a record about those who believed we should do more. I hope we get proven wrong. There is no desire that we would like to be proven right. But I have a sense of foreboding that by not taking the steps, we are leaving ourselves very vulnerable. The trauma of America being hit again and being told we should have done more to prepare for it and didn't could have an effect far beyond the damage done by the attack itself, to know that a Congress was convened and was given information that told it to do more and do a better job and was given a chance to do so and turned it down. That is something I think history will judge us very harshly on if we make that mistake.

I hope we don't. I hope the majority of my colleagues who may be listening to this brief debate this morning will break ranks and come over and say: We can do better. Let's go back to the drawing board and come up with the resources, provide the support we need for our first responders.

I have no further requests for time. I don't know if my colleague from Michigan wishes to be heard further. I appreciate the generosity and kindness of the distinguished Senator from Mississippi who has been very patient listening to us make this case. I am very grateful to him and Senator STEVENS, as well as Senator BYRD, for taking as much time, a couple of hours this morning, to express our views on the subject.

Again, the Senator from Nevada said it well. I had planned a whole series of smaller amendments on all sorts of pieces of this. The Senator from Michigan and I sat down and decided, instead of just trying to do this item by item by item, we would ask our colleagues to respond based on this report and come up with, in the Office of Homeland Security, a set of priorities that they may determine differently than what our amendment agenda might provide.

For those reasons we urge the adoption of the amendment. That can be done by supporting the motion to waive the point of order. I yield the floor.

Mr. SARBANES. Mr. President, I would like to express my strong support for the amendment introduced by Senators MIKULSKI and DODD, of which I am a cosponsor, that would provide an additional $150 million for the Assistance to Firefighters Grant Program—FIRE Grants.

As a co-chairman of the Congressional Fire Services Caucus, I am proud to have been a strong supporter of the original legislation that established and funded the FIRE Grant Program. Since that time, this program has proven itself, by all accounts, a tremendous success.

Just this past May, the U.S. Department of Agriculture's Leadership Development Academy released a comprehensive evaluation of the program, noting that it was ''highly effective in improving the readiness and the capabilities of firefighters across the country.'' Moreover, the study found that 97 percent of those receiving grants reported that the assistance had a positive impact on their abilities to handle fire emergencies, and, of those receiving equipment through the FIRE Grant program, 99 percent of departments indicated that the acquisitions made with the funding had dramatically improved the safety of their firefighters.

The need for this additional funding is abundantly clear. In December of this past year, FEMA and the National Fire Protection Association jointly released the Congressionally-authorized ''Needs Assessment of the U.S. Fire Service.'' The results of this report were startling. Among its findings, the report noted that an estimated 57,000 firefighters lack protective clothing, half of all fire engines are at least fifteen years old, and approximately one-third of firefighters are not equipped with essential self-contained breathing apparatus.

Furthermore, during this year's FIRE Grant application process, record numbers of fire houses around the country have requested assistance. By the April 11 application deadline, the Department of Homeland Security reports having received approximately 19,950 FIRE Grant applications, for a total request of over $2 billion in Federal funding. Unfortunately, with an appropriation of only $745 million, the Department expects to fund well under half of these requests. The amount contained in the Homeland Security Appropriations measure currently before the Senate barely exceeds this amount, at a level of $750 million.

The Mikulski-Dodd amendment would merely fund the FIRE Act at its fully-authorized level of $900 million. In light of the demonstrated need and inadequacy of current funding levels, I would prefer a larger amount. However, the Senate authorized $900 million for this program in the Fiscal 2002 Defense Authorization Act, and I believe we must at least meet this modest commitment.

I urge my colleagues to support this amendment.

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

● Mr. LIEBERMAN. Mr. President, I rise in strong support of the amendment offered by my colleague Senator DODD to add $15 billion in funding for our first responders and first preventers. I commend my friend for his strong leadership, and I am proud to be a cosponsor.

One of the Federal Government's primary responsibilities under the Constitution is to provide for a common defense. Today, in the face of the terrorist threat, that means more than building a mighty, well-equipped and well-trained Army, Navy, Air Force, Marines, and Coast Guard. It means strengthening the shared security of our 50 States and their cities and towns, as well as our territories. Today, the readiness of our firefighters and police officers and public health professionals is every bit as important to our national security as the readiness of our soldiers, sailors, and airmen.

Homeland security is expensive. It can't be accomplished on the cheap. And because the war against terrorism is a national fight, a substantial portion of the responsibility falls to the Federal Government. It takes serious money to make the necessary changes to our services and infrastructure. To employ, train and equip top-flight first responders. To buy biometric security systems, hire more border personnel, install information sharing networks and develop biological and chemical testing and treatment capabilities. Securing the Nation's ports, as well as chemical and nuclear plants must become a top priority. In transportation, we must move beyond aviation and also secure mass transit, rails, air cargo, pipelines, tunnels, and bridges. These tough jobs and countless others can't be accomplished with wishful thinking or a magic wand. And they cannot be accomplished by placing an unfair share of the burden on State and local governments who are already facing the worst fiscal crises in decades. Ever since before we established the Department of Homeland Security, many of us were asking this administration to provide adequate resources, to provide them quickly and to target them more effectively. But unfortunately, that hasn't happened.

Across the country, states and localities are being spread thinner than ever at the moment they can least afford it. Homeland security and healthcare costs are rising. Deficits are rising. But the economy isn't. Only our firefighters can protect against chemical weapons or rescue families trapped in buildings. But in some cities and States around the country today, our first preventers and responders are actually being laid off because of budget cutbacks. That is like reducing your troop force in a time of conventional warfare. It is crazy and it must stop and only more money from Washington can make it stop. Yet this administration's indifference is undermining the men and women who are our first line of defense in the war against terrorism.

The American people expect and believe that we are doing our utmost to ensure that sufficient funds are provided, but in too many communities, the reality is unlikely to meet the expectation. The administration has failed to make sure that the necessary funds go to those who need it most: the local firefighters, police officers, emergency technicians, and public health workers who protect and serve us every day.

In February, I proposed spending an additional $16 billion on homeland security above the President's fiscal year 2004 budget—$7.5 billion of which was for first responders. In June, I offered an amendment at the Governmental Affairs Committee markup to add $10 billion to Senator COLLINS' legislation authorizing grant programs for our first responders, but my amendment was defeated on a party-line vote.

During the markup, it was suggested that we should not authorize that amount of funding without an independent assessment of what the real needs are. Well, now that rationale, which I believe failed to consider the testimony, public statements, and other assessments which already existed, no longer can be made. That is because on June 29th a report by an independent task force sponsored by the Council on Foreign Relations—composed of distinguished former government officials, including a director of the CIA and the FBI, our colleague Senator Rudman, a White House terrorism adviser and a former chairman of the Joint Chiefs of Staff—corroborated the conclusions I and others reached months ago. The report, entitled, ''Drastically Underfunded, Dangerously Unprepared,'' determined that ''the United States has not reached a sufficient national level of emergency preparedness and remains dangerously unprepared to handle a catastrophic attack on American soil. . . . If the nation does not take immediate steps to better identify and address the urgent needs of emergency responders, the next terrorist incident could have an even more devastating impact than the 9/11 attacks.'' Indeed, the task force report found that the U.S. is on track to fall nearly $100 billion short of meeting critical emergency responder needs over the next 5 years. This estimate does not even include some known needs—such as detection or protection gear for police—because the task force could not obtain reliable estimates for those areas. The administration's response to the warning from this respected commission? It brushed off the report's spending recommendation as ''grossly inflated.''

The task force report listed a number of urgent needs left unmet due to lack of funding. They point out that funds are urgently needed, among other things, to: provide interoperable communications equipment for all emergency responder groups across the country so that those on the front lines can communicate with one another while on the scene of an attack; enhance urban search and rescue capabilities of major cities; extend the emergency 911 system nationally; provide protective gear and weapons of mass destruction remediation equipment to first responders; and increase public health preparedness and develop surge capacity on the Nation's hospitals.

The report's findings are sobering. For example, the report noted: ''On average, fire departments across the country only have enough radios to equip half the firefighters on a shift, and breathing apparatus for only one third. Only 10 percent of fire departments in the United States have the personnel and equipment to respond to a building collapse.'' The report found cities without the means to determine whether terrorists had struck with dangerous chemicals or pathogens, and public health labs incapable of responding to a chemical or biological attack.

Earlier today, yet another report was issued—this one by the Progressive Policy Institute—which noted that the Bush administration has failed to adequately address critical homeland security needs, including: improving intelligence gathering and analysis; improving security at the state and local level; controlling our national borders; protecting against bio terror attacks; and protecting critical facilities. The report graded the administration's overall efforts to protect the homeland as ''D.'' It acknowledged that some progress has been made in a few areas, but added ''we find that the Bush administration has not brought the same energy and attention to homeland security that it has brought to overseas military efforts. The administration has failed to adequately fund a number of essential homeland security functions. In the absence of presenting a compelling vision of the changes necessary to protect the homeland, the Bush administration has failed to push back on the government bureaucracies that have resisted meaningful change. In short the President has failed to make homeland security his top priority.''

The PPI report and the Independent Task Force of the Council on Foreign Relations Report follow a series of assessments that have raised serious questions about the extent and effectiveness of the administration's homeland security efforts. The administration must stop ignoring the evidence that, with respect to homeland security, almost 2 years after the September 11, 2001 attacks, we remain ''drastically underfunded, dangerously unprepared.''

These reports have simply confirmed what we the Governmental Affairs Committee and others in Congress have been told for many months: The reality is that left without sufficient resources, State and local governments and first responder organizations are struggling—and failing—to keep up with their day-to-day critical services to their communities as their homeland security obligations take an increasing toll. At a hearing of the Governmental Affairs Committee this spring, one police chief told us that he had to eliminate or cut back community police, drug enforcement, traffic

enforcement and programs in schools in order to station most of his force at the airport.

Even as they are forced to abandon more and more of their traditional work to serve as the front line in the war on terrorism here at home, these first responder groups are unable to work effectively because they are lacking sufficient funds. Ed Plaugher, Fire Chief of Arlington, VA told the Governmental Affairs Committee that the stress of protecting the homeland without adequate resources is affecting the morale of first responders. Captain Chauncey Bowers of the Prince Georges County, MD Fire Department testified before the Governmental Affairs Committee on behalf of the International Association of Firefighters and told us that we need a national commitment to homeland security preparedness; he urged us to work to ensure that every fire department in America has the resources to protect our citizens.

First responders need equipment such as personal protective clothing, respirators, and devices for detection of chemical, biological and radiological hazards. They need training in using such equipment, and training in how in general to respond in an attack. Nevertheless, local fire and police officials at our hearings told us at the Governmental Affairs Committee hearings they do not have the resources to pay for training or equipment that they need to prepare for a possible attack. Indeed, most emergency workers still do not have the training or the equipment they require. The December 2002 needs assessment of the U.S. Fire Service conducted by the Federal Emergency Management Agency (FEMA) in conjunction with the National Fire Protection Association found that about one-third of firefighters per shift are not equipped with self-contained breathing apparatus, and nearly half of all fire departments have no map coordinate system. And with respect to training, another study by FEMA found that 27 percent of fire department personnel involved in providing emergency medical services lacked any formal training even in those duties, and incredibly, 73 percent of fire departments failed to meet regulations for hazardous materials response training.

The administration's own budget documents estimate that only about 80,000 first responders were trained and equipped in 2002 with funding at the Federal level of $750 million. Unless this administration provides significantly more funding, it will take us decades to train our first responders to cope with weapons of mass destruction. We do not have that kind of time.

Even if we could supply training and equipment to all of our first responders, there are simply not enough of them. A survey by the Progressive Policy Institute of 44 of the largest police departments found that 27 of them—nearly two-thirds—are experiencing personnel shortfalls as a result of inadequate budgets and problems attracting new recruits. According to the report, the city of Chicago, as a result of increased overtime costs, has delayed hiring new officers and thus has seen its ranks decline between 2000 and 2002. Detroit's experience has been similar, with a 50 percent increase in overtime costs while its ranks thinned by 5.3 percent between 2000 and 2002.

This report is shocking and sad at a time when we should be enhancing our first line of defense. It highlights the need to provide adequate funding to hire additional police officers and firefighters. Yet the Bush administration has steadfastly opposed the efforts of the sponsor of this amendment to support the SAFER Act, which would authorize over $1 billion per year for 7 years to hire 10,0000 additional firefighters per year. I am proud to be a cosponsor of that legislation and the amendment to the DOD bill which would partially fund those firefighters; and I was proud that the homeland security bill which I authored last Congress included funding to hire firefighters, but that provision was defeated by Republicans on the Senate floor.

The PPI survey also makes clear the need for adequate funding for overtime related to training. Indeed, according to the Conference of Mayors, cities across America spent $70 million per week when the homeland security alert was raised to orange—much of it for overtime expenses.

Finally, even if local police and fire departments had sufficient personnel, they lack the ability to communicate effectively in a time of emergency. In most areas of the U.S., the police, firefighters and emergency technicians in the same jurisdiction have no way to communicate in the field because their equipment is not compatible. Lack of interoperability in communications systems has been cited as a cause of the deaths of 343 firefighters in New York City on September 11, 2001, because police could not reach them prior to the collapse of the World Trade Center towers.

Achieving this goal, however, will be expensive, and the administration's funding commitment is wholly insufficient. The Public Safety Wireless Network, a joint Treasury and Justice Department policy group, estimates it could cost up to $18 billion. According to the National Task Force on Interoperability, at the State level, replacing basic radio systems for a single public safety agency can cost between $100 million and $300 million. Meanwhile, Secretary Ridge testified before the Governmental Affairs Committee on May 1, 2003 that $40 million had been appropriated to run ''some demonstrations projects with regard to interoperable communications.'' This is an inadequate response to a long-standing and expensive problem, and will leave our first line of defense without the basic equipment they need.

Our police officers, firefighters, emergency management officials, and public health officials—those we call first responders and first preventers in the fight against terrorism—are struggling to protect us from unprecedented dangers. Those funds must come from Washington because this is a national fight, and budgets are tight and getting tighter in state and local governments across our Nation. Unfortunately, most of my pleas and those of my colleagues—along with those of independent, bipartisan experts and State and local governments—have fallen on deaf ears within this administration.

Senator DODD has chosen the exact opposite route, and the route we urgently need to pursue. His amendment embraces the recommendations of the expert task force of the Council of Foreign Relations. I strongly urge support of the amendment offered by my colleague Senator DODD.●

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, we have submitted to the manager of the bill a list of amendments that we have remaining on the bill. This has been cleared with Senator BYRD. At any time the majority is ready to enter an agreement that there would be only a certain number of amendments in order, we are certainly ready to do that.

We have one Senator who can't offer an amendment because there is a Senator on the other side who is unavailable to do that right now. So we have people ready to offer other amendments. If the Senator from Mississippi has completed debate on the last amendment, we are ready to go on another amendment within a short period of time.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, we appreciate the assistance of the distinguished Senator from Nevada. We have tried to find out the number of amendments that may remain to be offered to the bill so we can get some idea of what we are looking at in terms of the time we have for consideration. We hope to complete action on this bill later today. I am confident we can do that.

We still have a number of amendments that have to be offered and dealt with. We hope Senators who do have amendments will come to the floor and offer them.

In just a couple of minutes, we are going to ask unanimous consent that the list of amendments we know about be the only amendments in order to the bill. We have several amendments on that list. Just glancing at the list, it looks like about 12 in number at this point. We hope Senators won't call and say they ''may'' have an amendment. If they do have one, they have a right to offer it. We will respect the right of any Senator to offer an amendment to the bill.

We have considered most of the amendments about which we have heard. I am going to ask that Senators

who have an amendment let us know about it so we can clear the list on both sides and limit the number of amendments that remain to be offered to the bill.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Will the Senator yield for a question?

Mr. COCHRAN. I am happy to yield to the distinguished Senator from West Virginia.

Mr. BYRD. Mr. President, I have three amendments. But I do not want to vote on my amendments in a stack. For my amendments, I want to have them voted on each after the debate on that particular amendment. I think that is the better way. I think whatever debate we can have on an amendment—I will say my amendment, and I have three—is fresh in the minds of those Senators who have been listening, or those who will listen, who are able to listen in their offices. I don't like stacked votes, as far as any amendments I have are concerned. Stacked votes may be for the convenience of Members, but, in my judgment, we are not here necessarily for the convenience of Members. We are here in this forum to debate and to act upon amendments that are in the interests of the Nation, as we see them.

So for the information of the distinguished manager, I do have three amendments, but I want to call them up whenever I can have votes on them following the debate.

Mr. REID. Will the Senator from Mississippi yield?

Mr. COCHRAN. Yes.

Mr. REID. I have spoken to the two sponsors of this amendment and they feel exactly as Senator BYRD does. They have spent all morning debating their amendment, and they are not going to allow us to go to another amendment until we vote on theirs. I suggest we vote on their amendment. Otherwise, we are not going to go forward on this bill. We asked them to come to the floor early this morning. They have been here. The debate has taken more than 2 hours. I think it has been one of the finest debates we have had in some time. I join with them, and I will object to proceeding to another amendment.

Mr. BYRD. Mr. President, I say further, if I may, what I have said is no reflection on the distinguished manager of the bill. He has been an excellent chairman of this new subcommittee and this is the first time we have appropriated on a full bill for this new Department.

The Senator from Mississippi could not have performed better. He has been very fair with the members of his subcommittee. He has always been very fair with me. What I have said is not to be taken as any reflection or criticism of him whatever. His work is trying to get this bill passed.

As the co-manager, I am interested in moving it along, too. But speaking from a personal viewpoint—and I don't call up many amendments of my own—I want to state to the Senator and to all Senators, while they are thinking of stacking votes, I have three amendments that I don't want in a stack. I want to vote on them when we have completed our debate. I don't want any 2-minute summation between other rollcalls. I think we have fallen into a kind of slipshod way of acting in the Senate. This is no fault of the Senator from Mississippi. I am voicing my sentiments with respect to my own amendments. I don't think it is a very good way to legislate, to line up six or eight votes. Sometimes we fall into a vote-arama, where we have a good many amendments called up, debated, set aside, and voted on later in a stack, when those Senators who perhaps listened during the debate have gone on to other things and have lost their recollection of what was said in the debate.

I think we ought to vote on amendments when we complete the debate. Perhaps that is not always practicable. I can understand that, having been a majority leader and having been a minority leader. I understand the practicalities of these things. But the ideal way to proceed is as I have suggested—with debate on an amendment and then a vote.

Mr. COCHRAN. Mr. President, I must say that I agree, as a general rule, with the distinguished Senator from West Virginia and the Senator from Nevada about the way the Senate should transact its business. I agree completely.

There are situations, such as on the Budget Act, when we are limited in the amount of time we have for the consideration of a measure and necessarily we end up with one of these vote-aramas, as the Senator points out.

I think, as a general rule, as we consider a bill, after the debate on the amendment is complete, or whatever the issue is, such as a motion to waive a point of order, we should vote on it. I agree.

For that reason, I advise Senators that we are about to have a vote on the motion to waive by Senator DODD on the point of order that was previously made to the Dodd amendment. The yeas and nays have been ordered on the motion to waive.

Mr. REID. Mr. President, will the Senator yield?

Mr. COCHRAN. Yes.

Mr. REID. If you have clearance on your side, I think it is appropriate to propound the unanimous consent agreement.

Mr. COCHRAN. Mr. President, before we vote, I ask unanimous consent that the following amendments be the only amendments in order to the bill, H.R. 2555:

Senator BYRD, three amendments; Senator LEVIN, two amendments; Senator FEINGOLD, two amendments; Senator ROCKEFELLER; Senator REED; Senator SCHUMER, three amendments; Senator HUTCHISON, two amendments; Senator DASCHLE, two amendments; Senator SARBANES has an amendment; Senator LANDRIEU, two amendments; Senator FEINSTEIN has an amendment; Senator BAYH, two amendments; Senator COLLINS has an amendment; Senator FRIST, two amendments; Senator SPECTER has an amendment; Senator TALENT has an amendment; Senator MCCAIN has an amendment; and Senator WARNER has an amendment.

Mr. REID. I ask the Senator to modify that to allow any possible managers' amendments cleared by both managers.

Mr. COCHRAN. I agree to that addition to my unanimous consent request.

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). Is there objection?

Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, I thank the Senators sincerely for assisting us in the identification of the outstanding amendments.

Mr. President, the yeas and nays have been ordered.

The PRESIDING OFFICER. The yeas and nays have been ordered on the motion to waive.

If there is no further debate, the question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Pennsylvania (Mr. SANTORUM) and the Senator from Pennsylvania (Mr. SPECTER) are necessarily absent.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KERRY) and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I also announce that the Senator from Minnesota (Mr. DAYTON) is absent attending a funeral.

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 41, nays 54, as follows:

[Rollcall Vote No. 299 Leg.]

YEAS—41

Akaka	Edwards	Levin
Baucus	Feingold	Lincoln
Bayh	Feinstein	Mikulski
Biden	Graham (FL)	Murray
Boxer	Harkin	Nelson (FL)
Breaux	Hollings	Pryor
Byrd	Inouye	Reed
Cantwell	Jeffords	Reid
Carper	Johnson	Rockefeller
Clinton	Kennedy	Sarbanes
Corzine	Kohl	Schumer
Daschle	Landrieu	Stabenow
Dodd	Lautenberg	Wyden
Durbin	Leahy	

NAYS—54

Alexander	Burns	Cornyn
Allard	Campbell	Craig
Allen	Chafee	Crapo
Bennett	Chambliss	DeWine
Bingaman	Cochran	Dole
Bond	Coleman	Domenici
Brownback	Collins	Dorgan
Bunning	Conrad	Ensign

Enzi	Kyl	Sessions
Fitzgerald	Lott	Shelby
Frist	Lugar	Smith
Graham (SC)	McCain	Snowe
Grassley	McConnell	Stevens
Gregg	Miller	Sununu
Hagel	Murkowski	Talent
Hatch	Nelson (NE)	Thomas
Hutchison	Nickles	Voinovich
Inhofe	Roberts	Warner

NOT VOTING—5

Dayton	Lieberman	Specter
Kerry	Santorum	

The PRESIDING OFFICER. On this vote, the yeas are 41, the nays are 54. 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. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, I have conferred with the two managers of the bill. They have agreed that Senator FEINSTEIN will offer the next amendment. If the two leaders agree, then that amendment would be set aside and Senator BYRD would offer the next amendment. We will have two votes around 2 o'clock, give or take a little bit. I think all will work out well in that regard. Senator FEINSTEIN is outside the corridor, and she will bring her amendment in within a matter of a few minutes. Until she arrives, 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. FEINSTEIN. 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. FEINSTEIN. Mr. President, first, I give my thanks to the distinguished Senator from West Virginia for allowing me to offer this amendment at this time, and also to the distinguished Senator from Nevada.

AMENDMENT NO. 1365

(Purpose: To prevent and respond to terrorism and crime at or through ports)

Mrs. FEINSTEIN. Mr. President, I send an amendment to the desk on behalf of myself and Senator KYL.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report.

The bill clerk read as follows:

The Senator from California [Mrs. FEINSTEIN], for herself and Mr. KYL, proposes an amendment numbered 1365.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mrs. FEINSTEIN. Mr. President, I rise today to offer an amendment aimed at preventing and punishing a terrorist act at one or another of our Nation's 361 seaports. This amendment is a stripped-down version of S. 746, the legislation I introduced with Senators KYL, CHAMBLISS, and SCHUMER.

The provisions of this amendment have a de minimis cost.

The Technology and Terrorism Subcommittee of Judiciary, both under Senator KYL's leadership and also under my leadership, held some of the initial hearings on port security. Of course, we found very early on what others have found; that is, our ports are really not equipped to, A, handle the challenge of terrorism, and, B, to do so in a way to protect the American people.

This legislation builds on amendments made to our laws in the past year but goes further than those changes to ensure the security of our seaports.

We have found that many of our criminal laws have major loopholes in them and really do not take into consideration crimes that take place aboard ships.

I have shown this amendment to the staff of Senator HOLLINGS. We have shown it to Senator MCCAIN. Yesterday, I went through it with Senators GRASSLEY and BAUCUS of the Finance Committee, and none of them indicated any objection or problem.

Specifically, this amendment would make it a crime for terrorists to attack a port, or a cruise ship, or to deploy a weapon of mass destruction at or through a seaport.

It would make it a crime to put devices in U.S. waters that can destroy a ship, or cargo, or interfere with safe navigation or maritime commerce.

It would update our Federal criminal piracy and privateering laws and increase penalties.

It would make it a crime to use a dangerous weapon or explosive to try to kill someone on board a passenger vessel.

It would make it a crime to fail to heave to—that is, to slow or stop a vessel—at the direction of a Coast Guard or other authorized Federal law enforcement official seeking to board that vessel, or to interfere with boarding by such an officer.

It would make it a crime to destroy an aid to maritime navigation, such as a buoy or a shoal breakwater light maintained by the Coast Guard if this would endanger the safe navigation of the vessel.

It would make it a crime for a terrorist or a criminal to try to attack U.S. citizens or U.S. marine life by putting poison in the waters offshore.

It would require the Attorney General to issue regulations making it easier to determine the extent of crime and terrorism at a seaport, and improve communication between different law enforcement agencies involved at ports.

In addition, this amendment would help improve physical security at seaports by ensuring greater coordination.

In particular, and most importantly, it would designate the captain of the port as the primary authority for seaport security at each port. This would enable all parties involved in business at a port to understand who has final say on all security matters.

The amendment would help ensure that we devote our limited cargo inspection resources in the most efficient and effective manner. For example, it would impose deep monetary sanctions for failure to comply with information filing requirements, including filing incorrect information. The current penalty is only a few thousand dollars.

The Interagency Commission on Crime and Security in U.S. Seaports found that about half of the information on ship manifests is inaccurate. Let me repeat that—half of the information on ship manifests is inaccurate. This means that many manifests are sloppily done. We cannot afford that.

Finally, the amendment would require Customs to come up with a plan to expand its container security initiative and make better use of its scarce inspection resources. This would help push U.S. authority beyond our Nation's borders and improve our ability to monitor and inspect cargo and containers before they arrive near American shores.

If a weapon of mass destruction arrives at a U.S. seaport, it is too late.

Let me provide a couple of examples of why we need to pass this legislation, and do it fast. Our whole bill is in the Commerce Committee, and Senator MCCAIN has agreed—I think in September—to schedule a hearing on the remainder of the bill.

But, for purposes of this amendment, what we have done is strip out those sections of our larger bill where we believe, first of all, there is not much cost and, second of all, where we believe that it is important to get started.

Today, if a person blows up an airplane, he commits a crime. However, if he blows up an oil tanker, he does not commit a crime—unless he is doing it to injure someone with a commercial interest in the vessel.

In addition, if a person distributes explosives to a non-U.S. national, he commits a crime. But if the same person sows mines in the San Francisco Harbor, he does not commit a crime.

The amendment we offer today will close these loopholes, ensuring that our criminal laws are updated to deal with the current terrorist threat.

Currently, our seaports are the gaping hole in our Nation's defense against terrorism. According to the U.S. Bureau of Transportation Statistics, 13 million containers—those are 20-foot equivalent units—came into U.S. ports in 2002. However, the Government inspected only about 2 or 3 percent of these containers. The rest were simply waived through. In addition, in almost every case, these inspections occurred after the containers arrived in the United States.

The problem is a single container could contain 60,000 pounds of explosives. That is 10 to 15 times the amount in the Ryder truck used to blow up the Murrah Federal Building in Oklahoma City. And a single container ship can carry as many as 8,000 containers at one time.

So containers can and will be easily exploited to detonate a bomb that could destroy a bridge, a seaport, or other critical infrastructure, causing mass destruction and killing thousands.

Worse, a suitcase-sized nuclear device or radiological ''dirty bomb'' could also be installed in a container and shipped to the United States. The odds are that the container would never be inspected. And even if the container was inspected, it would be too late. The weapon would already be in the United States, most likely near a major population center.

In addition, any attack on or through a seaport could have devastating economic consequences. Excluding trade with Mexico and Canada, America's ports handle 95 percent of U.S. trade. Every year, our ports handle over 800 million tons of cargo valued at approximately $600 billion.

In its December 2002 report, the Hart-Rudman Terrorism Tack Force said something interesting:

> If an explosive device were loaded in a container and set off in a port, it would almost automatically raise concern about the integrity of the 21,000 containers that arrive in U.S. ports each day and the many thousands more that arrive by truck and rail across U.S. land borders. A three-to-four-week closure of U.S. ports would bring the global container industry to its knees. Megaports such as Rotterdam and Singapore would have to close. . . . Trucks, trains, and barges would be stranded outside the terminals with no way to unload their boxes. Boxes bound for the United States would have to be unloaded from their outbound ships. Service contracts would need to be renegotiated. As the system became gridlocked, so would much of global commerce.

We have worked on this bill with a large number of port people over a substantial period of time. This has not been quickly put together. I thank the Justice Department, the Coast Guard, Customs, the Transportation Security Administration, and leaders of ports in my home State for their assistance with this legislation.

I also thank the working group that helped put our full bill together. This group includes Dick Steinke, executive director of the Port of Long Beach; Rob Quartel, CEO of Freightdesk Technologies; Charles Upchurch, president and CEO of SGS Global Trade Solutions; Jason Clawson, president of JBC International; Stephen Flynn, Senior Fellow, Council on Foreign Relations; Michael Nacht, dean of the Goldman School of Public Policy; Kim Peterson, Executive Director of the Maritime Security Council; and Amanda deBusk, a member of the Interagency Commission on Crime and Security in U.S. Seaports and former Assistant Secretary for Export Enforcement, the Department of Commerce.

Mr. President, this has been vetted. We have passed it through all of the applicable Federal agencies. We must close these loopholes. We must tighten these criminal penalties. We must make one person in charge of security at every port so every agency isn't stumbling over the next agency there.

Senator KYL has indicated that I speak for him as well. So I hope, the managers of the bill on the floor will be able to accept this amendment or, at the very least, allow us to vote for it and add it to the bill.

Again, I thank the Senator from West Virginia. I know he was ahead of me in line but he very graciously allowed me to proceed first.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I raise a point of order under rule XVI that the amendment constitutes general legislation on an appropriations measure and is not in order.

The PRESIDING OFFICER. A point of order has been made.

The point of order is not debatable. The amendment does constitute legislation on an appropriations bill. The point of order is sustained and the amendment falls.

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.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BUNNING). Without objection, it is so ordered.

Ms. LANDRIEU. Mr. President, I ask unanimous consent to speak as in morning business for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Ms. LANDRIEU are printed in today's RECORD under ''Morning Business.'')

Ms. LANDRIEU. 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. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1367

Mr. BYRD. Mr. President, this week the Senate has considered a number of amendments to increase homeland security funding to address known vulnerabilities in our Nation. These are vulnerabilities we know are there. We have offered amendments to add funding for expanded homeland security missions that have been authorized by Congress and signed into law by the President since 9/11.

I believe these amendments have been defeated not on the merits but because their adoption would have resulted in the bill exceeding limits established in the budget resolution. These are meritorious amendments, and I am confident some of the Senators who voted against them voted against them because the bill would then exceed limits established in the budget resolution. That is a compelling reason for many to consider.

Therefore, today I offer an amendment that addresses these known vulnerabilities to the extent possible within the limits of our 302(b) allocation. I do so because the vulnerabilities are documented and the needs are clear.

This bill includes $823 million, consistent with the President's request for information, analysis, and infrastructure protection. Since February, we have asked—now listen—the Department of Homeland Security to identify for us what specific infrastructure in this country is most vulnerable.

To whom should we go to find out the answers, if not the Department of Homeland Security? That is the Department which should be able to pinpoint, should be able to give to the Congress, a list of the most vulnerable infrastructure and give us the priorities: Which is more vulnerable, A or B or C? That is the agency that ought to be able to answer the questions.

Have we gotten any answer to our questions? No, no answer. This is the Department that should be held accountable and will be held accountable, and the Department has not responded.

We have asked these questions more than once. So I shall offer an amendment that addresses these known vulnerabilities, to the extent possible, within the limits of our 302(b) allocation, and I do so because the vulnerabilities are documented and the needs are clear.

This bill includes $823 million, consistent with the President's request for information, analysis, and infrastructure protection. Since February—let me say that again—since February, we have asked the Department of Homeland Security to identify for us in the Congress, in the Senate, what specific critical infrastructure in this country is most vulnerable.

To date, the Department has provided no detail about how these funds would be spent—no detail, none. We requested it, as I say, as early as February and since February.

The President is asking us to buy a pig in a poke. The administration wants us to give them $823 million of the taxpayers' money and they have not told Congress how the funds will be spent or whether these funds can be used effectively. Now why wouldn't they tell us? Why wouldn't they tell us?

What we do know is that the Coast Guard has over $1.7 billion of pending applications for port security grants in order to secure our most vulnerable ports. We know that. What we do know is that the Coast Guard has estimated

the cost of the ports implementing the Maritime Transportation Security Act security standards is $5.4 billion over 10 years and $1.1 billion in the first year. So when you add the funds in this bill to previously appropriated funds, the Department would have only $518 million to help the ports improve their security.

What we do know is that the Department of Homeland Security received applications from over 20,000 of the Nation's local fire departments, totaling $2.5 billion out of their desire to equip and to train themselves to deal with weapons of mass destruction and to improve their capacity to respond to other emergencies in their communities.

What we do know is that only 10 percent of our fire departments have the capacity to deal with a major building collapse. What we do know is that only 13 percent have the equipment and training to deal with biological or chemical terrorist attacks.

What we do know is that the Coast Guard commandant has testified that there is no funding in the budget for the Coast Guard to enforce the new port security standards that are mandated by the Maritime Transportation Security Act and that the Coast Guard imposed on the port industry on July 1.

What we do know is that the General Accounting Office has concluded that 123 chemical facilities across the country—some of them in the great Kanawha Valley in West Virginia—has concluded that 123 chemical facilities across the country, if attacked, could inflict serious damage and expose millions of people to toxic chemicals and gasses. There are 3,000 chemical facilities in 49 States that if attacked could affect more than 10,000 people each. This is serious business. The General Accounting Office found that the Federal Government has not comprehensively assessed the chemical industry's vulnerabilities to terrorist attack.

This amendment would address those issues by providing $100 million for port security grants, $100 million for grants to fire departments, $42 million for the Coast Guard to implement the port security requirements of the Maritime Transportation Security Act, and $50 million for chemical security vulnerability assessment.

This amendment is fully offset for both budget authority and outlays by reducing amounts in the infrastructure account by $292 million.

I say again that the amendment has fully offset both the budget authority and outlays by reducing amounts in the infrastructure account by $292 million. Even after this reduction, the infrastructure account will have a funding level which is three times the level from fiscal year 2003.

I urge the Senate adopt the amendment. The Senate should address these known vulnerabilities now.

Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The current amendment will be set aside and the clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 1367.

Mr. BYRD. 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:

On page 785, line 6, insert the following:

TITLE VII—FULFILLING HOMELAND SECURITY PROMISES

OFFICE OF THE UNDER SECRETARY FOR BORDER AND TRANSPORTATION SECURITY

TRANSPORTAITON SECURITY ADMINISTRATION

MARITIME AND LAND SECURITY

For an additional amount for ''Maritime and Land Security'', $100,000,000, to remain available until September 30, 2005, for port security grants, which shall be distributed under the same terms and conditions as provided under Public Law 107–117.

UNITED STATES COAST GUARD

OPERATING EXPENSES

For an additional amount for ''Operating Expenses'', $42,000,000, to remain available until December 31, 2004, shall be for costs pursuant to Public Law 107–295 for implementing the Maritime Transportation Security Act including those costs associated with the review of vessel and facility security plans and the development of area security plans.

OFFICE FOR DOMESTIC PREPAREDNESS

For an additional amount for ''Firefighter Assistance Grants,'' $100,000,000, to remain available through September 30, 2005, for programs authorized by section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.)

OFFICE OF THE UNDER SECRETARY FOR INFORMATION ANALYSIS AND INFRASTRUCTURE PROTECTION

Of the amounts made available for the ''Office of the Under Secretary for Information Analysis and Infrastructure Protection'', $50,000,000, to remain available until September 30, 2005, shall be for chemical facility security assessments.

OFFICE OF THE UNDER SECRETARY FOR INFORMATION ANALYSIS AND INFRASTRUCTURE PROTECTION

On page 66, line 9, strike ''$823,700,000,'' and insert ''$581,700,000,''.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, it is my intention to review the amendment, and when I have had an opportunity to reread it, I will be in a better position to respond to it.

I am very hopeful the funding in this bill will enable the Secretary of the Department of Homeland Security and the heads of the various directorates and the other agencies that are funded in this bill—the Coast Guard and others—to carry out their responsibilities to improve the overall security of our homeland to protect against terrorist attacks, to try to anticipate terrorists attacks, and to recover from natural disasters.

We have within this Department a wide range of functions and responsibilities, one of which has been identified in this amendment as, I suppose, being funded at too high a level because the offset that is contained is to take funds from one of these directorates and move it to the function of port security.

It is a very difficult challenge to try to balance the competing interests within this Department to make sure each area is not only well staffed with people who know what they are doing, but that they have the funds to carry out their mission.

The directorate that suffers if this amendment is adopted is the one who helps bring together the intelligence information to assess the vulnerabilities of various critical infrastructure areas such as chemical facilities identified by the Senator from West Virginia. If that money is taken away, it will be less likely they can carry out their mission in the way we would all hope they could.

This is a very important area of activity for the Department of Homeland Security. It is an area that, if limited in the way proposed by this amendment, would reduce the capacity to obtain intelligence or warnings and to carry out the threat analysis functions that are the responsibility of this directorate, and $292 million would be taken from the directorate responsible for information analysis and infrastructure protection.

That is 35 percent of the funds that are made available in the bill for this directorate. This is a drastic cut. It is a meat-ax approach to one directorate, to shift funds to another area that we all recognize is in need of funding, but it already is funded. It is funded at a level that, in the judgment of our committee, would help ensure that our ports are protected, that we are able to defend against not only terrorist attacks but any other activity that would threaten or undermine the security interests of the United States.

Just this week, an article was carried by the Washington Post talking about inadequacies of the new intelligence unit at the Department of Homeland Security and talking about the challenges it faced. I read the article and am familiar with some of the charges made in the article. But the conclusion was that they were not able to compete with the CIA, the FBI, the other established intelligence-gathering agencies because they were having a hard time attracting competent people and getting the number of analysts they ought to have in this Department to carry out their responsibilities. It pointed out, for example, that the intelligence analysts don't have the computers they need that are capable of receiving classified, top secret and above, documents.

If this amendment is adopted, it is going to make it even more difficult. I can't imagine their being able to sustain the workforce they have. People they tried to recruit to come aboard this Department and help deal with these new challenges may have to be

dismissed. The ability of the Department to perform assessments of critical infrastructure—drinking water supply systems, chemical facilities, as I mentioned—and other areas where large numbers of people may gather from time to time; arenas, stadium crowds, baseball parks, and the Nation's seaports are just some that come to mind.

I am hopeful that the Senate will reject this amendment. It is clear to me that there are a lot of Senators who would like to increase the funding available for port security grants. If you are going to award a grant to a port, you have to be able to evaluate the security needs of these ports. All the ports in the United States are filing applications. There is a backlog of applications. One of the reasons for the backlog, in terms of assessing and approving and selecting the ones to be funded, is lack of personnel to do the job.

It seems to me this amendment seeks to improve port security but at the same time take away money that would be used to assess which ports are in greater need, where should the grant money go, which ones of the applications have the highest merit. You have to have people to do that. This amendment takes away money for the people to make those assessments.

Also affected by the offset would be the National Communications System, which would be cut deeply if this amendment were accepted. The priority telecommunications programs would not be able to be implemented, programs which allow high-ranking officials to be able to use cellular telecommunications in the event of a terrorist attack or other catastrophic event. This was a major problem on September 11. We talked about the breakdown in communications. One agency could not communicate with the other. This has been a problem nationwide. The adoption of this amendment would exacerbate that problem.

I think the amendment, while I know the distinguished Senator from West Virginia is deeply concerned about the port security issue, would undermine one of the most important activities and cripple an already tight budget situation, make it more difficult for our intelligence units to function effectively in the Department of Homeland Security.

At the appropriate time, it is my intention to move to table the amendment of the Senator from West Virginia, but I do not intend to make that motion until other Senators who may wish to be heard on the amendment have a chance to speak.

The PRESIDING OFFICER. The Senator from Nevada.

AMENDMENT NO. 1318 WITHDRAWN

Mr. REID. Mr. President, I ask unanimous consent that I be allowed to withdraw amendment No. 1318.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1367

Mr. BYRD. Mr. President, the distinguished Senator from Mississippi uses an old phrase that I cut my teeth on when I worked in a meat shop back in the coal camps during the Great Depression. He speaks about this ''meat-ax'' approach—meat-ax. Meat-ax, my foot. Is this administration serious or is it not serious about homeland security? Is it serious or is it not serious? We have heard all this talk—or is it mere talk? Is it just rhetoric? Is it rhetoric without resources?

Let me say again, Congress, the Senate, has asked the administration, the Department of Homeland Security, for a list of its vulnerabilities. How would it spend the $823 million? We say to the Secretary of Homeland Security: How are you going to expend the moneys? What are the vulnerabilities? Tell us. The moneys have been sitting there unspent for how long? Ten months? What are the vulnerabilities? Tell us. We are the elected representatives of the people. The Secretary of the Department of Homeland Security wasn't elected by anybody to the current position he holds.

I have great respect for former Governor Ridge, but what are the vulnerabilities? Let us see your list. To date, no list. The Department has not responded. So we say: If you have $823 million sitting there, and we know that this Nation and its people cry out for security, we hear about al-Qaida being here and there, and about its being in Iran and about all the threats, the level of threats, we know about the code orange and code yellow and the code red—but no list. Where is the list?

I think we have a right to say if you are not going to show us a list, we know there are vulnerabilities, and we propose to spend some money to meet those needs. The American people are busy. Those who have jobs are busy trying to put a little bread and butter on the table. They cannot read all of the news stories about budgetary problems and 302(b) allocations. They depend on us in the Senate. They depend on the Senator from Mississippi. They are depending on the Senator from West Virginia. They depend on the Senator from Kentucky who presides over the Senate at the moment. They depend on the Senator from New York and the Senator from Vermont. They think we ought to know.

They think the Department of Homeland Security, which has been handed these responsibilities by the Congress, is taking care of everything. They think the Department is on top of the problem.

They believe their homes are secure and their schools are secure. They believe the vulnerabilities that have been talked about are being taken care of.

The American people go to their jobs every day and work hard. They return home in the evenings and read the newspapers. They watch the television news and talk with their families over the supper table. We still call it supper in West Virginia. They think all that is taken care of. Many of them rest easy because they think we are on the job, that we will do the job for them, and that we are looking out for them. We are not looking out for them.

I say to you the Department will not respond to the Congress. Of course, it is not a surprise to me anymore because this administration looks upon the Congress with contempt—at least that is my perception—with utter disdain. Those peons up there, they want to know what the vulnerabilities are. We will tell them when we get ready.

Senator STEVENS and I, upon more than one occasion in times gone by, have sought to add moneys to appropriations bills to meet the needs of the defense of this Nation and homeland security. The administration, with some apparent contempt, wrote us back on more than one occasion that the administration has everything well in hand. They don't need the extra moneys that you are wanting to provide. The administration is not ready for that. We will let you know. We on Mount Olympus from our ethereal atmosphere will one day let you know how much money we need, but not now.

That is the contemptuous attitude some of those people downtown have. It is pretty clear from their letters and from the way they spurn the Congress and turn the back of their hand to the Congress.

I say the American people ought not be misled. But they are being misled if they perceive and believe they are being protected, that we are on top of everything, and that the administration has its act together. They are wrong.

Here is an amendment that would address the known vulnerabilities to the extent possible.

I don't believe the American people ought to be misled. They ought to have a right to believe that we are attending to the gaps in their security.

The distinguished Senator from Mississippi speaks about this $823 million that is there, and if we do this little amendment we will be in essence robbing the account or taking away from account moneys that the Department knows better how to spend. Even with the reduction in this amendment, the account is tripled over the fiscal year 2003 level.

The chairman has called this amendment a meat-ax cut—meat ax. I bear a scar on my left thumb today put there by a meat ax. I know what a meat-ax cut is. A meat-ax cut in spending. Yes. The account would grow from approximately $180 million to $582 million. I don't see this as a meat ax cut. I don't see this as a cut.

Securing our ports is important to our infrastructure by any definition. It is important to our infrastructure. How could we better spend that money? The money is lying there. It is not being spent. And the Department won't even tell us in the Senate what

the priorities are, and how they would suggest those moneys be spent.

This amendment defines the infrastructure investments that we know about and know must be made.

I hope Senators will support this amendment.

There is nothing political about this amendment. The money has been appropriated for infrastructure. The Department in charge of the expenditures of this money won't tell the Congress how the money should be spent or what the priorities are or how the Department sees those priorities or how the Department intends to spend the money or how the Department would propose this money be spent or what the vulnerabilities are. The Department won't tell us that.

What are we to do? The American people think they are being secured. They are not.

I hope Senators will support this amendment and spend the money where it will do the most good—on where we know there are vulnerabilities to the Nation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I rise today to express my strong support for the good government amendments that my colleague, Senator BYRD, shall be offering later today. The public is looking to the Department of Homeland Security to ensure that our country is prepared to the best of its ability for any future terrorist attack.

What must the public think when they see individuals who recently worked for Secretary Ridge turning around and lobbying for a specific special interest? What do they think when individuals who run companies competing for government contracts from the Department of Homeland Security are appointed to a special advisory council to that same Department?

These events may not be hindering our preparations against another terrorist attack, but they surely raise an appearance of am impropriety.

To ensure that the public has full confidence in the Department of Homeland Security and the actions that are taken to prepare the country, the Senate should pass these important amendments.

I thank my colleague, Senator BYRD, for raising these important issues. I urge my colleagues to support these good government amendments.

I yield the floor.

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator from Mississippi.

Mr. COCHRAN. Madam President, I move to table the Byrd amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion to table amendment No. 1367.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I also announce that the Senator from Minnesota (Mr. DAYTON), is absent attending a funeral.

I further announce that, if present and voting, the Senator from Minnesota (Mr. DAYTON), and the Senator from Massachusetts (Mr. KERRY) would each vote ''no.''

The PRESIDING OFFICER (Mr. CRAPO). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 51, nays 45, as follows:

[Rollcall Vote No. 300 Leg.]

YEAS—51

Alexander	DeWine	McCain
Allard	Dole	McConnell
Allen	Domenici	Miller
Bennett	Ensign	Murkowski
Bond	Enzi	Nickles
Brownback	Fitzgerald	Roberts
Bunning	Frist	Santorum
Burns	Graham (SC)	Sessions
Campbell	Grassley	Shelby
Chafee	Gregg	Smith
Chambliss	Hagel	Specter
Cochran	Hatch	Stevens
Coleman	Hutchison	Sununu
Collins	Inhofe	Talent
Cornyn	Kyl	Thomas
Craig	Lott	Voinovich
Crapo	Lugar	Warner

NAYS—45

Akaka	Dorgan	Levin
Baucus	Durbin	Lincoln
Bayh	Feingold	Mikulski
Biden	Feinstein	Murray
Bingaman	Graham (FL)	Nelson (FL)
Boxer	Harkin	Nelson (NE)
Breaux	Hollings	Pryor
Byrd	Inouye	Reed
Cantwell	Jeffords	Reid
Carper	Johnson	Rockefeller
Clinton	Kennedy	Sarbanes
Conrad	Kohl	Schumer
Corzine	Landrieu	Snowe
Daschle	Lautenberg	Stabenow
Dodd	Leahy	Wyden

NOT VOTING—4

Dayton	Kerry
Edwards	Lieberman

The motion 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.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Senators SPECTER and SCHUMER are now going to offer an amendment. They have agreed to take 30 minutes for the two of them. I ask unanimous consent that there be 1 hour of debate evenly divided between the proponents and opponents of this amendment; that there be no second-degree amendments in order prior to any vote on or in relation to the amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Pennsylvania.

AMENDMENT NO. 1368

(Purpose: To increase the funding for discretionary grants for use in high-threat urban areas)

Mr. SPECTER. Mr. President, I send an amendment to the desk on behalf of Senator SCHUMER, Senator WARNER, Senator CLINTON, Senator MIKULSKI, Senator CORZINE, Senator KENNEDY, Senator MURRAY, Senator LAUTENBERG, and myself and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER], for himself, Mr. SCHUMER, Mr. WARNER, Mrs. CLINTON, Ms. MIKULSKI, Mr. CORZINE, Mr. KENNEDY, Mrs. MURRAY, and Mr. LAUTENBERG, proposes an amendment numbered 1368.

On page 58, line 6, strike ''$2,888,000,000'' and insert ''$3,138,000,000''.

On page 59, line 1, strike ''$750,000,000'' and insert ''$1,000,000,000''.

Mr. SPECTER. Mr. President, the purpose of this amendment is to increase the funding for high threat urban areas from $750 million to $1 billion for fiscal year 2004 of the Homeland Security bill. It is well known that the threat of terrorism is with us on a daily basis, and it is our hope that another terrorist attack such as the one on September 11, 2001 can be avoided.

Our intelligence agencies are working at a high pitch to try to avoid such a terrorist attack, but we know it is relatively easy to infiltrate our borders, that we have vast areas where we are accessible from the sea, land, and air, and that it is possible to bring in explosives and dangerous items by way of bioterrorism or explosives.

There is no doubt that the high-risk areas, urban areas, are more susceptible for these kinds of attacks because they pose a target where terrorists could reach a large number of people, evidenced by September 11 when the Trade Towers were attacked, going after thousands of people, the plane that went into the Pentagon, and the plane which was most likely headed for the Capitol, doing a maximum amount of damage.

It is obviously necessary to be as prepared as we can be within reason, and in order to avoid having the terrorists win, we have to set a goal of concern but not being terrified, and a way not to be terrified is to be prepared—hopefully, adequately prepared.

Candidly, it is very difficult to make a determination factually as to how much money is adequate. Is $50 million adequate or is $1 billion adequate? Nobody can say with absolute certainty. But we believe this is a relatively modest increase in the appropriations for high-risk areas and that it is well warranted by the facts.

Earlier today, Senator SANTORUM and I traveled with President Bush to Philadelphia where he spoke. His path is illustrative of the kinds of special risks that are present in an urban area such as the city of Philadelphia. First,

we landed at the airport, which is a natural target. Next, we went along the highways, another target. Then we traveled over an enormous bridge spanning the Schuylkill River, then along the seaport.

At every step of the way, we were looking at high-risk areas, and the number of policemen and security personnel, in addition to the Secret Service and Federal personnel, was very substantial.

In addition to the kinds of areas traversed by the President—the airport, the bridges, the seaport, and the highways—the major urban areas have subways, tunnels, and railyards, all of which exposes them to greater risks.

It is not only the major cities, the urban areas, which have the high risks but there is risk really all across America. No one knows if the terrorists will strike again, where the terrorists will strike again, when the terrorists will strike again, but we have to be prepared.

During the July recess, I made it a point to travel through 14 Pennsylvania counties and visit first responders. I went to the city of Pittsburgh—a big city, obviously—to take a look at what was being done there, to take a look at the paraphernalia, the clothes worn by the firefighters as first responders. They are very expensive. I looked at the mechanical units that detect anthrax in the air, that detect bioterrorism substances in the area.

I went to a series of small towns, including the Indiana Volunteer Fire Association. I went to the Oil City Fire Department. In the smaller communities there is great concern. They are worried a terrorist attack on a small community would alarm smaller communities all over the country. Whereas smaller communities might feel it is the big cities that are the first lines, perhaps it will be the smaller communities.

The funds are distributed to the smaller communities from the States. If there is an increase in funding for a State such as Pennsylvania, New York, New Jersey, or Maryland, for the high-risk areas, there will obviously be more funds available for smaller communities. The big cities are being called upon to spend a great deal of money when the threat line is elevated.

In fiscal year 2002, the city of Philadelphia spent $21.2 million on increased domestic security costs overtime by the police, fire, and public health employees associated with rapid assessment teams. This year, from February 7 to February 20, the threat level was increased from yellow to orange in the city of Philadelphia, costing an additional $1.3 million during that 2-week period alone for domestic protection.

The city of Pittsburgh has also had to bear the costs of increased protection resulting from September 11. In fiscal year 2002, the Pittsburgh Department of Public Safety spent almost $7 million for additional protection. I visited the Allegheny County Threat Center and the first responders in Pittsburgh. The money spent so far is clearly insufficient. I repeat, no one knows exactly what the costs would be to make it sufficient, but there would be some reassurance in the high-risk areas and also in the balance of the country where the smaller communities will get increased funding as a result of a special allocation to the high-risk areas which would enable State governments to allocate more to the smaller communities with this additional allocation, with this additional appropriation.

Other urban areas are similarly affected. For example, the increased police protection in New York City costs approximately $5 million a month; protection at the United Nations costs in the range of $8 million a month. This is just a thumbnail sketch. It could be amplified with every city, every urban area, every high-risk area in the country.

It is our submission in putting forward this amendment that this is a modest additional protection on a very serious threat which confronts our Nation today.

How much time remains for the proponents?

The PRESIDING OFFICER. Twenty-two minutes.

Mr. SPECTER. I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I ask for 8 minutes from my colleague from Pennsylvania.

Mr. SPECTER. So done.

The PRESIDING OFFICER. The Senator from New York is given 8 minutes from the proponents' time.

Mr. SCHUMER. Mr. President, I thank my colleague from Pennsylvania for sponsoring this legislation along with me, Senator WARNER, Senator CLINTON, and others. It is vital legislation.

In general, we have to make homeland security as large a national priority as security overseas. I have been supportive of the President in fighting the war on terror overseas, but I do not think we are doing enough at home. I have had a series of amendments in that regard. This amendment may be the most important of all amendments.

Senator SPECTER laid this out quite well. We have certain areas that have high needs in terms of the threat to them. To take all the money in an airplane and let it gradually disperse itself all over the United States would not make sense.

My city of New York has tremendous problems. I live near the Brooklyn Bridge. That is, obviously, a target. Our city has two police officers at each end of that bridge 24 hours a day, 7 days a week. We could not do less given the great needs of security. Just figure that out. Four officers to fill a 24-hour a day, 7-day-a week shift. That is 20 just for that bridge. Multiply it by the multiplicity of bridges, tunnels, the airports and high buildings, and New York City is spending a tremendous amount on security.

It is not just cities such as New York. Buffalo, at the other end of my State, is one of the 30 cities wisely included in the high needs formula last time by the Homeland Security Department.

Buffalo has a border with Canada, with bridges. They found a terrorist cell in Lackawanna, a city on the border with Canada. All the commerce with Canada creates special needs.

Our amendment says: Let everyone get a certain amount of money. Everyone has a police department and a fire department. But understand that there are certain areas that have high threat. We ought to do something for them.

This is a modest amendment. First, it only raises the high-needs area $250 million to $1 billion. Second—and I underscore this to my colleagues because I have been asked—this does not have an offset. It does not take money away from the smaller States, smaller cities. The theory behind this amendment is we need to do more for our police and our fire and our first responders. Therefore, we are not robbing Peter to pay Paul. We are, rather, saying let the high-needs areas, the high-threat areas, be funded.

Secretary Ridge, former Office of Management and Budget Chair Daniels, and, in conversations on the phone, present OMB Chair Bolton have all agreed we should improve the formula. We should make it better to correspond with high-threat areas. This amendment tries to do that by adding some money into the area that, in my opinion, this bill has most underfunded: High threat.

I remind my colleagues of one other point. Last year, we allocated $800 million to high threat. The needs are greater. We should be going up. The House allocated $500 million in their bill. If we go to conference with only the $750 million in the mark, we are virtually certain to go backward in terms of the money that high-threat areas need and that high-threat areas deserve.

I quote from a well-received report from the Council on Foreign Relations, chaired by a former colleague, Warren Rudman. The Council has estimated: The Federal, State, and local spending for homeland security should increase by $19.7 billion a year for the next 5 years and more targeted to the areas where the threats are.

If they think we need $19.7 billion more and we are only increasing this by $250 million, it shows the modesty of the request compared to the actual need.

To come out of conference and cut money to high-threat areas would be just what many feared in the wake of September 11: that we were getting complacent; that we are going back to the pre-September 11 days; that because nothing has happened in the last year, year and a half, we can relax.

The conditions that cause terrorism, the idea that small groups of people

can use technology to do us terrible damage is with us as much today as it was on 9/10/2001. The good news is we can do things to stop it. We can do them at the Federal level, and we can do them at the local level. But this does cost money.

Money is dear. Obviously, with the deficit we have and other problems, it is dear. But life is even dearer. This is one area where nobody disputes that the Federal Government has the lead role. This is not something the private sector can do on its own. It is not something the States and localities can do on their own.

I hope my colleagues will support this amendment. Again, it doesn't take money from anything else. It does raise the overall amount by a modest $250 million but probably in the area of the budget that is least funded. Even the mark done by the chairman has less money for high-threat areas than we actually allocated last year.

I yield the floor and return the remainder of my time back to my colleague from Pennsylvania, but I hope we will support this amendment.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. I make a point of order under section 302(f) of the Congressional Budget Act that the amendment provides funding in excess of the subcommittee's 302(b) allocation.

Mr. SPECTER. Mr. President, I move to waive the point of order pursuant to the applicable provisions of law.

Mr. President, I yield 5 minutes to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is given 5 minutes of the proponents' time.

Mr. KENNEDY. Mr. President, two weeks ago, when Defense Secretary Donald Rumsfeld testified before the Senate Armed Services Committee, he told us that the current cost of maintaining our troops in Iraq is $3.9 billion a month almost $1 billion a week.

The administration is prepared to meet that financial burden, even as the American people are beginning to question the future direction of the President's Iraq policies. Hopefully, the death of Saddam's sons will reduce the intensity of the guerilla war being waged against our troops. Hopefully, the administration will finally seek the support of the United Nations and NATO to ease the burden on our troops.

We all agree that when it comes to homeland security, there is no debate. Americans want our cities and our neighborhoods to be safe from terrorists, and the expect their government to do what is needed to accomplish that task.

Yet, while we are spending $3.9 billion each month in Iraq, this legislation includes only $3.9 billion for the entire year for first responders here at home—for the police and firefighters and emergency personnel who are the first line of defense against terrorism in our communities.

Perhaps the fact that we are spending more in Iraq each month than we are in the United States on our first responders would only be an odd coincidence if we were certain that we were doing all we can here at home. Unfortunately, all the available evidence suggests otherwise.

Just last month, the Council on Foreign Relation's Independent Task Force issued a report entitled ''Emergency Responders: Drastically Underfunded, Dangerously Unprepared,'' and it points a very stark picture.

According to the report, America faces a $98 billion shortfall in first responder funding over the next 5 years and only 10 percent of fire departments across the country have the personnel, training, and equipment to respond to a building collapse. The report also asserts that American cities with between 250,000 and 500,000 residents have experienced a net 16 percent reduction in police personnel over the past 2 years.

Since September 11th, mid-size American cities have had to reduce police staffing by 16 percent. These figures are unacceptable, and they are getting worse.

And yet, time and time again during this debate, we have stood here and offered amendments to increase federal funding to help municipalities and public agencies with these new homeland security responsibilities. But the White House has put its foot down each time, and demanded that our colleagues on the other side oppose this badly needed funding.

Just this week we've offered eight critically important homeland security funding amendments, each of which has been voted down with little consternation about the magnitude of our pressing homeland security needs. Each was rejected on the basis of budgetary concerns, and with the belief that we are doing all we can. But clearly we are not.

We have offered amendments like Senator BYRD's to add $1.8 billion this year for a broad array of homeland security needs such as port security, air cargo security, energy security, and transportation security. It was rejected.

We have offered amendments like Senator MIKULSKI's to add $150 million to fully fund the firefighters grant programs. It was rejected.

We have offered amendments like Senator MURRAY's to add $100 million to the National Emergency Management Performance Grants program, which helps states develop and implement comprehensive security and emergency response plans. It was rejected.

We have offered amendments like Senator HOLLINGS' to add $300 million to fund essential port security programs. It too was rejected, even though the security of our nation's ports is widely considered the most glaring vulnerability in our Nation's efforts to prevent terrorist attacks.

And finally, we have offered amendments like Senator DODD's that would fund homeland security needs by reducing the recent tax cuts for millionaires. It wasn't even close.

Prudence would dictate that we pause and make absolutely sure that we are doing everything possible to provide for homeland security, and not simply continue to vote down these amendments because the administration doesn't want Federal spending to increase.

And we still have several more opportunities to do just that.

I strongly support the amendment offered by Senator SCHUMER and Senator SPECTER, because it is one such opportunity to make sure that our high-threat urban areas receive the assistance they so desperately need. This amendment would add $250 million to protect our largest cities, which face particularly daunting security challenges.

My own city of Boston feels this pressure immensely and feels it acutely. Boston is the regional economic engine of New England, and the center of the seventh-largest metropolitan area in the country.

Boston is also home to the Nation's oldest subway system, several underground highway tunnels, a bustling cargo port, and the only urban liquified natural gas facility in the country.

In short, protecting these pieces of critical infrastructure is a task too herculean for the city to handle on its own, especially in the current budget climate. It is also a Federal responsibility.

Additionally, as an international city, Boston is home to over 36 foreign embassies and tens of thousands of international students. It attracts more than 10 million visitors a year from all over the world, who come to learn about this ''cradle of liberty,'' where the American Revolution began.

That history, and the numerous public monuments and structures that recall it, make Boston a powerful symbol of the American struggle for freedom, democracy, and liberty. Unfortunately, that symbolism also makes Boston an attractive target.

Finally, Boston is home to the Nation's mutual fund industry, the largest concentration of the world's leading hospitals, and more institutions of higher learning than any other city in the United States. An incident involving Boston would most certainly cripple the nation's economy and dismantle the Nation's health care network.

I am grateful that Homeland Security Secretary Tom Ridge has recognized Boston's unique needs and designated it as a high-threat urban area, and I also greatly appreciate that he recently visited Boston to see firsthand the challenges confronting Mayor Menino.

But while this assistance is welcome, it is simply not enough—in the face of massive municipal and State budget cutbacks—to meet Boston's extraordinary needs, which are only going to

become more severe during next year's political convention when some 35,000 delegates, journalists, and visitors come to town.

Mr. President, we have voted down a great many important homeland security funding amendments in the past three days, and we are not doing all we can to protect the American people at home.

We have a $98 billion shortfall for first responders, at the same time we have approved a trillion in tax cuts for mostly millionaires and at the same time we are sending $3.9 billion each month to Iraq. We need to reassess our priorities, and this amendment provides us with one more chance to do that before this debate concludes.

Mr. President, the 9/11 Commission released its report today, the ''Joint Inquiry, Intelligence Community Activities Before and After the Terrorist Attacks of September 11.'' It is full, full of the missed opportunities that endangered the security of American lives. It catalogues missed opportunity after missed opportunity that contributed to the suffering of the 177 Massachusetts families that lost loved ones on that horrible day and thousands of other families across the country.

The best answer we can have in response to this report that was made available to the American people today is to make sure we are going to provide the kind of support for homeland security that this amendment provides.

I hope this Senate will accept the Schumer-Specter amendment because it is an important downpayment for the security of our most vulnerable American cities. If we are really interested in learning the lessons of this report today, we will make sure that the necessary resources are provided.

I yield the floor.

The PRESIDING OFFICER. Who yields time? Who yields time to the Senator from New York?

Mr. SPECTER. Mr. President, how much time does the Senator from New York wish?

The PRESIDING OFFICER. There are 11.5 minutes remaining.

Mrs. CLINTON. Five minutes.

Mr. SPECTER. Agreed to.

The PRESIDING OFFICER. The Senator from New York is recognized for 5 minutes.

Mrs. CLINTON. Mr. President, I thank the Senator from Pennsylvania for this time to speak and I also thank him for cosponsoring this amendment along with my colleagues Senator SCHUMER, Senator WARNER, and myself.

This money is critically important for high-threat urban areas. It is also money that the Secretary of the Department of Homeland Security has already made clear is needed in order to address the vulnerability and threat and other intelligence information that comes in on an hourly basis, not only to the Department of Homeland Security but to all of our intelligence agencies.

The Secretary and the Department have identified so many communities as high threat during the past few months that it is a little bit daunting. But I agree with that assessment because, whether it is a large city such as New York City, or a small community such as Lackawanna, we have threats from one part of our country to the next.

Indeed, just last month Attorney General Ashcroft unsealed an indictment against a 34-year-old Ohio truck driver who plotted with al-Qaida to destroy the Brooklyn Bridge. What more impressive symbol of New York and America could you imagine than the Brooklyn Bridge, that gateway bridge that connects Manhattan and Brooklyn, which is traveled over by thousands and thousands of pedestrians and motor vehicles every single day. Faris pled guilty to delivering cash, cell phones, plane tickets, and sleeping bags to al-Qaida leaders. We learned that he, working with terrorists, was planning to sever the Brooklyn Bridge's suspension cables.

After getting close enough to the bridge to conduct surveillance, Faris decided to call off the terrorist attack because of the tight security on and around the bridge, provided by the NYPD.

I am absolutely proud and confident in the activities of the NYPD. There is not a better police force anywhere in the world than the New York Police Department. They have been vigilant, providing the kind of security that is needed. But the NYPD's Operation Atlas that provided that security costs New York up to $700,000 a day.

Some people might say that is a lot of money. Yes, it is a lot of money. But compared to destroying the Brooklyn Bridge it is nothing. And the fact that the NYPD was on the job, there every single day, scaring off terrorist scouts like this man from Ohio, saved how many lives? We have no way of calculating.

In a guilty plea, Faris also admitted to conspiring to pinpoint targets for simultaneous terrorist attacks on New York City and Washington.

This indictment was unsealed. His surveillance was conducted, not on September 12, 2001, but in recent months. These threats have not gone away, and we need to make sure we do everything possible to provide more funding to high-threat urban areas.

Unfortunately, the threat of acts of terrorism against our great country and Americans is real. And it is especially so with respect to high-threat urban areas like New York, like Buffalo, like Washington, and many communities across the United States.

That's the kind of threat we are talking about, the resources the NYPD used in Operation Atlas are the kind of resources that are needed to thwart a terrorist threat.

The NYPD's outstanding efforts also demonstrate how being prepared can not only help our first responders and communities be prepared to respond to a terrorist attack, but, equally and arguably even more important, it unequivocally demonstrates how being prepared—and how the terrorists knowing we are prepared—serves to deter or prevent a terrorist attack.

Back in January, I gave a speech at the John Jay College of Criminal Justice in New York City to talk about how our country needed to renew its commitment to strengthen our domestic defense.

I also released a report that showed how 70 percent of New York cities and counties had not received any Federal homeland security funding since September 11, underscoring the need for direct funding.

In that speech, I talked about the need to provide extra homeland security attention to the most vulnerable communities in our country, places that are more appealing to terrorists as targets because, for example, of the American values they represent or because they are densely populated.

After hearing more and more about the particular needs of high-threat urban areas across the country, back in early March, I proposed the idea of a Domestic Defense Fund, which had three components: $5 billion in direct funding for local communities and States; a $1 billion emergency reserve fund that Secretary Ridge could draw down from to reimburse cities and States in times of heightened threat, or in the event of a high-profile terrorist trial, discovery of a terrorist cell, or similar emergency need; and $1 billion for high-threat urban areas because, at the time, only $100 million, and more was needed.

Later than month, I offered an amendment to the budget resolution that would have provided for funding for the Domestic Defense Fund, including $1 billion for high-threat urban areas, for Fiscal Year 2003. Though that amendment was narrowly defeated, I am pleased that I was able to bring greater attention to the needs of high-threat urban areas.

And in April during the Senate's consideration of the wartime supplemental, I was pleased to join Senators SCHUMER and MIKULSKI in offering an amendment to the supplemental that would have, among other things, provided approximately $1 billion in high-threat urban area funding.

Though that amendment was also narrowly defeated, I am glad, for the sake of our country, that the supplemental did in fact include an additional $700 million for high-threat urban areas.

This funding is critically important because of acute and urgent homeland security needs that face certain communities in our nation.

Los Angeles City Councilman Jack Weiss noted that the city has actually received little funding to guard against terrorist attack, even though it is a high-threat area. Every time the Nation's terror alert goes from yellow to orange, it costs Los Angeles $1.5 million a week and another $1 million a

week to protect the Los Angeles International Airport.

Baltimore spent $17.5 million for homeland security and has received very little help from Washington to date.

The New York City Police Department needs almost $10 million for air filtration systems for sensitive police facilities and $27 million is needed for additional vessels to patrol the Port of New York. Nearly 2 years after the September 11 terrorist attacks, New York City's first responders—38,000 police officers and 15,000 fire fighters, and thousands of EMS, health department and hospital workers—need nearly $100 million to ensure that they are properly trained using personal protective and detection equipment and in being prepared for a possible terrorist attack.

The Department of Homeland Security has allocated high-threat funding based on factors such as credible threat, vulnerability, population, the identified needs of public agencies, and the existence of mutual aid agreements.

I ask my colleagues to look at this chart.

Many communities, not just New York and Washington, have been allocated high-threat funding this year, including Houston, Chicago, Los Angeles, Denver, Detroit, Phoenix, Baltimore, Dallas, St. Louis, Kansas City, Cincinnati, Honolulu, Pittsburgh, Portland, New Orleans, Memphis, Cleveland, and Charleston, among others.

This funding will help all of our Nation's most vulnerable targets. The decision is left to Secretary Ridge, but the bottom line is that in disbursing these funds, he is recognizing that some communities face a particularized threat and need extra assistance.

I have said this before, but I will say it again that regarding New York, I would give anything for terrorists not to be targeting New York or Buffalo, but, unfortunately, I can't. What I can do, and what I will continue to do, is to try and ensure that these and other high-threat urban areas receive the assistance they need and deserve.

I want to say again that, yes, we have made some progress since September 11 in improving our homeland defense, but we have not done nearly enough.

Expert after expert has said it, the Homeland Security Independent Task Force of the Council on Foreign Relations—chaired by former Senator Warren Rudman)—being the most recent example. It echoes what our first responders have told us again and again. I hope, for the sake of our country and the American people, that we heed their call.

This map should serve as a warning. I hope it serves as a reminder, and hopefully a convincing display about why we need this extra money in order to deal with the threats that we know exist and to make sure we have the job done, not only by the Department of Homeland Security but by our police officers, our firefighters, and our other homeland frontline defenders who live in and protect high-threat urban areas such as those on this map.

I yield the floor.

Mr. LAUTENBERG. Mr. President, I rise today to offer my strong support for this high threat urban area amendment, which I have cosponsored. This amendment is of particular interest to me because my State is the most densely populated in the Nation and highly vulnerable to terrorism.

New Jersey lost nearly 700 people on September 11 second only to New York in the number of casualties. Tens of thousands of New Jerseyans could literally see the Towers burning from their homes and offices.

Not only do these memories linger for my constituents, but the threat lingers as well. And part of why I wanted to return to the Senate was to work to reduce these threats and bolster homeland security.

That is why I am disappointed in the funding we have put forward for Homeland Security. I believe this bill provides insufficient funding for our country's vast and diverse homeland security needs.

I know the distinguished chairman of the subcommittee worked extremely hard to put together a solid bill, but I believe the $28.5 billion in this bill does not provide enough resources to protect our local communities this coming fiscal year.

The real problem is that there were not enough funds allocated by the budget resolution earlier this year for our Nation's homeland security needs. While the administration spent much of the winter eagerly planning its tax cuts, the real needs of the American people—and the needs of local firefighters, policemen and women and emergency room staff—have been tragically neglected.

In addition to the overall spending level, I also want to address a truism about homeland security: Whether we like it or not, when it comes to which communities are most endangered by terrorism, all American communities are not equal.

There are some parts of this country that are more in danger of a possible terrorist attack, because of geographical location, population density, number of major transportation hubs, etc. If we ignore this reality, than we are failing to adequately address homeland security.

My state has many densely populated, urban areas that face major threats. In addition, a large percentage of my constituents commute to work in New York City and Philadelphia every work day. My State is traversed by major transit and highway systems that carry not only local traffic, but that also serve as major regional and national thoroughfares.

Each of my State's counties, cities, townships and boroughs need critical resources to enhance the security of their communities. They need first responder equipment and training; resources for hospitals to respond to potential attacks; communications equipment for police, firefighters and EMTs just to name a few of our pressing needs.

I must say, currently, in New Jersey, there is a certain desperation—a panic even—pervading the first responders who know that the communities they are charged to protect might be the next targets.

For example, the Chief of Police in Jersey City, Jim Buonocore said the following about his police department:

> We were the lifeline to New York City during the 9/11 attacks. All the food and supplies came from Jersey City in the days following the attacks. We know what it was like. New York City suffered, but we lived through it and we suffered too.

I am aware that smaller, less populated States across our great Nation are also afraid of a possible attack and equally deserving of Federal appropriations to prepare themselves for such an eventuality. Each State deserves some share of the Federal pot. But the reality is that high threat urban centers need a greater percentage, based on their population and based on the likelihood that an attack will indeed occur in their vicinity.

I ask my colleagues to consider what is best for the Nation, and the best approach is to make sure our most vulnerable areas are protected.

I thank Senators SCHUMER and SPECTER for their leadership on this issue, and urge support for this amendment.

Mr. COCHRAN. Mr. President, have the yeas and nays been ordered on the motion to waive?

The PRESIDING OFFICER. They have not.

Mr. COCHRAN. I ask for the yeas and nays on the motion to waive.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. COCHRAN. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Pennsylvania has 6½ minutes remaining.

Mr. SPECTER. Mr. President, in the absence of any other Senator on the floor seeking recognition, I will make a few additional comments and then conclude.

The case in opposition to the proposed amendment has not been compelling. The risks of terrorism are ever present. The urban areas pose decisively high risks. Taking a look at airports, seaports, bridges, tunnels, and rail lines in the overall picture of homeland defense, the amendment calls for a relatively modest sum of money.

I can represent to my colleagues that there is enormous concern among the mayors and officials in urban high-risk areas as to what is happening. This extra consideration will be very warmly received knowing that the Senate of the United States, and hopefully the

full Congress in conference, recognizes this sort of unique risk and is prepared to back up their efforts.

I ask unanimous consent that Senator DURBIN be added as an original cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, in light of the tenor of the debate, as I have noted the response that enough has been said, I yield back the remainder of the proponents' time.

The PRESIDING OFFICER. All time has expired. The question occurs on agreeing to the motion to waive the Congressional Budget Act in relation to the Specter amendment No. 1368. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I also announce that the Senator from Minnesota (Mr. DAYTON) is absent attending a funeral.

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 50, nays 46, as follows:

[Rollcall Vote No. 301 Leg.]

YEAS—50

Akaka	Dodd	Levin
Allen	Dorgan	Lincoln
Baucus	Durbin	Mikulski
Bayh	Feingold	Murray
Biden	Feinstein	Nelson (FL)
Bingaman	Graham (FL)	Pryor
Boxer	Harkin	Reed
Breaux	Hollings	Reid
Byrd	Hutchison	Rockefeller
Cantwell	Inouye	Santorum
Carper	Jeffords	Sarbanes
Clinton	Johnson	Schumer
Coleman	Kennedy	Specter
Conrad	Kohl	Stabenow
Corzine	Landrieu	Warner
Daschle	Lautenberg	Wyden
DeWine	Leahy	

NAYS—46

Alexander	Domenici	Miller
Allard	Ensign	Murkowski
Bennett	Enzi	Nelson (NE)
Bond	Fitzgerald	Nickles
Brownback	Frist	Roberts
Bunning	Graham (SC)	Sessions
Burns	Grassley	Shelby
Campbell	Gregg	Smith
Chafee	Hagel	Snowe
Chambliss	Hatch	Stevens
Cochran	Inhofe	Sununu
Collins	Kyl	Talent
Cornyn	Lott	Thomas
Craig	Lugar	Voinovich
Crapo	McCain	
Dole	McConnell	

NOT VOTING—4

Dayton	Kerry
Edwards	Lieberman

The PRESIDING OFFICER. On this vote, the yeas are 50, the nays are 46. 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 by which the motion was rejected.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, Senators SPECTER and SCHUMER have an amendment. They can complete the debate in 10 minutes. That would be in time to have the moment of silence for the two slain officers.

Following that, Senator REED of Rhode Island will offer an amendment and we will arrange with the leadership when the votes will take place.

Mr. COCHRAN. Mr. President, that is satisfactory with this side. We appreciate the help of the Senator from Nevada in working out this time arrangement.

Mr. REID. Mr. President, I ask unanimous consent that there be no second-degree amendments with respect to the Specter-Schumer amendment and there be a vote on or in relation to that amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1370

Mr. SPECTER. Mr. President, I send an amendment to the desk on behalf of myself and Senators SCHUMER, WARNER, and CLINTON.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER], for himself, Mr. SCHUMER, Mr. WARNER, and Mrs. CLINTON, proposes an amendment numbered 1370.

Mr. SPECTER. 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 funding for discretionary grants for use in high-threat urban areas and decrease funding for information analysis and infrastructure protection, science and technology, and research and development)

On page 58, line 6, strike ''$2,888,000,000'' and insert ''$3,138,000,000''.

On page 59, line 1, strike ''$750,000,000'' and insert ''$1,000,000,000''.

On page 66, line 9, strike ''$823,700,000'' and insert ''$636,340,000''.

On page 66, line 23, strike ''$866,000,000'' and insert ''$803,360,000''.

Mr. SPECTER. Mr. President, this amendment is very similar to the last amendment, except that we have provided for an offset.

This amendment seeks to raise the allocation from $750 million to $1 billion for high-risk areas, and there is an offset of $62.640 million from technology, research, development, and acquisition operations, which would bring this figure to the precise amount that is requested by the administration, so that this reduction should pose no real problem. And there is a reduction of $187,360 from the information analysis and infrastructure protection and operating expenses. This, again, still leaves that account with considerable funding in the net amount of $636.340 million. The last vote was 50–46, 50 for the motion to waive the Budget Act. There were some seven Republican Senators who voted in favor of waiving the Budget Act, which I think is a sign of some substantial support on this side of the aisle. A number of my colleagues in the well commented that had there been an offset, there would have been a more favorable consideration.

The essence of this amendment is to more finely target where we are spending the money for homeland defense. We really do not seek to take advantage of the information analysis section or the science, technology, research, and development section, but I think a fair appraisal would be that taking a look at the risks on homeland security, they are more profoundly present in the urban areas. Again, I refer to the trip the President made earlier today to Philadelphia, accompanied by Senator SANTORUM and myself, and that route is illustrative—landing at Philadelphia National Airport, which is a major target; going over an enormous bridge, which is a major target; the Delaware River, which is a major target; and going through tunnels.

I compliment Senator COCHRAN for the work that has been done as chairman of the subcommittee. I have worked with him as well. I do believe that this sort of an increase—relatively modest—would be a great encouragement to make the cities safer. I know from my conversations with the mayors of Philadelphia and Pittsburgh, and the mayor of New York, they are very much concerned about the tremendous additional expenses. Earlier today, I made references to the high additional costs of the cities, illustrated by the fact that in just a 2-week period, from February 7 to 20, when the threat went from yellow to orange, the city of Philadelphia alone had an additional expense of $1.3 million.

Mr. STEVENS. Parliamentary inquiry, Mr. President. Is there time in the agreement for opposition to the amendment?

The PRESIDING OFFICER. There had been a discussion about 10 minutes, but there was no specific time agreement reached. However, under the previous order, the Senate, at 3:40, will go into a moment of silence in honor of fallen Capitol Police officers.

Mr. SPECTER. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. SCHUMER. Mr. President, I want to reiterate what my colleague from Pennsylvania said. It is the same amendment as last time, except it has an offset because many colleagues wanted that. The offset doesn't come from small States or from any part of the homeland security distributional money. Rather, it comes from two categories called information analysis and

infrastructure protection, which is reduced by $187 million. We reduced it by adding up all the various specific amounts that were asked for in the specific programs, and this was an overage after that. Second, science and technology, research and development, where we went with the President's commitment of $803 million, rather than the committee number of $866 million. Our high-needs areas need help. This will do it without breaking the budget by one nickel.

It does rearrange the priorities some, but it is the priorities we think are fair. We are trying to accommodate many colleagues on the other side who wished for an offset. This seems to be the right one. I reiterate, our high-needs areas, wherever they may be, or high-threat areas, need more help than they are given in the bill. The bill goes down from the amount we did last year, despite promises by all that it would go up. We don't break the budget, and we don't take it from small States.

I urge support for this amendment, and I yield the floor as we approach the time of 3:40.

HONORING THE COURAGE AND SACRIFICE OF OFFICER J.J. CHESTNUT AND DETECTIVE JOHN GIBSON ON THE FIFTH ANNIVERSARY OF THEIR DEATHS

The PRESIDING OFFICER. Under the previous order, the hour of 3:40 p.m. having arrived, the Senate will observe a moment of silence in honor of Capitol Police Officers Jacob Chestnut and John Gibson.

(Moment of Silence.)

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, 5 years ago on this day, Officers J.J. Chestnut and John Gibson were killed in the line of duty defending the United States Capitol.

At 3:40 p.m. on Friday afternoon, July 24th, 1998, a deranged gunman burst through what is now called the Memorial Door and shot Officer Chestnut in the head. The gunman then moved to the first floor where he attempted to enter the majority whip's office. There, he met Officer Gibson who blocked the intruder and opened fire. A gun battle ensued and Officer Gibson was fatally shot.

Officers Chestnut and Gibson lost their lives that day for us, for this Capitol, for the United States of America.

Officer Chestnut, a father of five, was only months away from retirement. His sister-in-law said that J.J. was ''the most wonderful man you would ever meet . . . He just wanted to enjoy his garden and enjoy his children.'' A Vietnam vet, Officer Chestnut spent 20 years in the Air Force before serving 18 years as a Capitol Police Officer. He was recognized by all of his colleagues as a dedicated, kind, and good man.

John Gibson, also an 18-year veteran on the Capitol force, was a father of three. He was described by friends as generous and God-fearing. Only a few days before the shooting, he told one of his colleagues that he had never had to use his weapon, but if he did, he would be focused, and concentrate on the task at hand. Little did he know how soon he would be tested, and how valiantly he would perform in our service, in the Nation's service.

Officers Chestnut and Gibson will always be remembered for their personal and professional integrity, their bravery, and their sacrifice. We honor them today with a brief moment of silence.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. The poet Archibald MacLeish was an ambulance driver in World War I. Years later, in a poem about soldiers lost in battle, he wrote:

The young dead soldiers do not speak.
Nevertheless, they are heard in the still houses.
Who has not heard them?
They have a silence that speaks for them at night and when the clock strikes.

It is right, and it is important, that we stop every year at this moment to remember in silence the courage and sacrifice of Officer J.J. Chestnut and Detective John Gibson.

But it is not only at this moment, on this day, that we remember these fallen heroes.

We remember Officer J.J. Chestnut and Detective John Gibson every time we pass the Memorial Door and see that bronze plaque that bears their likenesses.

We remember them whenever we see Capitol Police officers working double shifts to protect us.

We remembered them yesterday, when we heard the awful news about the shooting at New York City Hall.

Like the young soldiers in the poem, 5 years after that terrible Friday afternoon, J.J. Chestnut and John Gibson are still heard in this house—the people's House.

We hear them in the conversations, the questions and the laughter of the schoolchildren and scout troops and all the others who visit this Capitol.

Five years ago, we probably did not understand fully the risks the Capitol Police take every day when they put on their badges and come to work, but Officer Chestnut and Detective Gibson understood.

They knowingly risked their lives because they loved this building and what it represents, and they wanted others to be able to see their Government at work.

We are not as innocent now as we were then. September 11 and the anthrax attacks made us all more aware that there are those who want to see the people's House closed, even destroyed.

The fact that this Capitol remains open—that visitors can still walk these majestic halls and sit in these galleries—is a powerful symbol of America's commitment to democracy. It is a testimony to the skill and courage of the Capitol Police. And it is a daily, living tribute to Officer Chestnut and Detective Gibson.

Today is a sad day for the members of the Capitol family, but it is not just with sadness that we remember our two fallen heroes.

We also remember how much we liked and respected them. We remember how much J.J. Chestnut loved his garden, and how crazy John Gibson was about his Red Sox. We remember how proud they were of their work, and how deeply they both loved their families.

Our hearts, and our prayers, go out today to their brothers and sisters in arms, the members of the Capitol Police, to the many friends they left behind, and especially, to their widows and children and, in Officer Chestnut's case, his grandchildren.

We think of them often, as well. Their sacrifices, too, will never be forgotten.

Officer J.J. Chestnut and Detective John Gibson gave their lives to protect something that is sacred to all of us. In doing so, they surely saved the lives of countless others. They are heroes.

Five years later, we remain in awe of their courage and sacrifice. And we are grateful to them beyond words.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2004—Continued

The PRESIDING OFFICER. The Senator from Alaska.

AMENDMENT NO. 1370

Mr. STEVENS. I am bothered by the offset on this amendment. In the 2003 bill, we provided $850 million to high-threat urban grants. This bill already contains another $750 million for high-threat urban grants. That is a total of $1.6 billion for high-threat urban grants.

Every community in the country is affected by the alert system. Every community in the country faces increased costs. These megalopolises of the country, the large urban areas, are demanding that everybody pay more for them, but the smaller cities, the smaller counties, the smaller areas, have the same problem. On a per capita basis, it is a higher cost to provide protection to small areas than the high-threat urban areas.

I do not know why we should have New York City and Philadelphia, in particular. They are the ones seeking this money. There is no question there is a need. But there is a need in Peoria. There is a need in Cincinnati. There is a need in Tucson. There is a need in New Orleans.

The money they have taken for this is money that deals with homeland security nationally. One of the offsets

takes moneys from the small universities in the country. We had letters from many Senators asking for money to assist in terms of research, the research base of the country dealing with homeland security problems. We ought to take a second look at what we are doing.

We created this Department of Homeland Security 8 months ago. They already have in this bill and the bill we already enacted $1.6 billion more than the rest of the country. Why should this happen now that we have an offset against two of the most important accounts in Homeland Security? I hope we can talk a little bit more about that before we vote.

I will object to a time agreement until people understand what we are doing. Part of this money is from information analysis and infrastructure protection. It is a directorate, as they call it, in the new Department of Homeland Security. This will limit the intelligence warning and threat analysis functions of the Department we have just created. These are just being set up. This is for the 2004 costs of the Department we have just set up. Why should we take money from that? These are assessments of critical infrastructure, including chemical facilities, drinking water supply systems, arenas and stadiums, our Nation's seaports. This is the money being offset. Do Members with seaports want to put this money into an account that already has $1.6 billion? We ought to stop and think about this.

It would also be offset against the national communication system, as I understand. I will have to study this more deeply. The priority telecommunications programs could not be implemented. We have been interested in a national alert system. In the past, the national alert system went over the radio. Now, few people listen to the radio. They are on cell phones, they are on computers, they watch the television, cable. We are trying to get a national alert system. This offset goes against that study, how to put back into place a national alert system so the Nation will know, an area will know, if there is an extreme threat about which everyone should know.

I understand the Senators from New York and Pennsylvania are trying to increase the amount of money available to their high-threat urban areas. I have a high-threat urban area in Anchorage, too, but we do not have as large a population and we do not have the $1.6 billion either.

The Senate ought to think seriously about what we are doing. I intend to speak further if I can find additional information regarding the exact money that will be displaced by this amendment. The total amount of money here is too much, too soon. We ought to think about what we are doing. I hope others will come forward and take a look at what we are doing.

For those who sent letters asking for money in these areas, particularly in the national intelligence systems and threat analysis, in the areas of chemical facilities, drinking water supplies, utility protection, transportation protection, protection of bridges, this is what the money is. Why should that go to New York and Pennsylvania because they have a problem? Everyone else has, but they have a lot more people. On a per capita basis, we have already given them more money. To give them this additional $250 million is going too far.

I hope the Senate will listen and not adopt this amendment.

I will return with greater details in the future.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, we are listening to quite a tirade against giving money to the high-threat areas. The question is raised, Why? When you go to a hospital and you have a sick patient, someone who is really in trouble, he or she will be among the first to receive the medication. That is the situation about which we are talking.

We lost 3,000 people on September 11, 2001 most of them in New York. This is the focal point for economic activity—probably the most important financial center in the entire world. We look at the cities of Philadelphia and New York and there is New Jersey, right in the middle, with lots of commuters. We lost 700 innocent citizens on that day.

We have $29 billion going into homeland security but we need more. I know where to take it from: Take it from the huge tax cut that was given to those who do not need it.

For goodness' sake, the first round of emergency response grants had New Jersey and New York among the least compensated on a per capita basis. Our populations are squeezed together. New Jersey has the highest population density of all the States in the country. We have all kinds of important facilities, beside harbors and the financial center, that affect the way our country functions.

To say, you got enough money, that's just not right. I repeat: when the Department of Homeland Security gave out the first round of grants, New Jersey and New York were among the States most poorly treated on a per capita basis and yet our two States paid the biggest price on 9–11 when it comes to what constitutes a terrorist threat.

We may be threatened here with repercussions because we want money for the ports, we want money for transportation, or otherwise. Threaten all you want, but you cannot idly threaten the citizens of New York and New Jersey and Pennsylvania and other high-threat urban areas, walk away, and say: You got enough money.

I hope everyone is listening. What we need to do is recognize our areas of susceptibility and help those areas first. When it comes to toxic air or toxic water, we distribute the funds based on where the problem exists, where there are Superfund sites, and we try to give those areas more money so they can fix their problems.

The whole country wept on September 11, 2001. Everyone was weeping. And they all felt susceptible. But some know, many know, there are areas that are more susceptible than others. Those places are Pennsylvania, New Jersey, New York, and other high-density urban areas.

Mr. SCHUMER. Will the Senator yield?

Mr. LAUTENBERG. I yield.

Mr. SCHUMER. I know my colleague is aware the high-threat areas were not just New York, New Jersey, and Pennsylvania when the last round of money was given out. I know my colleague is aware that 30 cities got special money because the cities had special needs, including Boston, Denver, Philadelphia, Miami, Detroit, Newark, San Diego, Phoenix, Baltimore, Dallas, Buffalo, St. Louis, Kansas City, Cincinnati, Sacramento, Honolulu, Pittsburgh, Long Beach, New Orleans, Memphis, Cleveland, Tampa, Seattle, New York, Washington, Chicago, Houston, Los Angeles, and San Francisco. The high-needs areas are not simply in three States, they are in special areas.

I ask my colleague two questions. Was he aware that 30 cities got this money? And this year we are putting less money into high needs than last year.

Mr. LAUTENBERG. I was not aware of the specifics. I just know that in the areas already hit very hard—New York, New Jersey—a very serious threat remains. There are port facilities that are not protected at all. There are rail facilities. There are all kinds of things that could be destroyed or disrupted in a flash with the right kind of weapon or terrorist plan.

Whoever thought the Trade Center would come down—110 stories, just crash to the ground, melted into nothingness? No.

Mr. SCHUMER. Will my colleague yield for another question?

Mr. LAUTENBERG. I sure will.

Mr. SCHUMER. Our good friend from Alaska said we have needs on a per capita basis. But is my colleague aware that on a per capita basis the high-need States get less money? It is not the same. This is not evenly distributed on a per capita basis, because the formula here has .75 for every State—much higher.

I believe in helping all the States but this is higher than we have ever seen in a formula distributing money to every State. As a result, a State such as Wyoming or Alaska, for instance, would get far more money on a per capita basis——

Mr. STEVENS. Will the Senator yield?

Mr. SCHUMER. It is the time of the Senator from New Jersey.

Mr. STEVENS. I ask for the floor.

Mr. SCHUMER. Who has the floor, Mr. President?

Mr. LAUTENBERG. I have the floor.

The PRESIDING OFFICER. The Senator from New Jersey has the floor.

Mr. SCHUMER. On a per capita basis than even a larger, high-threat State. Is my colleague aware of that?

Mr. LAUTENBERG. I am absolutely aware of that. That is why I am surprised when I hear the distinguished Senator from Alaska, who knows this place better than anybody, who knows how desperately grants are sought and fought for, as he has so many times for his own State of Alaska, as he should, and how many times he has been successful, and how many times grants have been given to Alaska because his constituents needed the help.

But what goes around comes around, as they say. Now its New Jersey and New York that need that kind of help and we shouldn't be turned away.

With regard to the offsets for this amendment, I would prefer that we not take the money from communications and from science and technology. I would submit that there are other offsets, including the one I suggested a moment ago—one I would be most willing to forego—and that is the tax break that has come along. Take some of that money, the hundreds of millions of dollars that are involved, the billions of dollars over the next several year years, and put that money back where it belongs, to protect our society.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I hope the distinguished Senator from New Jersey will reserve the word ''tirade'' with reference to me. I might have a tirade sometime on the floor. I have not so far. And it will not be because of an amendment like this.

But I call the Senate's attention to pages 58 and 59 in the committee report. I will state to the Senator from New York that he is in error. The .7 applies to the basic grants; it does not apply to this program at all. The .7 does not apply to this concept we are talking about now, nor the money to which he is referring.

If you look at page 58, it shows the committee recommendations for the information analysis and infrastructure protection system. It is a national system.

I call your attention to page 59:

> The General Accounting Office has reported that chemical facilities present an attractive target for terrorist activity. The Congressional Budget Office estimates that it would cost $80,000,000 over 5 years for vulnerability assessments at nearly 15,000 chemical facilities across the United States. Therefore, the Committee [is directing this money to be spent for that.]

We make a direct request for a report on the matter. The systems we are dealing with here are systems that deal with the Nation. But, in particular, it is:

> . . . the creation of the National Cyber Security Division within Information Analysis and Infrastructure Protection and recommends $32,800,000 for the integration of physical and cyber infrastructure monitoring and coordination from the funds made available for information and warning advisories, and $65,700,000 for cyberspace security from the funds made available for remediation and protective actions.

We expect to move into this whole concept of critical infrastructure protection. That needs:

> . . . key asset identification, field assessments of critical infrastructures, and key asset protection implementation to help guide the development of protective measures to harden facilities and assets.

It is a national program from which this money is being taken. The inference here is this is surplus money. This is not enough. We don't have enough for this system. We don't have enough money for what the Senators from Pennsylvania and New York want. But the point is, some of this protection starts at home. Some of it starts at home. Some basic concept of protection is the responsibility of every government in the United States. But the one responsibility we have here is the national system of identification of those facilities and assets that are critical, and also the establishment of a national alert system. This money is not enough for either one. But the Senators from New York and Pennsylvania want to take $250 million from a fund that is already insufficient, based upon the General Accounting Office report.

I do hope Senators will take a look at how this money is allocated:

> Intelligence and Warning: Threat determination and assessment, Information and warning advisories, Protecting Critical Infrastructure and Key Assets: Infrastructure vulnerability and risk assessment, Remediation and protective actions, National Communication System.

That gets the bulk of it, the national communication system, finding some way to put an alert system back in place that will notify everybody if there is a national disaster. That does not exist any longer. It did, back in the days, as I said, when we all relied on radio. That got tested once a week, in fact, or once a month—whatever it was. But how long has it been since you had a test on a system? There is no test possible coming through cell phones, through computers, through the cable systems, through the satellite systems. They are not coordinated at all. We need a national system of alert and this is going to go toward that, starting it up.

The bulk of the money that they are taking is in protecting critical infrastructure and key assets. That is where $95 million is for the infrastructure vulnerability and risk assessment; $383.9 million for remediation for protective actions nationally. This is protecting the ports of New Jersey, of New York, of California, Florida, and even Alaska. But identifying the need for protection.

Why take that money out when we are just setting up the Department of Homeland Security and this is the basic money we need now? We need it now.

The Senators from New York and Pennsylvania want money to be there in case they need it if there is another national alert. There may not be one. But there is a need for this. The General Accounting Office insists the No. 1 responsibility of Congress is to deal with the vulnerability assessments of 15,000 chemical facilities and other similar assets around the country. Chemical facilities in particular, and the costs associated with protecting those chemical facilities, are essential to this homeland security.

I urge the Senate not to take this action. It will also go into the Science and Technology Directorate, taking money from the research and development capabilities of the entire Department of Homeland Security. The reduction would severely limit the university-based centers program.

As I said before, nearly every Senator has made a request. I have the list here, by the way. Here it is. These pages, 1, 2, 3, 4, 5—6 pages, single spaced, from Senators addressing this one particular account.

Senators, if you ask for this money and you expect to get it—we have not earmarked any money; isn't that correct?

Mr. COCHRAN. That is right.

Mr. STEVENS. There is no money earmarked. But money, as much as we could possibly put, is in the discretionary fund—and I think almost every Senator has asked for money in this area: Vulnerability protection, disaster assistance programs, homeland security initiative at the University of Washington, University of Nebraska. Maybe I should read them all, when we look at it: College of William and Mary, George Mason, VMI, Utah, LSU, Wichita, Montana State, Colorado, University of Delaware, Brown University, University of Rhode Island, University of Georgia, University of New York, SUNI Maritime College.

I could go on and on. Almost every college that has a capability of being involved in this assessment and determination of how to protect these facilities has asked to get involved. We could not do that. So we set up a fund and the Department will determine how many of these universities can lock together and give us the assessment that the General Accounting Office says is absolutely essential.

If you take the money for something that might happen, how are you going to know when it does happen?

This is the beginning of the homeland security assessment of threats and establishing an alert system. This amendment takes from both. I think that is absolutely wrong. I hope we will get other people to comment on this amendment. I understand the need. There is overwhelming need throughout the country for homeland security money.

I congratulate the chairman of the subcommittee, the distinguished Senator from Mississippi, for what he has done, along with his staff. They have

allocated it in a way that is really fair. These other amendments so far have been to add money beyond what we have available. This is taking money that has already been assigned by the committee and the subcommittee to a specific account and putting it in another account and saying it was shortchanged. But there is already money in that account. The account they are adding to already has in this bill $750 million. It had $850 million in the bill we passed earlier this year. That is enough. Compared to the rest of the demands in this country, that is enough for that fund.

I urge the Senate to disapprove this amendment.

Mr. COCHRAN. Mr. President, I thank the Senator from Alaska for his comments. He has put this matter in perspective. We appreciate his comments and his statements about the effect of this amendment on those parts of the bill that will have funds transferred from them to this so-called high-threat urban area account.

When we started talking about this bill yesterday, we had Senator after Senator talking about adding money for new technologies and making sure that we develop and deploy new kinds of the most modern defensive systems we can have to defeat and detect terrorist attacks and to make our country share in security. One of those was an antimissile system for commercial aircraft. You may remember Senator BOXER was on the floor talking about immediately putting those capabilities in the domestic commercial airline industry. We have funds in the bill to do just that. But guess what. This amendment cuts those funds. This amendment would take money away from the antimissile defense capability fund where we are developing and will deploy the capability as soon as it is ready.

Funds for universities throughout the country that are now eligible for grants for research into new technologies which will improve our capability to defend ourselves across a wide range of areas that we need to explore, develop, and deploy will be undermined by this amendment. The funds will be cut if this amendment is agreed to.

We have had Members offering amendments for money for chemical industry infrastructure protection—special money going to the chemical industry. The money we have in this bill now for the chemical industry will be cut if this amendment is agreed to.

The last vote we took on this was on the subject of waiving the Budget Act. Some Senators came up, and I heard them say, You are going to need 60 votes. They will need 60 votes to prevail to waive the Budget Act. So my vote really won't matter, since you already have 40 votes to defeat this. I can vote for the amendment to add money, since it won't come from any other account.

Some other Senators were concerned because we were going to violate the Budget Act. I heard some Senators say, If you could find an offset, I would vote for your amendment. Now we have an offset, and Senators are going to have to take a new look at this.

This is not an automatic decision that can be made. But to think about its effect on those accounts and those activities which are going to be cut by this amendment, these are real cuts that are going to be made.

I hope Senators will look carefully and balance their judgment against the need to add money for this account that is now in the $750 million area.

Think about this: We also put $750 million into this account when we passed the supplemental just a few weeks ago. We passed a supplemental for the remainder of this fiscal year and added $750 million for these same urban areas for which they now want to increase money. To me, that is not fair. That is not fair.

People throughout the country have an equal interest. Whether you are in an urban area or a rural area, you have an equal interest in this being a balanced bill that treats all areas of the country the same in terms of the quality of the response we are going to make in our individual communities. You can't just channel the money to the big cities and expect it is going to solve our national problem. This is not a problem just for the big cities to solve. It is a problem for our country to solve. It is a national problem. It is not just a Federal Government problem. Every town and every city and every State ought to be able to share equally and fairly in the funds that are made available in this bill. If this amendment is agreed to, the fairness doctrine will go out the window.

I urge Members to vote against this amendment.

Mr. SPECTER. Mr. President, at the outset, I agree with the distinguished Senator from Alaska. His presentation was not a tirade. For those of us who have heard the Senator from Alaska speak on many occasions, there was nowhere near a tirade from the Senator from Alaska. That was a reasoned analysis of the substitution of funds.

When the distinguished Senator from Mississippi, the chairman of the subcommittee, presents his argument, it has great weight. The subcommittee has very carefully considered the allocations. But this amendment seeks to make a rather modest change. We have here a $29 billion appropriations bill.

When you talk about high-risk areas, it is my view that $1 billion is a minimum. The figure might realistically be appraised for much more than $1 billion.

It is true that during the course of the last vote there were many Senators in the well who voted against waiving the Budget Act and who said had there been an offset they would be favorably disposed. That is not a carte blanche commitment. It depends upon what the offset is.

We are talking about two accounts. The information analysis, infrastructure protection, operating expenses still has a very considerable sum of money, $636.340 million. The science and technology research, development, acquisition and operations, where we have taken $62.640 million, still has more than $800 million.

What we are looking at here really is an analysis of what the highest risk area is.

Again, I come back to the activities of President Bush today. Where was President Bush today? He made a trip to Philadelphia. In Philadelphia, he went to the airport, which is high risk. Then he was on a long bridge which spans the Schuylkill River, which is high risk. Then he went along a highway again where there is very heavy congestion and high risk. Then he was at the seaport, again an area which is high risk. It is a matter of making an analysis.

I have great respect for what the Senator from Mississippi has done on this subcommittee. Perhaps the total figure of $29 billion is not sufficient. Perhaps it ought to be slightly more—not to take an offset from these two accounts.

But I supported the Senator from Mississippi on every one of his tabling motions. Other Senators have offered much greater amendments, one in the range of $1.8 billion. It is true that on one of the motions to table by the Senator from Mississippi on firefighters, I deviated on a motion to waive the Budget Act, which was nowhere near successful because of giving a little spiritual support to the firefighters who I think have done such an outstanding job. But I believe a careful analysis of the $250 million for high-risk areas contrasted with the funds that would have been taken from these other accounts which are still very well funded is appropriate.

I urge my colleagues to support this amendment.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, before we vote on this amendment, I am reminded that attacks have been thwarted in three locations. And if attacks have been thwarted, that suggests there is a certain risk attached to those locations. One is the World Trade Center, another is LAX Airport, and the third is the Space Needle in Seattle. As far as I know, there were no attacks threatened in Wyoming and many other places around the country. So when we look at this issue, I think we ought to get focused.

First of all, Secretary Ridge is the arbiter of the discretionary fund. He is the expert. He gives out this additional money. We, the Senate—Democrats and Republicans—nominated him to make these decisions. If the nondiscretionary part of the budget runs about $28 billion, I don't know that these particular accounts are the places where we have to go to get the funding. And we can ask Secretary Ridge to be aware that we are most

concerned because of the high-risk nature of the New York/New Jersey region.

I hope in this case we will take seriously what we talk about so much: That we cannot be secure, no matter how good we are in Afghanistan, no matter how good we are in Iraq—and we have been terrific. Our people have fought valiantly. They have done what is asked of them. There are not enough of them. And when someone suggested there were not enough of them, such as General Shinseki, he was kind of kicked out of the Corps.

So we have to look at this and ask, what constitutes security? It is not having enough bombs and planes. It is making sure that bombs and planes don't come our way, don't come to our soil.

You may have heard the prediction that was leveled by the former Secretary of Defense when he said, within a decade, if things go along as they are, we could be looking at a nuclear explosion on American soil.

I think we ought to step up to the idea and express our interest in preventing any kind of a terrorist attack. We have had a couple, and they were devastating, not only to the lives and families who were hurt but to the morale of this country.

I think we ought to say: Look, these are areas that are constantly under concern for a terrorist attack. Let's put the money there to make sure we are taking special care of them, just as we would a patient who is especially sick and we have a limited amount of medication. We give it to that patient, not to those who might get sick.

That is the situation we face. I hope we will get enough support to carry this through. The message is important. And I leave it to Secretary Ridge to deal with his discretionary responsibility to allocate the funds.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I know of no Senators who want to speak on this issue who have not already spoken. I think we are ready for the vote. Have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not been ordered.

Mr. COCHRAN. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 1370.

The clerk will call the roll.

The assistant legislative clerk called the roll.

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 also announce that the Senator from Minnesota (Mr. DAYTON) is absent attending a funeral.

I further announce that, if present and voting, the Senator from Minnesota (Mr. DAYTON) and the Senator from Massachusetts (Mr. KERRY) would each vote ''yea.''

The PRESIDING OFFICER (Mr. CORNYN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 48, nays 48, as follows:

[Rollcall Vote No. 302 Leg.]

YEAS—48

Akaka	Durbin	Lincoln
Baucus	Feingold	Mikulski
Bayh	Feinstein	Murray
Biden	Fitzgerald	Nelson (FL)
Boxer	Graham (FL)	Nelson (NE)
Breaux	Harkin	Pryor
Byrd	Hollings	Reed
Cantwell	Inouye	Reid
Carper	Jeffords	Rockefeller
Clinton	Johnson	Santorum
Coleman	Kennedy	Sarbanes
Conrad	Kohl	Schumer
Corzine	Landrieu	Specter
Daschle	Lautenberg	Stabenow
Dodd	Leahy	Voinovich
Dorgan	Levin	Wyden

NAYS—48

Alexander	Crapo	Lugar
Allard	DeWine	McCain
Allen	Dole	McConnell
Bennett	Domenici	Miller
Bingaman	Ensign	Murkowski
Bond	Enzi	Nickles
Brownback	Frist	Roberts
Bunning	Graham (SC)	Sessions
Burns	Grassley	Shelby
Campbell	Gregg	Smith
Chafee	Hagel	Snowe
Chambliss	Hatch	Stevens
Cochran	Hutchison	Sununu
Collins	Inhofe	Talent
Cornyn	Kyl	Thomas
Craig	Lott	Warner

NOT VOTING—4

Dayton	Kerry
Edwards	Lieberman

The amendment (No. 1370) was rejected.

Mr. FRIST. Mr. President, I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Democratic whip.

Mr. REID. I have spoken to the two managers. The next amendment that we will offer will be the Reed of Rhode Island amendment. The Senator from Rhode Island has agreed to 30 minutes on his side. Following that amendment, Senator BYRD wishes to offer an amendment. Following the debating on those two amendments, I ask that there be a vote on those two amendments with Senator BYRD's vote coming first and the vote on Senator REED coming next. Those votes would be on or in relation to those two amendments with no second-degree amendments in order.

Mr. COCHRAN. I ask unanimous consent that be the order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask that the unanimous consent agreement be amended to allow the Senator from Mississippi whatever time he shall consume in opposition to the Reed amendment.

Mr. COCHRAN. I agree to that amendment, and I thank the Senator from Nevada.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Rhode Island.

AMENDMENT NO. 1372

Mr. REED. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Rhode Island [Mr. REED], for himself and Mr. SARBANES, proposes an amendment numbered 1372.

Mr. REED. 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 $100,000,000 for grants to public transit agencies to enhance public transportation security against terrorist threats)

On page 49, between lines 7 and 8, insert the following:

TRANSIT SECURITY

For necessary expenses of the Transportation Security Administration related to land transportation security services pursuant to the Aviation and Transportation Security Act (49 U.S.C. 40101 note) and for other purposes, $100,000,000, to remain available until December 31, 2004, which shall be available for grants to public transit agencies for enhancing the security of transit facilities against chemical, biological and other terrorist threats: *Provided,* That the Secretary of Homeland Security shall make such grants pursuant to threat assessments previously conducted by the Transportation Security Administration and the Federal Transit Administration: *Provided further,* That the Secretary of Homeland Security and the Secretary of Transportation shall enter into a memorandum of understanding regarding transit security. *Provided further,* That not later than 60 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit a report to Congress that includes—

(1) the amount of funds appropriated to the Transportation Security Administration (TSA) that have been allocated for activities designed to improve public transportation security;

(2) the number of full-time TSA personnel engaged in activities designed to improve public transportation security;

(3) the strategic plan of the TSA for improving the security of our Nation's public transportation systems; and

(4) recommendations from the TSA for any policy changes needed to ensure that the TSA, in coordination with other agencies within the Department of Homeland Security, will effectively improve public transportation security for our Nation's transit riders.

Mr. REED. Mr. President, earlier this week, the Senate debated a comprehensive amendment by Senator BYRD with respect to deficiencies in this bill regarding resources for homeland security. Essentially, what Senator BYRD was trying to do was to match the resources we need with the rhetoric we have heard about protecting the homeland of the United States.

I am disappointed Senator BYRD's amendment did not prevail. Within

that amendment, there were resources devoted to transit security. Today, I offer an amendment on behalf of myself and Senator SARBANES to address what I think is an amazing and unacceptable lack of resources and investment for securing and protecting our Nation's trains, buses, and ferries. Indeed, these vehicles and these transportation modes provide transportation for millions of Americans each day, and they require protection.

I want to be clear. This is not the fault of the committee, and certainly not the fault of the chairman who has done an extraordinary job in securing an additional $1 billion for the subcommittee's allocation. But the fact is that the administration has not asked for sufficient resources to protect the transit systems in the United States. Again, this is why, together with Senator SARBANES, I am offering this amendment to add $100 million for the protection of our public transit systems.

Each day, millions of Americans, old and young, rich and poor, every kind of American, board a bus or a train to go to work, school, or a doctor's appointment. Each year the Federal Government spends billions of dollars to build and maintain these systems. Yet to date, shockingly, the Federal Government has only invested below $90 million in fiscal years 2002 and 2003 for transit security if we exclude the very special circumstances of rebuilding transit systems that were attacked and severely damaged during the September 11 attack.

We have recognized the need to protect our airlines and we have spent billions of dollars to do so, but there is the same compelling need to protect the transit systems of the United States.

There are two major reasons we must protect these transit systems: First, we want to avoid, preempt, and prevent, a terrorist event involving a transit system; second, we need transit systems that have interoperable communications, trained personnel, and additional equipment to mitigate the consequences of any type of terrorist event in the United States.

It is quite clear transit systems are a target of terrorists. According to a report in 1994 by John P. Sullivan and Henry I. DeGeneste: ''Transit systems are attractive targets for a number of reasons. They carry large numbers of people within concentrated, predictable areas and timeframes. They are accessible since they provide easy user access. Finally, their target-rich infrastructure which often covers extensive geographic areas frequently renders countermeasures impractical.''

So we know this. Indeed, the Federal Transit Administration knows it. To their credit, they have taken meager resources to provide transit assessment assistance to any transit system that is required or requested. They have been able to advise these transit systems. But advice is not dollars. Advice does not build or buy equipment that will protect commuters in our transit systems.

We already know transit systems are a target, in many cases targets of choice. The Mineta Institute indicates that between 1997 to 2000 there were 195 terrorist attacks against transit systems worldwide. Most of these attacks were against buses. I should point out, 90 percent of these attacks occurred against buses. In the Middle East, we have seen the horrific pictures of buses blown up by suicide bombers. No one wants to see such pictures in the United States.

Of course, the most horrific example of a terrorist attack against transit was the 1995 sarin gas attack in Japan where 11 people were killed and 5,500 innocent people were injured due to the work of a small band of crazed individuals.

We understand there is a great potential for terror attacks against transit systems. Given the increasing danger of proliferation of weapons of mass destruction, these transit attacks could be horrific in the future.

I also mention that not only do we need to avoid attacks against transit, we need to be prepared in the case of another terrorist attack in the United States. I refer to testimony before my subcommittee last year, as I chaired the subcommittee with respect to transit's role in September 11. The first is a statement by Jenna Dorn, the Administrator on the Federal Transit Administration.

At 8:52 a.m. on September 11th, minutes after the first hijacked jet plowed into One World Trade Center, a Port Authority Trans-Hudson (PATH) train master gave life-saving instructions to conductors and operators.

A train from Newark, carrying about 1,000 passengers, had just pulled into the station below the World Trade Center. The train master told the crew to keep everyone on the train, board everyone in the station, and immediately depart for the Exchange Place stop in Jersey City. Public transportation employees immediately evacuated passengers who mistakenly left the train.

A train from Hoboken carrying another 1,000 people was just behind the Newark train. The train master told that crew to keep the doors closed at the Trade Center and head immediately to Jersey City.

The train master then told another train in Jersey City to discharge all passengers and head back to the World Trade Center to evacuate remaining travelers and transit personnel. That train departed with its precious cargo at 9:10 a.m., 40 minutes before the first building collapsed.

That train master, Richie Moran, and PATH's emergency response plan, saved thousands of lives. As we watched the death toll climb in New York, it is astounding to realize that no one riding the PATH or New York City subway lines that morning was injured.

That is not an accident. That is the result of good communications, planning, training, all the issues that they showed in New York City. But let me suggest the level of planning, training, and equipment in New York City is not duplicated in many cities around this country—and it should be.

Also, I ask unanimous consent to have printed in the RECORD excerpts from the statement by Richard A. White, the general manager of the Washington Metropolitan Area Transit Authority, who talks of the integral role of that system in evacuating personnel during the attack on the Pentagon.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

On September 11, when WMATA was needed most, and in the midst of regional chaos, Metrorail and Metrobus were ready, and delivered for the National Capital Region. We operated the equivalent of back-to-back rush hours virtually without incident, after the Federal Government and other regional employers sent hundreds of thousands of workers home around mid-morning. We were operating the entire day. We did what we do best. We moved large numbers of people safely and efficiently.

Throughout the day, the WMATA workforce performed extraordinarily. Not once did an employee put their own individual concerns ahead of their sense of duty to the customers. The transit police, the bus and rail operators, the station personnel, the customer service representatives—everyone—demonstrated their dedication to our mission of moving people safely and securely.

Further, we never lost communications throughout the day. We established and maintained contact with local State, and Federal authorities, and we communicated with our riders through in-system messages, our phone system and over the internet through the website.

WMATA, blessedly, suffered no property damage, no loss of life, and no injury to any of its employees nor to any of our customers on that terrible day.

Mr. REED. Senator SARBANES and I asked for a GAO report on transit security. The GAO visited 10 transit properties all over the country of varying sizes and characteristics. They surveyed 200 of the 6,000 transit operators of the Nation. Their report clearly indicates the compelling need for Federal assistance.

In addition to that, it clearly indicates the scope of that system. Of just eight of the transit systems that had conducted professional security assessments and asked professionals to come in and review procedures, equipment, personnel, the cost to upgrade these systems, for just 8 out of 6,000, was $700 million. If we were to upgrade all of our transit systems in this country, it would be on the order of billions of dollars. Yet, those costs have not been met by the administration for this compelling need.

The administration has barely funded transit security, about $88 million. Some of this, frankly, was discretionary funding from the Department of Homeland Security which they, to their credit, decided to commit to the issue of transit security.

We have to provide the resources. In addition, we have to also ensure that there is appropriate responsibility and oversight. That is why our amendment also calls on the Department of Homeland Security and the Department of Transportation to sign a memorandum of agreement to ensure that the two

agencies, as well as the Federal Transit Administration and the Transportation Security Administration, have in place strong linkages, coordination, and understanding of their mutual and separate roles. We have been repeatedly assured that this agreement was imminent. It has yet to be produced, yet to be issued. Our amendment asks that this be done expeditiously. My colleague, Senator SARBANES, will address these points also.

Our position today is not to cause panic but to prevent panic by having the resources so that our transit systems are not targets of terrorists and that our transit systems can, in fact, provide value to the support in the wake of any type of attack on a major urban area in the United States by terrorists. This is a well-crafted amendment. Certainly the need is there. I urge support of the amendment.

I recognize at some point the chairman may raise a budget point of order against my amendment, and at the appropriate time either I or Senator REID of Nevada will move to waive the point of order. I urge my colleagues to support my motion to waive.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. What is the parliamentary situation?

The PRESIDING OFFICER. There are 19 minutes allocated to the Senator from Rhode Island.

Mr. SARBANES. Will the Senator from Rhode Island yield me 8 minutes?

Mr. REED. I am happy to yield 8 minutes.

Mr. SARBANES. Mr. President, I am very pleased to cosponsor the amendment offered by my able and distinguished colleague from Rhode Island, Senator REED. I commend him for his very strong leadership on the important issue of enhancing the security of our Nation's public transit systems. By allocating $100 million for transit security, this amendment would enhance the safety of millions of Americans.

Every workday, 14 million Americans ride buses, subways, light rail, and ferries in cities and towns all across America. Transit systems throughout our Nation link people to jobs, to medical care, to shopping, to school, and to other essential services.

More and more, Americans are recognizing the benefits that transit has to offer. Over the last 6 years, transit ridership has grown faster than any other mode of transportation.

These riders expect and deserve transit systems that are reliable, that are safe, and that are secure.

As chairman of the Banking Committee's Subcommittee on Housing and Transportation, Senator REED, during the last Congress, convened six hearings to examine our Nation's public transit systems, with two of those hearings fully devoted to the security question. One hearing took place just a few weeks after the attacks on September 11, and the second shortly after the first anniversary of those attacks.

The witnesses at those hearings included the Federal Transit Administrator, representatives of transit agencies, including Richard White, the general manager of the Washington Metropolitan Area Transit Authority, and representatives of transit labor.

I commend the record of those hearings to all of my colleagues. They were extremely well done.

The witnesses testified about the contribution transit made to the Nation on September 11, something my colleague already made reference to. That morning, transit agencies across the country ran extra trains and buses as long as needed to move people safely out of city centers.

Transit played a particularly vital role in New York and Washington, the two cities directly under attack that day. Without the vibrant transit systems in place in those cities, timely movement of our people would have been impossible.

As more and more Americans are using public transportation, it is clear that transit must be a vital component of any city's emergency response plan.

As my colleague indicated, according to the Mineta Transportation Institute in San Jose, CA, surface transportation was the target of more than 195 terrorist attacks from 1997 to 2000, and transit systems are the mode most commonly attacked.

The witnesses before Senator REED's subcommittee explained that public transportation faces unique security challenges.

By its nature, transit must be easily accessible. It runs on identified routes and at published times, and it uses an extensive network of roads and rails spanning a wide geographic area.

It obviously is not feasible to screen all passengers and baggage before boarding, as is done in airports, or to check the identity of all who wish to use the system.

But, according to the witnesses who appeared before Senator REED at those hearings, there are measures that transit agencies can take to improve their security, such as conducting vulnerability assessments, developing emergency plans, investing in security equipment, and training employees—which was repeatedly emphasized to us as something that would improve the security of our systems.

But these improvements do not come without cost, and the lack of available funding was identified as a major impediment to making transit systems more secure.

Early last year, Senator REED and I joined in asking the General Accounting Office to review transit agencies' response to the threat of terrorism, and to identify the challenges they face in enhancing the security of their systems.

The GAO report, released last December—and I commend this report to my colleagues—found that transit agencies have taken a number of steps, particularly since September 11, to improve security.

At the same time, the report identified significant remaining security needs. Consistent with the testimony of our witnesses, the report found that insufficient funding—insufficient funding—is ''the most significant challenge in making transit systems as safe and secure as possible.''

In fact, at the 10 transit agencies they visited, the GAO found hundreds of millions of dollars in identified security needs.

Our Nation's transit agencies have made good use of the limited resources they have had available, but this report demonstrates that new resources will be needed in the future to safeguard the security of our Nation's transit systems.

The pending legislation does not demonstrate the commitment necessary to help transit systems become more secure.

I believe we owe it to our Nation's transit riders to do more.

This amendment takes a critical step in the right direction by making $100 million available for transit security, to be allocated by the Department of Homeland Security according to threat assessments that have already been conducted by the Transportation Security Administration and the Federal Transit Administration.

Assessments have been conducted. The priorities are there. We can move these funds quickly out into the field in order to enhance security.

Transit agencies could quickly put this money to use, investing in security equipment, conducting training exercises for transit personnel, and otherwise enhancing their systems' ability to resist attack.

This is an investment that we cannot afford not to make—an investment we cannot afford not to make.

I urge my colleagues to support the amendment of the able and distinguished Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, this amendment provides $100 million in additional spending for grants for public transit agencies to enhance security of transit facilities against chemical and biological attacks. The bill already provides $71 million for the Science and Technology Directorate to develop and deploy chemical, biological, and nuclear sensor networks. Public transit facilities are in line to benefit from this appropriation.

The Science and Technology Directorate is piloting chemical and biological sensors in subways that will demonstrate an integrated chemical detection and response system for six subway stations by September of this year.

The amendment would place the Transportation Security Administration in charge of deployment of detectors prematurely, before the research and development has determined the best technology to accomplish the goal. The bill before the Senate which

the subcommittee and the full committee have approved also includes $25 million for the Department to develop standards nationwide for detection sensors.

There is no offset for this additional spending in the amendment, and it would, therefore, cause us to exceed the limitations of the budget resolution. Therefore, I 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.

The PRESIDING OFFICER. The point of order is not timely at this time. Time remains for the sponsor.

Mr. COCHRAN. Mr. President, is it not correct that a motion to waive the Budget Act would be debatable and would be debatable under the unanimous consent agreement? My purpose is not to cut off anyone's right to debate under the rules of the Senate or under the terms of the unanimous consent agreement.

The PRESIDING OFFICER. The motion to waive would be debatable. Under precedent, the point of order should not be made until all time has expired.

Mr. COCHRAN. I withdraw my point of order.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, the purpose of our amendment is not necessarily to impede any deployment of technology. It simply recognizes that even if this technology is deployed, tested, or evaluated in 6 stations or 100 stations, the cost of implementing this system and other systems—the amendment talks about protecting transportation facilities, not just subway lines, but buses and interurban transportation, all types and modes of transportation—even if you could deploy, the cost would be significant.

Our amendment asks that this budget recognize those significant costs.

Again, there is no question that the chairman has tried his best to come up with the resources to try to meet this need. But the need is so staggering—billions and billions of dollars. The funds in this bill devoted to transit security is so meager that our amendment simply tries to strike a balance. The $100 million would go to help systems buy equipment and train personnel. All of that is necessary.

We also would ask that the Department of Homeland Security issue the plans they have long said they were going to do between the proper transportation and the proper homeland security to coordinate their activities with respect to transit security.

I urge the amendment be adopted.

I further point out that even if we were to adopt this amendment—I understand at the appropriate moment the Senator from Mississippi will make a budget point of order—this is truly a very modest downpayment on the cost of ensuring that all of our transit systems, our buses, and our subway systems have the same degree of preparedness as we are trying to develop for our airlines and for other modes of transportation.

If we reject this amendment, we will simply be in a situation where we might be able to demonstrate a few projects, and we might be able to test the system, but we will never deploy those systems across the Nation in transit systems. There are 6,000 transit systems.

Again, it is $100 million, just a meager downpayment for what is really a multibillion-dollar requirement for the United States.

I recognize that the Senator has said he is proposing to make a point of order.

At this point, I yield my time in anticipation of such a point of order.

Mr. COCHRAN. Mr. President, I yield whatever time remains on this side.

The PRESIDING OFFICER. All time is yielded.

Mr. COCHRAN. Mr. President, I 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. REED. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of that act for purposes of the pending amendment, and 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 West Virginia.

AMENDMENT NO. 1373

Mr. BYRD. Mr. President, last November Congress enacted the largest reorganization of the Federal Government in half a century. At that time, the Senate was under extraordinary pressure to pass a bill quickly. The President traveled the country giving campaign speeches accusing the Senate of not caring about homeland security. The Senate responded by hastily approving the massive reorganization before Members had a chance to study the contents of the 484 pages that were dropped into our laps just a few days before the vote.

There were a lot of items in that legislation that would not have survived scrutiny had the Senate spent more time debating the bill. A number of Senators objected to certain provisions in the bill and introduced amendments. But those amendments were never considered because the Senate voted to shut off debate.

A good many Senators wanted to put the bill behind us even if it meant settling for a bill that needed more scrutiny. One of the imperfections that the Senate was willing to accept was the unprecedented secrecy that was given to the new Department of Homeland Security.

Although the original version of the bill took a responsible, moderate approach to ensure public accountability, the final version that was dumped on the Senate gave the Department carte blanche to conduct its operations in secret.

I filed amendments to scale back this excessive secrecy, as did several other Senators. But those amendments were never considered because, as I have already indicated, debate was shut off by cloture.

Now we read in the papers that full advantage is being taken of the secrecy in the Department. Their friends and contributors in the private sector have a seat at the homeland security table. Corporate leaders and campaign contributors have been awarded coveted seats on the advisory committees that make policy recommendations to Secretary Ridge and to others in the Department.

Consequently, not only do these companies have a direct role in shaping our homeland security policy, but they also have direct access to Department officials who award the private sector contracts for implementing those policies.

Last month, for the first time, the Homeland Security Advisory Council met to provide advice and recommendations to the Homeland Security Secretary about this Nation's homeland security needs.

It is my understanding Secretary Ridge took the opportunity to remind the council that the Homeland Security Department was soliciting a wide array of innovative counterterrorism technologies. ''There are several million dollars available to the private sector,'' Secretary Ridge said. That information no doubt would have been more than just passing interest to the members of the advisory council. With six CEOs and a member of the board of directors from three top companies, the Homeland Security Advisory Council represents some of the top business interests that are in competition for government contracts related to homeland security.

It is worth noting that, according to the New York Daily News, of the 818 members chosen to sit on the advisory committee, 11 members have collectively given more than $200,000 in direct contributions to the Republican Party at a time when questions are already being raised about the propriety of former aides to Secretary Ridge lobbying a Homeland Security Department for Government grants. It is troubling that the Homeland Security Secretary would risk further damage to the Department's credibility by naming to advisory council representatives of top companies that are vying for homeland security contracts and grants.

At a time when questions are being asked or raised about the preferential treatment given to major corporate campaign contributors in bidding on Government contracts, it is disconcerting that companies such as Dow Chemical, Eli Lilly, Conoco-Phillips,

Black & Decker, Procter and Gamble, and Lockheed Martin are representatives serving on the advisory council.

This volunteering by these companies of their CEOs and board members to serve on the advisory council may well be a selfless act of patriotism, but that does not stop them from profiting from the contracts and grants awarded by the Department.

Eli Lilly used its connections to use a provision in the Homeland Security Act to shield vaccine makers from lawsuits relative to the use of thimerosal, a mercury-containing preservative once added to childhood vaccines.

Dow Chemical received $1.4 million in port security grants from the Homeland Security Department last spring.

Lockheed Martin won a long-term contract to help modernize the Coast Guard, a contract that could be worth up to $17 billion. It also contracted to assist the Transportation Security Administration in developing CAPPS II, a controversial data tracking system that will reportedly collect information about nearly every adult American who buys an airline ticket.

Despite the specter of the conflict of interest, and despite numerous warnings from Government watchdog groups, the advisory council has been exempted from public disclosure laws. The American people have no way of knowing what is being discussed or what advice is being recommended. There is no way to identify the financial interests of these council members in any advice or recommendations they may make to Secretary Ridge.

With a $40 billion homeland security budget and the expectation that the Federal Government will spend hundreds of billions of dollars in the coming years on homeland defenses, corporate America is salivating over the money that is to be made from the grants and contracts being doled out by the Homeland Security Department.

Also, being at the table when advice is given to the Homeland Security Secretary can be a very powerful tool. That is all the more reason the Congress should provide the American public with some kind of check to ensure that the advice being given to the Secretary is in the best interests of the Nation's defenses and not just in the best interests of companies soliciting a Government contract.

I am concerned about the makeup of these advisory committees and how they are being used. We have no way of knowing what kind of recommendations these corporate CEOs are making to Secretary Ridge or what actions this Department is taking in response to those recommendations. We have no way of knowing whether there are real conflicts of interest when contracts are awarded to the same people who recommended the contracts in the first place.

By requiring that the Department of Homeland Security comply with the Federal Advisory Committee Act, my amendment will ensure that Congress and the American people know how these advisory committees are being used. This law has served us well for over 30 years for advisory committees throughout the Federal Government. It includes long-accepted protections for sensitive information relating to law enforcement and national security, so there is no danger of disclosing information that would make our Nation more vulnerable.

My amendment will require that the Department disclose basic facts about who is participating in these advisory committees and what kinds of recommendations are being made. The American people have a right to know that the Department of Homeland Security is acting in their best interests, not simply in the interests of any administration's friends in the private sector. This knowledge will strengthen our homeland security efforts, not weaken them, and will ensure public confidence in the policies that any administration—not only this one, but any future administration—chooses to follow.

The safety of the American people is at stake. I believe the amendment will make the people safer and better informed.

I urge the Senate to adopt this amendment.

Mr. President, I call attention to the fact that the amendment is proposed by Mr. BYRD, for himself, Mr. LIEBERMAN, and Mr. LEVIN.

I ask unanimous consent that Senator CLINTON's name be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

Mr. BYRD. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for himself, Mr. LIEBERMAN, Mr. LEVIN, and Mrs. CLINTON, proposes an amendment numbered 1373.

The amendment is as follows:

(Purpose: To prohibit funds appropriated under this Act from being used by any advisory committee that has been exempted from the Federal Advisory Committee Act)

At the appropriate place, insert the following:

SEC. 616. None of the funds appropriated by this Act may be used to fund the activities of any advisory committee (as defined in section 3 of the Federal Advisory Committee Act) that has been exempted from the Federal Advisory Committee Act (5 U.S.C. App.) pursuant to section 871 of the Homeland Security Act of 2002 (6 U.S.C. 451).

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, section 871 of the Homeland Security Act allows for an exemption to the Federal Advisory Committee Act so that meetings of advisory committees at the Department of Homeland Security could go forward in emergency and other unforeseen situations.

To form an advisory committee, the Federal Advisory Committee Act requires notice of meetings, publication of meetings in the Federal Register, timely public release of documents associated with the advisory committee meetings, and so forth, including making reading rooms available for members of the public to read the documents that are being discussed by the advisory committee.

The Department of Homeland Security and its representatives, when this legislation was being developed, convinced the committee and the Congress to grant a narrow exemption to the Department to permit it to do its job in emergencies to protect and respond to threats to protect the homeland.

For example, it was suggested if we had another attack, such as we experienced on September 11, and damages were caused to the telecommunications systems of the east coast, the Department would need to convene a committee of experts and people who understood things that needed to be done to put the telecommunications systems back in running order. And they may not have time to put a notice of an advisory committee meeting in the Federal Register, or to give publication or notice of the meeting, or to have what the act requires: timely public release of documents associated with the meeting to be held.

It was the view of the Congress, at the time the act was written creating the Department of Homeland Security, that there were emergency situations that could develop that would require such an exemption.

Also, the Department suggests that it requires the ability to meet with private sector officials in private from time to time, as necessity might require.

The Department, as I understand it, has not invoked this exemption up to this time, so there is no indication that they are abusing the exemption that has been granted them. They are following the provisions of the Federal Advisory Committee Act, I assume, in every other respect. We have received no notice. I have no information personally that any violations of the act have occurred.

The Senate passed the Homeland Security Act just months ago, and the Department has been operational only since March, I think, of this year. So to repeal a part of the Homeland Security Act in an appropriations bill that passed the Senate overwhelmingly, and where there has been no indication of abuse, seems to be unnecessary.

So I hope the Senate will reject the amendment that is offered by the Senator from West Virginia.

Mr. BYRD. Mr. President, the Secretary can, under the Federal Advisory Committee Act, exempt committees from notice rules in an emergency

under existing law, whenever he determines it is necessary for national security.

It is important that this amendment be adopted. We are not just talking about this administration. We are not just talking about this Secretary of the Department. We are saying that there should not be a blanket exemption available to any Secretary of this Department, when we keep in mind that from a national security standpoint, the Department is exempted, the President can exempt it, the Department head in this case can exempt it.

But there are matters other than national security which are important and which are discussed by this Department. For the protection of the American people not only under this administration but also under other administrations that may come and may go, this amendment should be adopted. It is in the interest of the American people that they be protected and that we know that the American people know who is being asked to make recommendations, what recommendations are being made and whether those recommendations are in the interest of the American people.

I hope the amendment will be adopted. I urge my colleagues to vote in support of it.

Mr. COCHRAN. Mr. President, I ask for the yeas and nays on the amendment of the Senator from West Virginia.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 1374

Mr. BYRD. Mr. President, I send to the desk an amendment by Mr. DURBIN. I believe it has been cleared on the other side of the aisle. The manager will speak to that. I send to the desk the amendment.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for Mr. DURBIN, proposes an amendment numbered 1374.

Mr. BYRD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for a report to Congress on information systems interoperability, and for other purposes)

At the appropriate place, insert the following:

Not later than 60 days after the date of enactment of this Act, the Secretary of Homeland Security, in collaboration with the Director of the Office of Management and Budget, shall submit a report to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, the Committee on Governmental Affairs of the Senate, the Committee on Government Reform of the House of Representatives, and the Select Committee on Homeland Security of the House of Representatives on the status of the Department's efforts to—

(1) complete an inventory of the Department's entire information technology infrastructure;

(2) devise and deploy a secure comprehensive enterprise architecture that—

(A) promotes interoperability of homeland security information systems, including communications systems, for agencies within and outside the Department;

(B) avoids unnecessary duplication; and

(C) aids rapid and appropriate information exchange, retrieval, and collaboration at all levels of government;

(3) consolidate multiple overlapping and inconsistent terrorist watch lists, reconcile different policies and procedures governing whether and how terrorist watch list data are shared with other agencies and organizations, and resolve fundamental differences in the design of the systems that house the watch lists so as to achieve consistency and expeditious access to accurate, complete, and current information;

(4) ensure that the Department's enterprise architecture and the information systems leveraged, developed, managed, and acquired under such enterprise architecture are capable of rapid deployment, limit data access only to authorized users in a highly secure environment, and are capable of continuous system upgrades to benefit from advances in technology while preserving the integrity of stored data; and

(5) align common information technology investments within the Department and between the Department and other Federal, State, and local agencies responsible for homeland security to minimize inconsistent and duplicate acquisitions and expenditures.

Mr. COCHRAN. Mr. President, I have no objection to the approval of this amendment.

The PRESIDING OFFICER. If there is no further debate, without objection, the amendment is agreed to.

The amendment (No. 1374) was agreed to.

Mr. BYRD. Mr. President, I move that the vote by which the amendment was agreed to be reconsidered.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1375

Mr. BYRD. Mr. President, I send an amendment to the desk on behalf of Senator FEINGOLD. This, too, has been discussed with the manager of the bill who will speak to it himself. I send the amendment to the desk and ask that in the reporting of the amendment, that further reading be dispensed with.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The amendment will be reported by number.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for Mr. FEINGOLD, proposes an amendment numbered 1375.

The amendment is as follows:

(Purpose: To require a report on the activities of the Department of Homeland Security with respect to the development of best practices for emergency responders, and for other purposes)

On page 59, at the end of line 23, after heading insert the following:

: *Provided further*, That not later than January 1, 2004, the Office of Domestic Preparedness shall submit to the Committees on Appropriations of the Senate and House of Representatives a report detailing efforts to assess and disseminate best practices to emergency responders which, at a minimum, shall discuss (1) efforts to coordinate and share information with State and local officials and emergency preparedness organizations; and (2) steps the Department purposes to improve the coordination and sharing of such information, if any.

Mr. COCHRAN. Mr. President, I have no objection to the adoption of this amendment.

The PRESIDING OFFICER. If there is no further debate on the amendment, the question is on agreeing to the amendment. Without objection, the amendment is agreed to.

The amendment (No. 1375) was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1373

Mr. COCHRAN. Mr. President, if under the order it is permitted, we are ready to proceed to a vote on the Byrd amendment on which we just debated.

The PRESIDING OFFICER. The Senator is correct. The question is on agreeing to amendment No. 1373. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN), are necessarily absent.

I also announce that the Senator from Minnesota (Mr. DAYTON) is attending a funeral.

I further announce that, if present and voting, the Senator from Minnesota (Mr. DAYTON) and the Senator from Massachusetts (Mr. KERRY) would each vote ''yea''.

The PRESIDING OFFICER (Mr. ALEXANDER). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 46, nays 50, as follows:

[Rollcall Vote No. 303 Leg.]

YEAS—46

Akaka	Dorgan	Lincoln
Baucus	Durbin	Mikulski
Bayh	Feingold	Murray
Biden	Feinstein	Nelson (FL)
Bingaman	Graham (FL)	Nelson (NE)
Boxer	Harkin	Pryor
Breaux	Hollings	Reed
Byrd	Inouye	Reid
Cantwell	Jeffords	Rockefeller
Carper	Johnson	Sarbanes
Chafee	Kennedy	Schumer
Clinton	Kohl	Snowe
Conrad	Landrieu	Stabenow
Corzine	Lautenberg	Wyden
Daschle	Leahy	
Dodd	Levin	

NAYS—50

Alexander	Allen	Bond
Allard	Bennett	Brownback

Bunning	Fitzgerald	Murkowski
Burns	Frist	Nickles
Campbell	Graham (SC)	Roberts
Chambliss	Grassley	Santorum
Cochran	Gregg	Sessions
Coleman	Hagel	Shelby
Collins	Hatch	Smith
Cornyn	Hutchison	Specter
Craig	Inhofe	Stevens
Crapo	Kyl	Sununu
DeWine	Lott	Talent
Dole	Lugar	Thomas
Domenici	McCain	Voinovich
Ensign	McConnell	Warner
Enzi	Miller	

NOT VOTING—4

Dayton	Kerry
Edwards	Lieberman

The amendment (No. 1373) was rejected.

Mr. COCHRAN. I move to reconsider the vote.

Mr. NICKLES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1372

The PRESIDING OFFICER. The question is on the motion to waive the Budget Act with respect to the amendment of the Senator from Rhode Island.

Mr. REED. I ask unanimous consent for 2 minutes equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. I ask unanimous consent that Senator CLINTON be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. Mr. President, there are 6,000 transit systems throughout the United States in every State in the Union. All of them need additional resources to improve their security. We know they are targets. Worldwide, there already have been 195 attacks against transit systems from buses in Israel to a sarin gas attack against the subway system of Tokyo which killed 11 and injured over 5,000 individuals.

To fully protect all of these systems, the GAO has estimated we would need billions of dollars. The Reed-Sarbanes-Clinton amendment is a modest first step to authorize the appropriation of $100 million for grants to transit systems for equipment, training, and other security needs. The need is clear. The threat is obvious.

I urge support for this amendment and retain the remainder of my time.

The PRESIDING OFFICER. The Senator's 1 minute has expired.

Mr. COCHRAN. Mr. President, the funding in this amendment is not offset. It adds $100 million to the spending in the bill. It therefore violates the Budget Act.

I made a 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. The yeas and nays have been ordered on the motion to waive the Budget Act. That is the vote.

I urge Senators to vote no on the motion to waive the Budget Act.

The PRESIDING OFFICER. The question is on agreeing to the motion to waive the Budget Act. 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 Utah (Mr. BENNETT) is necessarily absent.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Georgia (Mr. MILLER) are necessarily absent.

I also announce that the Senator from Minnesota (Mr. DAYTON) is absent attending a funeral.

I further announce that, if present and voting, the Senator from Minnesota (Mr. DAYTON) and the Senator from Massachusetts (Mr. KERRY) would each vote ''yea''.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 44, nays 50, as follows:

[Rollcall Vote No. 304 Leg.]

YEAS—44

Akaka	Dorgan	Levin
Baucus	Durbin	Lincoln
Bayh	Feingold	Mikulski
Biden	Feinstein	Murray
Bingaman	Graham (FL)	Nelson (FL)
Boxer	Harkin	Nelson (NE)
Breaux	Hollings	Pryor
Byrd	Inouye	Reed
Cantwell	Jeffords	Reid
Carper	Johnson	Rockefeller
Clinton	Kennedy	Sarbanes
Conrad	Kohl	Schumer
Corzine	Landrieu	Stabenow
Daschle	Lautenberg	Wyden
Dodd	Leahy	

NAYS—50

Alexander	Dole	McConnell
Allard	Domenici	Murkowski
Allen	Ensign	Nickles
Bond	Enzi	Roberts
Brownback	Fitzgerald	Santorum
Bunning	Frist	Sessions
Burns	Graham (SC)	Shelby
Campbell	Grassley	Smith
Chafee	Gregg	Snowe
Chambliss	Hagel	Specter
Cochran	Hatch	Stevens
Coleman	Hutchison	Sununu
Collins	Inhofe	Talent
Cornyn	Kyl	Thomas
Craig	Lott	Voinovich
Crapo	Lugar	Warner
DeWine	McCain	

NOT VOTING—6

Bennett	Edwards	Lieberman
Dayton	Kerry	Miller

The PRESIDING OFFICER. On this vote, the yeas are 44, the nays are 50. 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.

The Senator from Missouri.

Mr. TALENT. Mr. President, I rise in support of the bill in general. Secondly, I thank the chairman and ask unanimous consent for the two of us to engage in a bit of a colloquy. I also thank the Senator from West Virginia for allowing me to go forward first with this very brief colloquy.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. TALENT. Mr. President, within the larger discussion of how homeland security funds are allocated, there is a very clear need for some limited discretionary authority for State officials to reallocate homeland security funds to needs not foreseen months earlier and which may arise due to increased threat assessments.

During my discussions across the State of Missouri about homeland security, nearly every police chief and every first responder tells me the same thing: Look, don't tie our hands on how we are going to use money you give us. Leave us some discretion on how to use those funds.

My colleague and friend, Senator KIT BOND, has heard the same message all over Missouri.

On the other hand, the Department of Homeland Security asserts it must tightly control how every dollar is spent.

I appreciate the need for accountability given the Department's mission. I also appreciate that in many instances our first responders know best how to allocate these funds and that sometimes very legitimate concerns fall outside the narrow spending guidelines of the Department.

Accordingly, the amendment I would have offered—and I am not going to offer it—would have expressed the sense of the Senate that:

> Five percent of State grants may go to provide security costs as identified by the Office of Domestic Preparedness for ''non-national security special events'' as approved by the Department of Homeland Security.

In closing, I will give a very brief illustration of my point for the chairman and the Senate. In August, St. Louis is going to host a Jewish Youth Olympics called the Maccabi Games. It is a great event. It is going to draw over 5,000 Jewish youth from around the globe. The State's own Homeland Security Office threat assessment team stressed the need for greater security, but there is no latitude to reallocate even a modest sum from the monies awarded to the State.

Clearly there are instances where greater latitude is needed, and I appreciate the chairman's willingness to work with me and with Senator BOND to address this issue.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I appreciate the advocacy of the distinguished Senator from Missouri for increased latitude in spending authority by State officials. I agree that greater flexibility is needed to use homeland security funds to meet special security needs such as this.

I hope the committee of jurisdiction will consider a mechanism to allow spending a limited amount of State grant funds as my colleague, Mr. TALENT, suggests for ''non-national security special events'' which may present particular security concerns. Certainly, the Maccabi Games, which he

cites as an example, would fall within this category.

I look forward to working with the Senators from Missouri on this important issue.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. TALENT. Mr. President, I close by thanking the chairman and the Senator from West Virginia and look forward to working with the chairman and the committee to establish a means for greater latitude in how Federal homeland security funds are expended.

I yield the floor.

AMENDMENT NO. 1376

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, 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 Michigan [Mr. LEVIN] proposes an amendment numbered 1376.

Mr. LEVIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To clarify the prohibition on contracting with corporate expatriates)

At the end, add the following:

SEC. ___. PROHIBITION ON APPROPRIATIONS AVAILABILITY TO CORPORATE EXPATRIATES.

No funds in this Act shall be available for any contract entered into after the date of enactment of this Act by the Department of Homeland Security with—

(1) an inverted domestic corporation (as defined in section 835 of the Homeland Security Act of 2002 (Public Law 107–296; 6 U.S.C. 395)),

(2) any corporation which completed a plan (or series of transactions) described in such section before, on, or after the date of enactment of the Homeland Security Act of 2002 (Public Law 107–296; 6 U.S.C. 395), or

(3) any subsidiary of a corporation described in paragraph (1) or (2).

Mr. LEVIN. Mr. President, I ask unanimous consent that Senator REID of Nevada be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, it is truly appropriate that Senator REID be the principal cosponsor of this amendment because this is an issue which he has raised over the years with great passion, great feeling. This would just as appropriately be a Reid-Levin, et al., amendment as well as my offering it on our behalf.

Young men and women are putting their lives on the line for us and our country while some corporations have stiffed our country, renouncing their citizenship, going through phony reincorporations in Bermuda or other tax-haven countries to avoid paying taxes. This process is called corporate inversion. It is one of the abuses about which we all know as a shell headquarters being opened up in a tax haven, while all the benefits of living in America remain, all the benefits we would hope to provide in this bill—for instance, protection, homeland security, police, fire, port security. They take advantage of all the other services which are provided to these particular corporations. But because a shell headquarters has been opened up for a few of these corporations in Bermuda, they have avoided paying taxes.

They continue to use our roads and our law enforcement, our education system. They use our free trade laws. But then they avoid paying taxes by opening up a post office box and a computer in a tax haven.

One of the colleagues of ours who was most deeply involved in trying to correct this was Paul Wellstone. He said: If they want to make that decision, we haven't yet stopped them from gaining the tax benefits, but at least let's not give them government contracts while they are doing this type of activity. And when he was alive, our dear friend and colleague Paul Wellstone offered an amendment such as the one Senator REID and I are offering today that was adopted. It was modified in conference so that it came back in such a weakened state that there are still some loopholes in it which need to be closed.

That is what this amendment does. Basically what this amendment does is provide that the language of the amendment will apply to the subsidiaries of the fake corporations in Bermuda or elsewhere so that we get to the actual corporation which has remained in America and that we also apply this to new contracts to corporations which have already inverted, as the word goes. We obviously would not in any way attempt to affect existing contracts. We don't intend to do that. We don't do that. In fact, we can't do that in any event under the Constitution.

What we do believe, as Paul Wellstone passionately believed, is we don't have to provide advantages through contracting with these companies, if they have chosen to abandon this country and to take the unpatriotic course of creating these phony headquarters and a tax haven while they are still here, in fact, enjoying all of the services of this country.

To reiterate, while young men and women are putting their lives on the line for us and for our country, some corporations are stiffing our country, renouncing their citizenship, and going through phony reincorporations in Bermuda or other tax haven countries to avoid paying taxes. This process, called a corporate inversion, is one of the most egregious of all of the tax haven abuses that we know about—just a shell headquarters being opened up in a tax haven, but all of the benefits of living in America continue. These corporations continue to use our roads, use our law enforcement, use our education system, use our markets and use our free trade laws, among other things, but they avoid paying billions in taxes by setting up a post office box and a computer in a tax haven. One of the architects of these inversions warned that for companies planning on doing this, patriotism was going to have to take a backseat to profits—boy did she have that right.

Inversions are unfair to the taxpayers who are left holding the bag and unfair to the U.S. companies that are doing the right thing by not inverting but who nevertheless are at a competitive disadvantage because of these sham moves. Last year, Senator Wellstone tried to do something about this problem, and we in the Senate agreed with him. Senator Wellstone introduced an amendment to the Homeland Security Act which prohibited inverters and their subsidiaries from entering into homeland security contracts with the government. We adopted the amendment. Why, Senator Wellstone wondered, should those that renounce their citizenship to avoid paying taxes—and who nonetheless receive all of the benefits of being U.S. citizens—get rewarded further through homeland security contracts? Why would we continue to permit inverters to take advantage of the competitive edge their sham moves have provided them for as long as they've been inverted? Why should good corporate citizens that do not engage in this egregious behavior continue to be penalized for doing the right thing and staying in the U.S.? There were no good answers to these questions last year when we passed the Wellstone amendment, and there are no good answers to these questions today.

Unfortunately, the Wellstone provision came back from conference so watered down that, when it was passed as part of the Homeland Security Act, it actually did nothing. All of those who engaged in these specious inversion transactions in past years can still enter into homeland security contracts—the current prohibition in the law only applies to future inverters, not those that did so previously. This in reality means that the law applies to no one, because no one is going to invert in the future in light of Senator GRASSLEY's statements that the tax benefits sought from future inversions won't be recognized. The competitive advantage these inverters enjoy vis-a-vis every other U.S. company therefore remains undisturbed.

The gutted version of the prohibition also only prevents the foreign ''parent'' corporations, i.e., the paper Bermuda companies, from entering into homeland security contracts with the government. This, too, does nothing, because the U.S. ''subsidiaries,'' actually the main company but because of the inversions called subsidiaries, are actually the ones entering into the contracts with the government. Prohibiting the shell parents from entering into homeland security contracts therefore has no impact whatsoever on

inverted companies or the homeland security contracts they wish to receive.

My amendment would correct these two glaring loopholes in the current law, neither of which would exist had we stuck with the Wellstone amendment which we passed last year.

First, this amendment would prohibit those that inverted in the past from receiving future—and I stress the word future—homeland security contracts in fiscal year 2004. The existing law lets inverters continue to take advantage of the competitive edge they enjoy over other U.S. companies by letting them enter into future homeland security contracts. We therefore continue to reward these companies for their decisions to invert on paper to a tax haven.

Second, this amendment, consistent with the Wellstone amendment, would apply the prohibition on fiscal year 2004 homeland security contracts to the subsidiaries of the foreign ''parent'' corporations. As I mentioned, the current law prohibits only the foreign parent from entering into homeland security contracts. This does nothing because the U.S. ''subsidiaries'' are actually the ones entering into the contracts with the government. This amendment would correct that obvious problem.

That is the entire amendment. There is nothing new here: Both of these changes are identical to what we all agreed was the right solution just last year. Those that have engaged in these inversion pretenses should not continue to be rewarded for their egregious conduct to the detriment of their U.S. competitors and the U.S. public at large.

This provision is not retroactive. It does not affect existing contracts. It refers exclusively to future homeland security contracts, i.e., to contracts entered into in the future. We are not asking companies to provide any refunds for past contracts or to break existing homeland security contracts. It is solely meant to apply to contracts in the future, on a going forward basis, not those in the past.

Failure to correct this problem will continue to give companies that entered into these sham deals a significant competitive edge over the other U.S. companies out there. Listen to what some U.S. companies who compete with inverters have said. Stanley Tools of New Britain, CT, a tool manufacturer that itself contemplated inverting prior to changing its mind and doing the right thing, stated: ''Not only are we disadvantaged against our foreign competitors, but two of our major U.S. competitors have a significant advantage over Stanley Works because they have already reincorporated [in Bermuda].'' Conair Corporation of East Windsor, NJ, a personal and healthcare products manufacturer, stated: ''Our competitors have registered in Bermuda and evade paying a great deal of American taxes which makes it very difficult and unfair for Conair to operate in an environment where people are price-conscious of the products they are buying.''

It is a fact that U.S. companies that compete with these inverters are at a competitive disadvantage because of the tax and other benefits that inversions provide. Failure to act now will continue to skew the playing field against the U.S. companies who have chosen to remain in the U.S. and pay their taxes like the rest of us.

Inverted companies have received unjustified benefits of moving their P.O. box to Bermuda. These ill-begotten gains have meant years of lower U.S. taxes while competitors pay taxes, giving inverters a competitive edge over other U.S. companies. As a result of their fake move to a tax haven, these companies have had the best of all worlds for far too long, all to the detriment of their U.S. competitors, the U.S., and the public as a whole.

The solution for these companies is easy—come back home. No headquarters, jobs or operations would need to be moved since it was all a paper transaction in the first place. That is their decision but it is ours as to whether we will give them more contracts.

Companies that entered into these transactions knew this could happen. Laws change all the time, and these inverters knew that some may not be pleased with their decision to put profits ahead of patriotism. They weighed the risks at the time and decided that renouncing their U.S. citizenship was the way they wanted to go. That was their choice, and they made it. The choice we have now is whether we want to continue to reward unpatriotic companies that enjoy all the benefits of being in the U.S.—our police, roads, security provided in this bill but don't pay their share of the countless benefits they receive year in and year out.

We should not continue to reward the inversion pretense. It is unfair to the U.S. companies forced to operate on an uneven playing field, and it is unfair to the rest of our taxpayers who pay their fair share. Let's do what we intended to do when we passed Senator Wellstone's amendment last year.

I understand this amendment may be accepted. I haven't had a chance to talk to our good friend from Mississippi. I don't know that for sure. I ask him at this time whether or not the rumor mill is correct that, in fact, this might be accepted.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I am pleased to be able to advise my good friend from Michigan that I am prepared to accept the amendment and recommend it be approved.

Mr. LEVIN. Mr. President, I greatly appreciate my good friend's words, as always, and his counsel.

The PRESIDING OFFICER. Is there further debate on the amendment? The question is on agreeing to amendment No. 1376. Without objection, the amendment is agreed to.

The amendment (No. 1376) was agreed to.

Mr. LEVIN. 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.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, on another matter, this is an amendment which I had intended to offer but will not. I want to spend about 2 minutes discussing the formula which is in the bill before us relative to the distribution of the homeland security first responder grant funds. Typically bills have what is called a small State guarantee. That is not unusual. What is unusual in this bill is that the guarantee, the set-aside for small States, is so unusually high. That means other States with larger populations have less funds available to them because of the small State guarantee. It is deeply troubling to those of us who are from larger States, be it California, New York, Ohio, Illinois, or many others. Due to this small state minimum, many other States do not receive what we consider to be an equitable or fair portion of the funds that are in here.

There has been great debate over the level of funding because of this small State guarantee. The leading organization that analyzes Federal grants, the Federal Funds Information for States, FFIS, has stated the structure ''of the three quarters of 1 percent guaranteed minimum as a base represents a departure from traditional small State minimums which are typically half of 1 percent or less.''

There is an authorization bill moving along, which has come out of the Governmental Affairs Committee, which is the Homeland Security first responder grant authorization bill. It also has the same formula in it, three quarters of 1 percent. Again, this is a rare and unusual formula. But this is not the time, in my judgment, to force the resolution of this issue. Better it be resolved on the authorization bill, which is on the calendar, so we will address it at that time. I know feelings run deep in all of our States on this issue. Those of us, however, who represent more populous States really believe this particular formula is overreaching. It is almost unprecedented, prior to the Homeland Security agency coming into effect.

We will save the debate on my amendment or other amendments similar to it for a different day. I thank those Members of the Senate who have worked so closely with me on this amendment. Senators from many of the populous States who believe very strongly about the issue have worked closely with me on it. I simply tell them I hope this decision meets with their approval. It seems to me the wiser course, rather than on an appropriations bill where there are some

technical problems with this, is to raise it instead on an authorization bill. Hopefully by then all of us can come together and figure out a more traditional way of protecting the small States with some kind of a minimum guarantee. I will not offer the amendment tonight.

I thank my cosponsors, including Senators BOXER, FEINSTEIN, New York Senators, my colleague from Michigan, Senator STABENOW, and other Senators who have been very supportive. Senator VOINOVICH and I, for instance, in the Governmental Affairs Committee, worked on an approach to this that is somewhat different than the amendment I was going to offer. I know how deeply Senator VOINOVICH feels about this formula, and I welcome his support on a related amendment.

I see the good Senator from Texas on the floor. I will yield to her because she has been very deeply involved as well. She and I have had some very productive conversations about the subject. She and many other States believe very strongly as I do about it. I thank her and all others who have been supportive of trying to resolve this in a fair way.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, in answer to the Senator from Michigan, it is my intention to talk a little bit later in this process about this same formula issue. We have a problem with the formula not fairly representing the needs of the large States. It is my hope—and I do have a commitment from all of those involved—that we will get the authorization bill that will allow us to address this inequity in the formula because right now, the high-risk areas do not include one of my cities that is one of the top 10 largest cities in America, and it is not considered high risk. What are we thinking? So I want to talk about that later.

I appreciate the leadership of the Senator from Michigan.

Mr. LEVIN. I thank the Senator.

AMENDMENT NO. 1364

Mrs. HUTCHISON. Mr. President, I send amendment No. 1364 to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON] proposes an amendment numbered 1364.

Mrs. HUTCHISON. 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:

On page 62 of the bill, line 12, after ''investigations'' insert the following:

'': *Provided*, That the Under Secretary for Emergency Preparedness and Response may provide advanced funding to authorized entities performing duties under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.) who respond to disasters declared by the President''

Mrs. HUTCHISON. Mr. President, this is an amendment that would allow the Under Secretary for Emergency Preparedness and Response—basically the disaster relief part of the homeland defense agency—to provide advance funding for nonprofit entities performing duties they are asked to perform in major disasters.

Organizations such as the Red Cross have been unable to bring their coffers back up because of the many disasters we have had in our country over the last few weeks. It is essential that they be able to be called by the Under Secretary to go to a disaster and to provide immediate help to people. The Red Cross is often first to arrive with real help, such as medical help and help for people because their homes are flooded, or they have been in a hurricane. They went to Guam in the last few months when Guam had this terrible hurricane that wiped out so much of the island, and they spent about $17 million. They were able to recoup some, but not all, of those funds. So their coffers are low.

This amendment allows them to have advance funding when they are called to respond to a disaster and they are not able to provide that funding up front, as you would hope you would be able to do in the future. I think this amendment is acceptable. It will certainly help the Red Cross and other nonprofit agencies that just don't have the capability to run to the bank and borrow, in 24 hours, money for their disaster needs.

Until they can get their coffers built back up, I hope we can help them with this problem because we are asking a lot of them in return. They do a great job, and we want to provide the help for them to do that job for the disasters they are called to serve.

Mr. President, I offer this amendment.

Mr. COCHRAN. Mr. President, we have reviewed the amendment offered by the Senator from Texas, and we are prepared to accept it. I recommend that it be approved.

The PRESIDING OFFICER. If there is no further debate, without objection, the amendment is agreed to.

The amendment (No. 1364) was agreed to.

Mrs. HUTCHISON. Mr. President, Senator DOLE worked very hard with me on this amendment. It was a joint effort. I particularly thank Senator COCHRAN and Senator BYRD, along with Senator INHOFE and Senator JEFFORDS and Senator REID, for helping us work out the language on this bill. A lot of people had jurisdictions and everyone agreed that this was necessary. I appreciate the cooperation of all of the Senators who helped work this out.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

AMENDMENT NO. 1378

Mr. COCHRAN. Mr. President, I send to the desk an amendment on behalf of the Senator from Louisiana, Ms. LANDRIEU, and ask that it be stated.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Ms. LANDRIEU, proposes an amendment numbered 1378.

Mr. COCHRAN. 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 express the sense of the Senate that the Department of Homeland Security's Undersecretary for Science and Technology should take all appropriate steps to ensure the active participation of historically black colleges and universities, tribal colleges, Hispanic-serving institutions, and Alaskan Native serving institutions in Department sponsored university research)

At the appropriate place insert the following:

SEC. ____. It is the sense of the Senate that the Department of Homeland Security's Undersecretary for Science and Technology should take all appropriate steps to ensure the active participation of historically black colleges and universities, tribal colleges, Hispanic-serving institutions, and Alaskan Native serving institutions in Department sponsored university research.

Mr. COCHRAN. Mr. President, this is a sense-of-the-Senate amendment suggesting that historically black colleges and universities be considered as appropriate recipients of certain funds under the Homeland Security Department.

The amendment has been cleared on this side of the aisle, as well as on the other side.

Mr. BYRD. It has been cleared on this side, may I say to the Senator from Mississippi.

The PRESIDING OFFICER. If there is no further debate, without objection, the amendment is agreed to.

The amendment (No. 1378) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1379

Mr. COCHRAN. Mr. President, on behalf of the Senator from Indiana, 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 Mississippi [Mr. COCHRAN], for Mr. BAYH, for himself, Mr. AKAKA, Mr. NELSON of Nebraska, Mr. MCCAIN, Mrs. FEINSTEIN, Ms. MIKULSKI, and Mrs. CLINTON, proposes an amendment numbered 1379.

Mr. COCHRAN. 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 require a plan for the enhancement of the operations of the Office of Information Analysis and Infrastructure Protection)

At the appropriate place, insert the following:

SEC. ____. (a) Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Appropriations of the Senate and the House of Representatives a plan for enhancements of the operations of the Information Analysis and Infrastructure Protection Directorate in order to—

(1) meet the personnel requirements of the Directorate;

(2) improve communications between the Directorate and the intelligence community; and

(3) improve coordination between the Directorate and State and local counterterrorism and law enforcement officials.

(b) In addition to the matters specified in subsection (a), the plan shall include a description of the current assets and capabilities of the Information Analysis and Infrastructure Protection Directorate, a strategy for the Directorate for the coordination and dissemination of intelligence and other information, and a schedule for the implementation of the plan required under subsection (a).

Mr. COCHRAN. Mr. President, this amendment deals with funding in the Office of Information Analysis. We have reviewed it and recommend that it be approved.

The PRESIDING OFFICER. Is there further debate?

Without objection, the amendment is agreed to.

The amendment (No. 1379) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1380

Mr. BYRD. Mr. President, on behalf of Senator FEINGOLD, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for Mr. FEINGOLD, proposes an amendment numbered 1380.

Mr. BYRD. 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 require the Comptroller General to conduct a review and to report to Congress on all of the data-mining programs relating to law enforcement and terrorism currently under development and in use in the Department of Homeland Security)

At the appropriate place, insert the following:

SEC. . Not later than 90 days after the date of enactment of this Act, the Comptroller General shall conduct a review and report to Congress on all of the data-mining programs relating to law enforcement and terrorism currently under development and in use in the Department of Homeland Security.

Mr. BYRD. Mr. President, this amendment has been cleared with the managers on both sides of the aisle. It provides for a report from the General Accounting Office on the data-mining programs from the Department of Homeland Security. I ask unanimous consent that the amendment be adopted.

Mr. COCHRAN. Mr. President, I join in the request of the Senator from West Virginia.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1380) was agreed to.

AMENDMENT NO. 1381

Mr. BYRD. Mr. President, on behalf of Mr. AKAKA, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for Mr. AKAKA, proposes an amendment numbered 1381.

Mr. BYRD. 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:0

(Purpose: To allow the Secretary flexibility in determining priorities for firefighting vehicles)

At the appropriate place insert the following:

SEC. 6. When establishing priorities for firefighting vehicles in the Firefighter Assistance Grants program, the Secretary shall take into consideration the unique geographical needs of individual fire departments.

Mr. AKAKA. Mr. President, I rise today to offer an amendment to the Homeland Security Appropriations bill to help protect our ports and coasts from fire by making a small change to criteria for spending the appropriations for the Firefighters Assistance Grants program. I thank the floor managers for their assistance and their support.

The amendment has the support of the Federal Emergency Management Agency. The language will permit FEMA the flexibility to give fire boats equal consideration to fire trucks when awarding grants for purchases of fire vehicles under the Firefighter Assistance Grants program.

Ports security is critically important for Hawaii which imports 80 percent of its products. Ninety-eight percent of these products are brought to Hawaii by ship, and about half of these products come through Honolulu Harbor alone.

Many of the Nation's largest cities are located on the water, whether an ocean, a harbor, or a major river or lake, where thousands of people may live or visit. Suburban areas spreading out from a city can also be on the water, having marinas or piers. Commercial ports are essential to our economy. Ninety-five percent of all U.S. trade flows through the Nation's more than 400 ports.

In a major industrial port area having the necessary marine firefighting equipment could prevent serious consequences for the port, a State, or even the national economy. My state of Hawaii is only one example. Eighty-five percent of all refined fuel products for the North East come from Delaware River ports. If a ship were to burn and sink in the single channel serving the ports the price and distribution of petroleum products in the North East could be seriously affected.

The Firefighters Assistance Grants program under the U.S. Fire Administration is a major source of federal assistance to local fire departments around the Nation. It is a necessary and popular program that has distributed hundreds of millions of needed dollars to fire department nationwide.

Purchases of firefighting vehicles are authorized under the Firefighter Assistance Grant program. However, the U.S. Fire Administration 2003 program guidance does not encourage fire departments to submit grants for fire boats. Fire trucks are given a priority one and fire boats a priority three in the Vehicle Acquisition Program priorities for urban areas. In suburban and rural areas, fire boats are a priority four. Due to funding constraints, the program guidance notes that it is unlikely that vehicles that are not listed as priority one or priority two would be funded.

The Nation's fire boat resources are old and underfunded—a number of fire boats are more than 60 years old. If a fire department decides it wants a fire boat rather than a fire truck to meet its particular fire and disaster response needs it should be able to submit an application to that effect. Such an application should receive equal consideration to an application for a fire truck.

My amendment is revenue neutral. It does not seek to add to the $750 million appropriated for the firefighter assistance grants' program in FY 2004, although the efforts by Senator BYRD and other Senators to increase the appropriations are timely and worthwhile. Rather, the intent of my amendment to put fire boats on equal footing with fire trucks in the firefighter assistance grants program if the geograhic of a local fire department makes the acquisition of a fire boat important to their fire fighting capabilities.

I thank my colleagues for the time, and I look forward to the Senator's support for their amendment.

Mr. BYRD. Mr. President, this amendment has been cleared by the managers on both sides. It provides the Secretary of Homeland Security with flexibility in determining priorities for firefighting vehicles.

I ask unanimous consent that Senator STEVENS of Alaska be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1381) was agreed to.

Mr. BYRD. Mr. President, 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. 1382

Mr. BYRD. Mr. President, on behalf of Senator LANDRIEU, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for Ms. LANDRIEU, proposes an amendment numbered 1382.

Mr. BYRD. 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 require the Secretary of Homeland Security to submit a report on the air traffic control communications void over the Gulf of Mexico)

On page 75, between lines 5 and 6, insert the following:

SEC. 616. Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall conduct a study and submit a report with recommendations to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate regarding the status of the air traffic control communications voids and gaps in tethered aerostat coverage around the United States, such as those existing in the central Gulf of Mexico.

Mr. BYRD. Mr. President, the amendment has been cleared on both sides of the aisle. The amendment provides for a report from the Department of Homeland Security regarding radar coverage gaps at our Nation's borders.

I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered. The question is on agreeing to amendment No. 1382.

The amendment (No. 1382) was agreed to.

Mr. BYRD. Mr. President, 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. 1383

Mr. BYRD. Mr. President, it was just 1 year ago that the Senate was preparing to begin debate on the creation of a Department of Homeland Security. The September 11 attacks had occurred just 9 months earlier, and fear that more had to be done to protect the homeland pervaded.

In that atmosphere, at a time when few wanted to look too closely at the fine print for fear of being labeled a stumbling block to the enhanced security of the American people, the administration pushed through a bill to create a huge new Federal department, the Department of Homeland Security.

The budget for the Department of Homeland Security is $28.5 billion, a level well below that needed to meet the Nation's true and pervasive homeland security challenges. Billions of those dollars are up for grabs in that budget for entities outside the Department, and outside the Government.

The administration repeatedly reminds the American people that the next terrorist attack could come any day, any time, anywhere. Do not think that companies have not noticed. The Department's budget is being eyed like a huge honey pot. Thousands of U.S. companies are reinventing themselves, repackaging products, rearranging priorities, renaming operations, and just plain salivating to cash in on what they hope will be hundreds of billions of dollars in new spending on domestic defense.

Some companies would like to sell their wireless communications systems to Government emergency response agencies. Others are hoping to win a Government contract to produce an antidote for anthrax. Still others are pitching their software as an ideal tool for integrating sensitive computer systems in the defense community. One company is trying to persuade the Federal Government to buy its dial-up video technology to install onboard thousands of airplanes to monitor cabin security. One software giant has already sold its financial management software to the Transportation Security Administration.

Go to the Washington Convention Center and one will find vice presidents of homeland security divisions standing in promotional booths describing homeland security technology that would be ideal for the Homeland Security Department. Publicly, the Homeland Security Department says it will judge businesses upon merit, but that is not stopping the more experienced insiders from quietly gobbling up contracts with the help of Washington's lobbying corps.

The campaign finance research group PoliticalMoneyLine reported last spring that in early 2002 there were 157 companies registered to lobby on homeland security issues. By April 2003, the number had more than tripled to 569, and this month the New York Times reported that the number had grown to 799. A New York Times editorial read, in part, the big boom in lobbying in Washington in the past 18 months has been in the lucrative world of homeland security where the role of new registrants intent on selling the Government antiterror products and services has grown fivefold to 799 and counting.

So lobbying firms are creating whole new departments for the sole purpose of lobbying for homeland security contracts. In fact, the homeland security lobbying industry has blossomed full flower. The spring rains have not had any impact on them. I failed to set out my tomato plants this year because of the heavy rains, but the rains have not stymied the growth of these lobbying activities.

The Federal Homeland Security Department is still being stitched together while the homeland security lobbying industry has blossomed full flower. Among these lobbyists are a number of former aides to Homeland Security Secretary Tom Ridge who are lobbying on behalf of companies seeking contracts with the new Department of Homeland Security.

Last April, the New York Times reported that at least four of Secretary Ridge's senior deputies at the White House are working as homeland security lobbyists, as is his chief of staff from his days as the Governor of Pennsylvania.

I ask unanimous consent that this article from the New York Times news service be printed in the RECORD at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BYRD. The Times article is dated April 29, 2003.

I also ask unanimous consent that the New York Times editorial to which I earlier referred, dated July 8, 2003, be printed in the RECORD at the close of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. BYRD. Many Senators may not be surprised by these revelations. It is a well-established practice for former Government workers to lobby their old colleagues. What is alarming about this situation is how quickly Secretary Ridge's former aides stepped into new careers as domestic security lobbyists. Those very people responsible for setting up the Homeland Security Department are the first people standing in line with their hands out. These are the same people who argued so vociferously in favor of rolling back the civil service laws to allow contractors more access to Government work. They said that the new Secretary must have the flexibility to run the new Department, to hire and fire public servants, and now some of those same people are working for the very companies that are competing for homeland security contracts.

The Homeland Security Secretary has promised to put into place strict ethical standards to make sure the agency's decisions are based on merit. I commend him for the promise but I am impatient for the follow-through. Chairman COCHRAN has taken the bold step of not earmarking first responder, science and technology and infrastructure funds for specific communities or specific technologies. This action places a great deal of discretion in the hands of the Secretary and his staff. We must make sure that in allocating

the funds contained in this bill, that the decision making process is fair, even-handed and free of improper outside influence.

So, I am offering an amendment to apply the same ethical post employment standards that apply to Senators and their senior staff to employees of the Department of Homeland Security and the Office of Homeland Security within the White House. All employees who have an income of 75 percent or more of a level II of the Executive Schedule, which is comparable to a Senator's pay, would be prohibited from lobbying the Department of Homeland Security or the Office of Homeland Security for one year. An individual who violates this restriction would pay a civil penalty equal to 100 percent of all gross receipts received by the individual from the conduct that violated the restriction.

The appearance of impropriety is enough to suggest that we cannot wait for Secretary Ridge to issue new ethics rules for his sprawling, young department. The administration has pinned the hopes of the American public on this new department being able to protect them from another terrorist attack, and even the appearance of a conflict of interest undermines the department's mission.

We cannot afford to handicap this new department. I urge the adoption of my amendment.

EXHIBIT 1

[From the New York Times News Service, Apr. 29, 2003]

FROM RIDGE AIDE TO SECURITY LOBBYIST

(By Philip Shenon)

When Tom Ridge arrived here after the Sept. 11 attacks and opened the White House Office of Homeland Security, he quickly surrounded himself with a group of trusted deputies, many of them drawn from the staff he had assembled when he was governor of Pennsylvania.

But when Ridge was sworn in this year as the first secretary of the Department of Homeland Security, many of his inner circle did not follow. They took a spin through Washington's revolving door, emerging as lobbyists whose corporate clients want contracts from Ridge's multibillion-dollar agency.

Lobbying disclosure forms filed in Congress show that at least four of Ridge's deputies at the White House office are now working as ''homeland security'' lobbyists, as is a chief of staff from his days as Pennsylvania governor.

They are a small part of a booming new lobbying business in Washington that is focused on helping large corporations get a share of the billions of dollars that will be spent by the vast domestic-security bureaucracy that Ridge oversees.

Ridge and the Homeland Security Department, with a budget of about $40 billion this year, are obvious targets for an array of industries and their lobbyists in the capital.

''My one year is up, so I can lobby him and lobby the White House and lobby the Hill,'' said Rebecca Halkias, who was Ridge's legislative affairs director in the White House, referring to the one-year ban on contacts between former senior government officials and their colleagues.

Halkias, who also managed Ridge's Washington office when he was governor, is now a partner in a lobbying company, C2 Group, and congressional filings show that her clients include Tyco electronics, which is eager to sell its wireless communications systems to government emergency-response agencies.

''I'm not really comfortable talking about homeland security lobbying,'' Halkias said in a brief telephone interview, declining to answer most questions. Asked if she was concerned about any conflict of interest in lobbying Ridge, she said, ''This conversation is over,'' and hung up.

There is nothing unusual about former government workers lobbying their old colleagues. The surprising thing about Ridge's former aides is how quickly they chose to take up new careers as domestic-security lobbyists.

Ridge's spokesmen at the Homeland Security Department said that he was giving no special attention to products that were being promoted by lobbyists who had worked for him at the White House or in Pennsylvania.

The boom in domestic-security lobbying is viewed skeptically by government watchdog groups, which say they intend to monitor closely how the department spends its money and how Congress appropriates money to Ridge.

''Homeland Security appears to be viewed by the lobbying firms as a huge honey pot,'' said Fred Wertheimer, president of Democracy 21, a group that advocates restrictions on corporate lobbying.

EXHIBIT 2

[From the New York Times, July 8, 2003]

OPINION: SECURITY AGAINST PORK

The big boom in lobbying in Washington in the past 18 months has been in the lucrative world of homeland security, where the roll of new registrants intent on selling the government antiterror products and services has grown fivefold, to 799 and counting. That is a whole new level of competitive importuning, contact wooing and just plain salivating after this year's $30 billion budget at the new Department of Homeland Security. The more polished capital lobbyists usually work with some subtlety. Still, as The New York Times' Philip Shenon has reported, some of the pioneers in this burgeoning field talk candidly to potential clients of securing your piece of the homeland security pie, and of offering expertise to avoid the land mines and find the gold mines in homeland security.

Among these post-Sept. 11 lobbyists are several former aides to Tom Ridge, the homeland security secretary. Ridge has assured Congress that these are proven public servants who will have no inside track on reaching and profiting from his agency. The secretary also promised lawmakers two months ago that there would be strict ethical standards to make sure that his agency's contract decisions were based on merit, not political favoritism. Interim rules are in place, the agency emphasizes. The new standards, not yet announced, cannot come a moment too soon for Tim Hutchinson, a former Republican senator from Arkansas who is now a lobbyist. The other day, he sent out an e-mail message inadvertently, by his account about a client, an Arkansas maker of antidotes to germ warfare. The client's Washington schedule includes a meeting with Asa Hutchinson, the lobbyist's brother, who also happens to be an undersecretary of homeland security. The e-mail wound up in the hands of rival lobbyists and, soon after, The Washington Post. Both brothers stress that the meeting will be social, not business. We do not doubt this, thanks to the disclosure of the e-mail note. But we avidly await the tough lobbying standards promised by Ridge to see security from politics established as one of the hallmarks of homeland security.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, as I read it, this amendment would single out employees of the new Department of Homeland Security and have different standards for them compared with other executive branch employees.

We have come to appreciate the government-wide ethics standards as representing a level playing field that has been the foundation of other Federal ethic laws as well; a single government-wide system of public financial disclosure requirements where officials, officers, and employees of the Federal Government has been in place for the last 14 years. The government-wide Ethics Act of 1989 created a level playing field for all three branches of Government. This act was a successful bipartisan effort to reform and strengthen Federal ethics standards. The goal of uniformity is a recurring theme in the legislative history of that act.

This amendment would break the equanimity of the current system. When we start treating one Department or Agency different from another, we could end up with a patchwork of different standards, unworkable and unfair, as employees transfer from one Department to another in the Federal Government.

I must oppose the amendment that singles out the new Department of Homeland Security for different treatment than other executive branch agencies and departments.

Mr. BYRD. Mr. President, the able Senator from Mississippi is correct in stating that this provision would apply postemployment standards to more employees at the Department of Homeland Security than other executive departments. The amendment applies the same standard, as I indicated, as is applied to Senators and their senior staffs.

The reason I believe this amendment is appropriate is that the legislation creating the Department gave the Department extraordinary authorities. For example, the Department has extraordinary flexibility with regard to civil service rules and procurement standards. Secretary Ridge and his staff were given unusual discretion and perhaps that is why lobbyists are swarming all over the Department.

I believe my amendment is appropriate. I think it is in the interests of the American people that we adopt this amendment. Congress should do no less. I urge my colleagues to join in voting for the amendment.

Mr. BYRD. I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 1383.

Mr. BYRD. 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 post-employment lobbying restrictions on employees of the Department of Homeland Security and the Office of Homeland Security within the Executive Office of the President)

At the appropriate place, insert the following:

SEC. ___. RESTRICTION OF FUNDING.

None of the funds made available under this Act or any other Act may be used to pay the salary of an individual who is employed by the Department of Homeland Security or the Office of Homeland Security within the Executive Office of the President at a rate of pay that is equal to or greater than 75 percent of level II of the Executive Schedule, unless that individual signs a contract with the applicable employing department or office under which—

(1) the individual agrees to the restrictions described under section 207(c)(1) of title 18, United States Code; and

(2) in the event that the individual violates such restrictions, the individual agrees to pay a civil penalty equal to 100 percent of all gross receipts received by the individual from conduct that violated the restrictions.

Mr. COCHRAN. I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to amendment No. 1383. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Utah (Mr. BENNETT) is necessarily absent.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Georgia (Mr. MILLER), and the Senator from Arizona (Mr. PRYOR) are necessarily absent.

I also announce that the Senator from Minnesota (Mr. DAYTON) is absent attending a funeral.

I further announce that, if present and voting, the Senator from Minnesota (Mr. DAYTON) and the Senator from Massachusetts (Mr. KERRY) would each vote ''yea.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 46, nays 46, as follows:

[Rollcall Vote No. 305 Leg.]

YEAS—46

Akaka	Dodd	Landrieu
Baucus	Dorgan	Lautenberg
Bayh	Durbin	Leahy
Biden	Feingold	Levin
Bingaman	Feinstein	Lincoln
Boxer	Fitzgerald	McCain
Breaux	Graham (FL)	Mikulski
Byrd	Harkin	Murray
Cantwell	Hollings	Nelson (FL)
Carper	Inouye	Nelson (NE)
Clinton	Jeffords	Reed
Conrad	Johnson	Reid
Corzine	Kennedy	
Daschle	Kohl	
Rockefeller	Schumer	Stabenow
Sarbanes	Snowe	Wyden

NAYS—46

Alexander	DeWine	Murkowski
Allard	Dole	Nickles
Allen	Domenici	Roberts
Bond	Ensign	Santorum
Brownback	Enzi	Sessions
Bunning	Frist	Shelby
Burns	Graham (SC)	Smith
Campbell	Grassley	Specter
Chafee	Gregg	Stevens
Chambliss	Hagel	Sununu
Cochran	Hatch	Talent
Coleman	Hutchison	Thomas
Collins	Kyl	Voinovich
Cornyn	Lott	Warner
Craig	Lugar	
Crapo	McConnell	

NOT VOTING—8

Bennett	Inhofe	Miller
Dayton	Kerry	Pryor
Edwards	Lieberman	

The amendment (No. 1383) was rejected.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. BOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

VOTE EXPLANATION

Mr. INHOFE. Mr. President, on the Byrd amendment, I voted ''no,'' but it was not recorded. Had they recorded my vote, my vote would have been ''no.''

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, my understanding is the Senator from Texas has an amendment.

The Senator from Texas has indicated she is not going to offer the amendment. I told several Senators she was, but she is going to speak after the vote.

FEDERAL LAW ENFORCEMENT TRAINING CENTERS

Mr. DOMENICI. Mr. President, I want to make sure that the chairman of the Governmental Affairs Committee is aware of an issue of the utmost importance to the security of our Nation's homeland, namely the training of our Federal law enforcement officers who are charged with preventing, mitigating and investigating attacks on America.

We have hired a number of federal law enforcement officers since the events of September 11, and we, quite appropriately, continue to hire more. We fail the American people, however, if we don't give these men and women the training necessary to do the job we have asked of them.

Our responsibility does not stop there. We must retrain Federal law enforcement officers whose mission has changed since that fateful day. We must also commit to providing advanced training so these officers will have the most current knowledge and abilities as they take on this Herculean challenge.

We are fortunate to have state-of-the-art facilities for just these purposes located on Glynco, GA and Artesia, NM. The Federal Law Enforcement Training Center is charged with providing basic and advanced training to the law enforcement officers working for the Federal Government. Unfortunately, these facilities are not always efficiently used because there is no centralized authority responsible for the scheduling of training. I believe this problem is easily solved by placing this authority in the hands of the Director of the Federal Law Enforcement Training Center. Would the chairman be amenable to this idea and commit to working toward this goal?

Ms. COLLINS. I agree with the assessment of the Senator from New Mexico of the situation with respect to the training of our Federal law enforcement officers and I am pleased to pledge to work with the Senator to address the problem he has presented. In fact, I believe S. 1245, which was recently reported unanimously out of the Governmental Affairs Committee, may provide the appropriate vehicle for making this change.

Mr. DOMENICI. I thank the distinguished Chairman for her consideration and support for our Federal law enforcement officers. I look forward to working with her to continue to strengthen our homeland security.

VIRGINIA MILITARY INSTITUTE CONTRIBUTION TO HOMELAND SECURITY

Mr. WARNER. Mr. President, I rise today to speak on behalf of the great capabilities that one of the institutions of my State can offer to our Nation in homeland security, and ask my distinguished colleague from Mississippi to consider it as he proceeds through the budget cycle. That institution, the Virginia Military Institute, has for over 163 years provided a unique environment to develop young men and women into citizen-soldiers—leaders with the broad skills necessary to keep America and its values secure regardless of the threats we may face.

In the wake of September 11, 2001, new challenges have arisen for our Nation, not only to our physical well-being but also to the social and moral fabric of our society. As in the past, VMI is responding to help safeguard our country, by preparing civilian, government, and corporate leaders to succeed on the new domestic battlefields of the 21st century. To do so, VMI and the Commonwealth of Virginia are undertaking the establishment of the Center for Preparedness and Homeland Security, which will bring together Federal, State, military, business, and community leaders to undertake research, and develop new policy and response mechanisms to secure our homeland. It will engage in educational curriculum development, training and outreach programs, and national conferences to disseminate policy best-practices as widely as possible. In addition, VMI has already been asked to join one of the handful of distinguished educational institutions compromising the National Domestic

Preparedness Consortium, one of this country's most important assets for training and policy development in the first-responder communities.

Although no additional funding will be available for individual projects through this bill, I have been informed by the Appropriations committee that a new program will be established under the Office of Domestic Preparedness in FY04 for Emergency Training Grants, providing a sum of $60 million in peer-reviewed competitive grants to develop new capabilities for first-responders and disaster planning. I can offhand think of no educational program which would fit more appropriately into this mission area, and I will strongly encourage VMI to apply for a share of this funding. I would also ask my distinguished colleague from Mississippi to look at the valuable contributions VMI can make in this area and give every consideration appropriate to provide an opportunity for this great institution to secure reasonable resources.

Mr. COCHRAN. Mr. President, I am very familiar with the institution my friend from Virginia speaks of, VMI, and I assure my colleague that I will work with him to ensure that the necessary resources are provided to it.

LETTERS OF INTENT

Mr. REED. Mr. President, I rise to engage the chairman and ranking member in a colloquy regarding letters of intent for the installation of airport security equipment.

The bill before us includes $309 million for the installation of Electronic Detection Systems, also known as EDS, at our Nation's airports, which is an increase of $309 million over the President's request.

I applaud the inclusion of these funds as our Nation's airports face increased security demands and limited growth in passenger traffic revenues in the wake of September 11. My State's airport authority, the Rhode Island Airport Corporation, RIAC, was amongst the first airports to have EDS screening of all passenger bags. However, RIAC was forced to place these large machines in the terminal waiting area at my State's main airport, T.F. Green, causing significant disruption. Since that time, RIAC and my office have worked to make sure that the TSA and FAA are aware of this situation and the need for Federal assistance to modify the terminal at T.F. Green to increase the efficiency of the facility, the security of the EDS machines, and ease of passenger movement.

I would ask my colleagues, the Senators from Mississippi and West Virginia, if it is their understanding from the Transportation Security Administration that the level of funding included in this bill is sufficient to meet the needs of airports such as T.F. Green which are far along in the planning process and that the TSA believes that it cannot expend more than the $309 million in fiscal year 2004?

Mr. COCHRAN. It is my understanding from the TSA that the $309 million for LOI's in our bill is sufficient to meet the expected demands of airports that are ready to begin formal design and construction.

Mr. BYRD. I concur with the distinguished Chairman's assessment and support the Senator from Rhode Island's efforts to assist his State's airport.

Mr. REED. I thank my colleagues for providing this level of funding, and I look forward to working with them to ensure that our Nation's airports can successfully meet their security needs.

BUREAU OF IMMIGRATION AND CUSTOMS ENFORCEMENT

Mr. REED. Mr. President, I rise to engage the chairman and ranking member in a colloquy regarding the increasing demand for investigative work by the Bureau of Immigration and Customs Enforcement in Rhode Island.

Neither the Bureau nor its predecessor, the U.S. Customs Service, has stationed a permanent investigator or special agent in Rhode Island. Several years ago, two special agents were designated to serve my State but were stationed in Boston, where they have frequently been pulled away to other duties.

Without a permanent investigative presence in Rhode Island, serious and growing challenges remain unaddressed, including financial crimes, money laundering, and the smuggling of narcotics and other contraband that enter by marine vessels and on international flights at Rhode Island's T.F. Green Airport.

The legislation before us includes an additional $20,300,000 to increase investigations staffing for the Bureau of Immigration and Customs Enforcement. I applaud the chairman and ranking member for providing these funds and for including language in the committee report recognizing the need to devote additional resources to the core investigative missions of the Bureau. I would ask my colleagues, the Senators from Mississippi and West Virginia, to join me in urging the Bureau to ensure that Rhode Island and other underserved States receive a permanent investigative presence to meet these growing challenges.

Mr. COCHRAN. Mr. President, I thank the Senator from Rhode Island for bringing this important issue before the Senate today. The committee report that accompanies this Homeland Security appropriations bill calls on the Bureau to review staffing nationwide and to submit a comprehensive deployment plan, to include existing and newly funded positions. We expect the Bureau to use these additional staffing resources to address any pressing needs.

Mr. BYRD. I concur with the remarks of the distinguished chairman and I support the interest of the Senator from Rhode Island in establishing an investigative presence in his State. There is no substitute for having investigators and special agents on the ground who are closely familiar with the ports of entry and organizations they are required to monitor.

Mr. REED. I thank my colleagues for their support, and I look forward to working with them to ensure that the Bureau of Immigration and Customs Enforcement can successfully meet its investigative responsibilities in Rhode Island and throughout the Nation.

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

● Mr. LIEBERMAN. Mr. President, this first appropriations bill for the Department of Homeland Security should have been a highpoint in our shared quest to secure the homeland. In the anguished days after September 11, Members of both parties were able to unite around our commitment to fight for a different, more secure future. The new Department of Homeland Security, DHS, should be a monument to that commitment. But the Department and its partners cannot make a difference without real resources to fight terrorism here at home. This bill does not provide those resources, and it does not provide them because the President has refused to lead on this issue.

We are fighting a war on terrorism that demands our full energy and determination. It must be waged not only overseas, but also at home. Yet President Bush has repeatedly balked at carrying out a serious effort at homeland defense. In the face of numerous expert reports chronicling the terrorist threat to U.S. citizens and property here at home—and the need for a dramatic infusion of new Federal funds—President Bush has consistently failed to embrace the challenge of homeland security with vision or resources.

Recall that President Bush had to be dragged to the table to consider a Department of Homeland Security. For months, President Bush rejected calls by myself and others to create a Cabinet-level department that could robustly tackle the daunting challenge of homeland security. Critical time was lost as the administration continued to insist that the monumental task of securing our homeland could be handled by a policy advisor in the White House without budget or line authority over any of the Federal workers tasked with our homeland security. But when the administration changed tacks and signed onto the idea of a new department last summer, I welcomed them to the cause. And when the legislation was passed to create the department, I held out hope that the administration would now vigorously address the vulnerabilities in our homeland defenses.

Sadly, that trust was misplaced. Having belatedly agreed to create the Department of Homeland Security, the President now refuses to seek the resources DHS—and its partners at the State and local level—must have in order to succeed. Even before the legislation to create the department went through, I had urged the White House

to boost spending on critical homeland security programs. Yet throughout the last appropriations cycle, the administration resisted repeated Democratic attempts to obtain more resources for first responders and other critical homeland security accounts. Whether the question was equipping our first responders, bolstering our border personnel or money for transit security—to cite just a few items—the administration kept saying no.

Then, in February, with the Department of Homeland Security nearly launched, the President sent the Congress a status quo budget for homeland security for fiscal year 2004—requesting only $300 million more than it planned to spend on homeland defense activities in the preceding year. Incredibly, the President's request included no new money for first responders, no new money to equip our hospitals and public health clinics to combat bioterrorism, and no money at all for port security grants. The President's proposed budget actually cut funds for the Transportation Security Administration, TSA, an agency whose urgent work is just beginning. It provided almost no money to assess and help protect our Nation's critical infrastructure. It was a business-as-usual budget, when we needed a call to arms to address the dire new threats confronting us. And that timid request drove the budget debate this spring and shaped the broad contours of the appropriations bill before us.

I can hardly overstate the gravity of this failure to lead. The Federal Government may have no more fundamental obligation than to provide for the common defense. Today, as September 11 so painfully showed us, that means more than building a strong military and deploying our outstanding servicemen and women in hot spots around the world. Now, it also means securing our borders and, within the country, building a network of shared security with our State and local governments. We must equip and empower our frontline homeland defense workers—be they Customs inspectors, baggage screeners, local police and firefighters or public health professionals—just as robustly as we have readied our soldiers, sailors, and airmen for combat overseas.

Homeland security is expensive. We must invest in the people and the technologies that can prevent or help respond to terrorism, and that means making substantial new investments in our services and infrastructure. We must employ, train and equip top-flight first responders. We must hire more border personnel, create biometric security systems, install information sharing networks and develop biological and chemical testing and treatment capabilities. Securing the Nation's ports, as well as chemical and nuclear plants, must become a top priority. In transportation, we must move beyond aviation and also secure mass transit, highways, rails, air cargo, container shipments, pipelines, tunnels, and bridges. Dollars alone will not solve these challenges, but they certainly cannot be conquered without more resources. Nor should we ask State and local governments, who are already facing the worst fiscal crises in decades, to shoulder an unfair portion of the burden. The war against terrorism is a national fight, and a substantial portion of the financial responsibility falls to the Federal Government.

That is why, in February, I called for an additional $16 billion for homeland security in fiscal year 2004, including an additional $7.5 billion for grants for first responders. My proposal advocated significant new resources for port security grants, public health preparedness, heightened security in all modes of transportation, critical infrastructure protection, and more. I argued that we must approach homeland security with the same urgency, and resources, that we would deploy against terrorists overseas. In the same vein, last month I sought to authorize $10 billion for first responders in fiscal year 2004 during consideration of S. 1245, a bill to improve the process for distributing first responder grants to State and local governments, in the Governmental Affairs Committee. Unfortunately, my amendment was rejected on a party-line vote.

An expert task force has recently delivered the same message about the urgent needs of our first responders. An Independent Task Force of the Council on Foreign Relations, led by former Senator Warren Rudman and former White House terrorism adviser Richard Clarke, called for billions more to equip and train the Nation's first responders. The report's title says it all: ''Drastically Underfunded, Dangerously Unprepared.'' The task force, which included a former Director of the FBI and CIA as well as a former Chairman of the Joint Chiefs of Staff, found a nation still ''dangerously ill-prepared to handle catastrophic attack on U.S. soil.'' It found fire departments without proper breathing apparatuses and interoperable radios, cities without the means to determine whether terrorists had struck with dangerous chemicals or other hazardous materials, and public health labs incapable of responding to a chemical or biological attack. This expert task force concluded that government would need to spend an additional $98.4 billion over 5 years to prepare the Nation's first responders. The administration's response to the warning from this respected commission? The administration brushed off the report's spending recommendation as ''grossly inflated.''

The administration simply cannot be listening to our first responders. Far from seeming inflated, the funding recommendations of the task force report only corroborated what I have heard from first responders around the country, including testimony before the Governmental Affairs Committee. First responders need equipment such as personal protective clothing, respirators, and devices for detection of chemical, biological, and radiological hazards. They need training to use such equipment effectively and to learn how to respond to a serious terrorist attack. However, local fire and police officials at our hearings told the committee that they do not have the resources to pay for training or equipment that they need to prepare for a possible attack.

For instance, Captain Bowers of Prince Georges County, MD, told the Governmental Affairs Committee that approximately 57,000 firefighters lack personal protective clothing and many fire departments do not have enough portable radios to equip more than half of the firefighters on shift. Indeed, most emergency workers still do not have the training or the equipment they require. State and local governments and first responder organizations cannot train and equip these personnel on their own, and they are not getting the help they need from the Federal Government. The administration's own budget documents estimate that only about 80,000 first responders were trained and equipped in 2002 with funding at the Federal level of $750 million.

Unless this administration provides significantly more funding, it will take us decades to train our first responders to cope with weapons of mass destruction. That is time we do not have.

First responders are not the only homeland workers left in the lurch by this administration. Independent experts and the General Accounting Office, GAO, have cited substantial shortfalls in other areas of homeland security as well. Transportation security is one glaring example. By law, the Transportation Security Administration is responsible for security in all modes of transportation. But TSA has thus far focused almost exclusively on commercial aviation, leaving treacherous weaknesses in other transportation systems—a problem I outlined in a July 9 letter to Secretary Ridge. With respect to maritime transportation, the Coast Guard has identified billions of dollars worth of necessary improvements—and Congress has mandated greater security—yet the administration requested no money for port security grants to help make the changes. This even as expert upon expert has identified the Nation's 360 commercial ports as a leading cause for concern on the homeland front—in large part because of the valuable goods and energy imports channeled through these ports and because the millions of containers that enter this country by sea can hide untold dangers.

Stephen Flynn, a homeland security specialist at the Council on Foreign Relations, summed it up this way in the June 21 Boston Globe:

> A government that is wringing its hands over 1 or 2 million-dollar grants is still a nation that hasn't come to grips with the fact

that the threat has changed. I was more forgiving in the first 18 months, but when you pass an act and you make sure there is no money to execute it, that goes beyond being slow to not taking this seriously.

Mass transit systems are another grave source of concern. According to a December 2002 GAO report, mass transit systems are frequent targets for terrorists. We all remember the 1995 attack on the Tokyo subway, when members of a Japanese cult released sarin, a lethal chemical nerve gas, on five subway trains during rush hour. Twelve people were killed and thousands injured. Only mistakes by the terrorists kept the death toll from being far higher.

Here in the United States, our transit systems remain vulnerable to such an attack. The GAO report concluded that ''insufficient funding is the most significant challenge in making . . . transit systems as safe and secure as possible.'' Yet the administration is not seeking any significant resources to secure our Nation's transit systems—a project that could run into billions of dollars. Nor do we see a commitment to improve rail security, although vast quantities of hazardous materials are shipped by rail. Even in the area of passenger aviation, where TSA has focused virtually all its resources, troubling gaps remain. Officials have made strides in screening passengers themselves and their baggage, yet they have not developed a reliable system to screen commercial cargo loaded onto the very same planes.

Look in almost any direction, and you will find pressing, unmet security needs. The administration's budget will not fulfill existing congressional mandates to secure the borders with more personnel and better, biometric identification systems. Our Nation's critical infrastructure—chemical and nuclear plants, energy grids, water systems and more—remain dangerously exposed, yet the administration seems content to continue studying these vulnerabilities rather than move aggressively towards creating greater protections.

In March, I wrote to Secretary Ridge seeking firm timetables for completing inventories, risk assessments and protective measures for a wide array of critical infrastructure segments. The Secretary has yet to provide these timetables.

These shortfalls are disturbing enough when taken in isolation. Seen together, they form a shockingly dismal picture of our homeland security. That is why former Senators Gary Hart and Warren Rudman, who were the first to call for a Department of Homeland Security and who warned of terrorist attacks within the United States even before the September 11 tragedy, last fall issued a new report warning that: ''America remains dangerously unprepared to prevent and respond to a catastrophic terrorist attack on U.S. soil.'' They concluded the Federal Government must invest more to equip and train first responders, to boost the health community's capacity to prepare for and respond to chemical or biological attacks, and to improve transportation security beyond commercial aviation. Several months later, an expert study by the Brookings Institute came to a similar conclusion: The Administration was shortchanging key homeland security accounts such as port security and critical infrastructure protection.

Even Republicans here in Congress have called for more. Indeed, this bill does go beyond the President's request to provide some additional funds for certain homeland security accounts. But the appropriators do not go nearly far enough. So, as our firefighters and police officers face layoffs due to tight budgets, this bill would offer even less assistance to first responders than in fiscal year 2003. And as the Coast Guard predicts it will cost $1 billion this year to conduct the most basic port security assessments and improvements, this bill provides only $150 million for port security grants and would not give Coast Guard the personnel it needs to carry out its statutory mandate to review port security plans. It makes no sense to me that the Bush administration is willing to shortchange homeland security. This is a profound failure of leadership that threatens to undermine our promise to the American people to do all we can to ensure this country never again suffers the tragic loss and disruption experienced on September 11 and its aftermath.●

Mr. AKAKA. Mr. President, I rise today to speak in favor of the disaster mitigation programs as funded in the fiscal year 2004 Homeland Security appropriations bill.

The Federal Emergency Management Agency, FEMA, currently has two programs for disaster mitigation, a pre- and postdisaster program. Since 2001, the administration has sought to combine these two programs into one predisaster program. In response to the administration's initiatives, I asked the General Accounting Office, GAO, to examine the administration's proposed changes. The GAO report, released in 2002, concluded that FEMA's mitigation programs, ''differ substantially in how they have sought to reduce the risks from hazards but each has features that the State emergency management community believes has been successful for mitigation.''

Congress funded both programs in fiscal year 2002 and fiscal year 2003. In addition, the Senate and House Homeland Security appropriations reports for the fiscal year 2004 Homeland Security appropriations speak highly of both programs. The Senate report noted that the committee thought the post-disaster program had been ''very successful and will continue to be a valuable tool in the disaster relief process.'' The report goes on to say the committee ''has also continued funding for the national pre-disaster mitigation fund, believing that a balance in pre- and post-disaster mitigation funds allows for greater flexibility in emergency management at the local level.''

The House Appropriations Committee also reviewed the two programs favorably. The House committee report said the ''postdisaster hazard mitigation grant program is an effective mechanism to ensure mitigation activities are undertaken when the need is most apparent, which is immediately after a disaster strikes. When used in conjunction with the pre-disaster mitigation grant program, a comprehensive mitigation strategy can be accomplished.''

I look forward to Congress's continued support for these two important programs.

Mr. DODD. Mr. President, I thank the chairman and ranking member as well as Senator STEVENS for working with me on my amendment that was approved unanimously last night by this body. This amendment had two parts: first, it would allow the Coast Guard Research and Development Center to maintain the funding level necessary to keep it functioning at current capacity; and second, it would mandate a comprehensive review of the Coast Guard's system for developing new technologies to meet the fleet's needs.

This legislation is critically important because without it, the Coast Guard R&D Center's exceptional scientists, researchers, and other employees, who work under the excellent leadership of CPT Francis Dutch, would not receive paychecks for the work they do in 2004. Basic operations and maintenance would be left unfunded and might cease in the coming fiscal year. The work that is done at this facility is first rate. With a minimal $13 million budget for operations and maintenance, our Coast Guard tracks down cutting-edge technologies to support its various missions for maritime safety, search and rescue operations, drug interdiction, and even new homeland security missions.

I am pleased that Senators STEVENS, COCHRAN, and BYRD have supported my amendment which also calls for a study to explore the Coast Guard's ability to gain access to the most advanced technology necessary to perform its mission effectively. The GAO and several independent policy institutes are joining a growing chorus of experts suggesting that more needs to be done to protect our Nation's ports. Among some of their findings is that the Coast Guard may currently be inadequately prepared to keep pace with its expanding missions. This is a significant conclusion given that our ports are principal access points for the Nation's commercial shipping and import/export traffic.

My amendment will mandate indepth study of the Coast Guard's processes for developing new technologies and will require recommendations to address shortfalls in the Coast Guard's current science and technology apparatus. It is critical that an independent

policy institute provide such comprehensive analysis to improve the Coast Guard's approach to innovative research and development. With this information, we can assure that the Coast Guard remains on the cutting edge of crucial technology development and make certain it takes a proactive approach to addressing our nation's many port security challenges.

I ask unanimous consent that two letters be printed into the RECORD at this time.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, June 10, 2003.

Dr. DENNIS MCBRIDE, President,
Potomac Institute for Policy Studies, Arlington, VA.

DEAR DR. MCBRIDE: As the nation seeks to secure its homeland from both traditional and emerging threats, the importance of the U.S. Coast Guard's mission will certainly grow and evolve. As one result of this maturation process, the Coast Guard must examine new ways to increase its research and development (R&D) and enhance its abilities to transition effective technologies to the fleet.

I am concerned about the Coast Guard's ability to develop new technologies that will keep pace with the service's expanding missions. But perhaps more importantly, I am concerned about the potential requirements of the Coast Guard vis-à-vis the new Department of Homeland Security (DHS), and its relationship with the Department's Homeland Security Advanced Research Projects Agency (HSARPA).

As I understand it, up until last year, discretionary spending for Coast Guard R&D averaged a yearly budget of $10 million, compared to its counterpart in the Navy, the Office of Naval Research, whose annual discretionary budget totals approximately $1 billion. The scarcity of resources forced the Coast Guard to develop an R&D architecture that emphasized adaptations of commercial-off-the-shelf (COTS) technologies or *ad hoc* relationships with other government agencies to find Coast Guard applications for already existing equipment. While resourceful, this way of thinking is certainly not indicative of the government's new mindset for providing a comprehensive homeland defense. For example, the challenges posed by vulnerabilities in our nation's ports necessitates that the Coast Guard replace its apparently reactive approach to R&D with a more proactive methodology.

It is urgent that the Coast Guard R&D system undergo a comprehensive evaluation of its current structure. I am writing to request the assistance of the Potomac Institute for Policy Studies in examining the evolving management of science and technology development for the USCG, and to help develop an architecture for its future. The Institute's track record and its unique, demonstrated ability to address these issues are very clear. I strongly encourage you to bring to bear the necessary skills that are required to pursue such a study in the immediate term, and to work with the appropriate components of the Administration in doing so. I look forward to working with you on this important endeavor, and to securing support for the Institute on this effort.

Sincerely,

CHRISTOPHER DODD,
U.S. Senator.

POTOMAC INSTITUTE FOR POLICY STUDIES,
Arlington, VA, June 26, 2003.

Hon. CHRISTOPHER DODD,
U.S. Senate, Washington, DC.

DEAR SENATOR DODD: The Potomac Institute for Policy Studies, a not-for-profit think-and-do organization, appreciates your request for assistance and gratefully accepts the challenge. Examining the evolving management of science and technology (S&T) development for the U.S. Coast Guard (USCG) is a matter of serious importance, one that the Institute has considered at great length. There has never been a more appropriate time to undertake such a study, and the Institute's track record and unique ability make it a logical home for such a project.

Potomac understands the need for an appropriate and comprehensive set of technologies to counter emerging threats and new missions. Our work with the New York Police Department (NYPD) and other first responder organizations enables us to understand the role of the Coast Guard as law enforcement entity, while our ongoing, extensive work with the Services gives us insight into the USCG's role as a military organization. It is of fundamental importance, as you clearly recognize Senator, that the Coast Guard is nationally unique as a law enforcement as well as a naval/military organization. This unique combination is of vital importance for our future; and the Coast Guard must establish and sustain a clear and decisive technological edge.

The Institute has examined ways to increase effective research and development yield and technology transition for many of this nation's top S&T organizations including the Defense Advanced Research Projects Agency (DARPA), the Office of Naval Research (ONR), and NASA, and we will bring such knowledge and experience to bear on this project. Our endeavors have ranged from leading extremely important science efforts for the National Academy of Sciences (NAS), the National Research Council (NRC), and the National Science Foundation (NSF), to conducting highly visible Congressional policy studies, as with our examination of the nation's competitive status in shipbuilding. We are proud to have been awarded for example, the editorship of the Review of Policy Research, a testimony to our fierce objectivity and pragmatic-oriented scholarship.

The most appropriate time for this comprehensive, organizational thought process is now. The future entails more than technology transition to Service field-use as we have learned it and practiced it so well over the years. Defense of the homeland requires very sensitive consideration of myriad domestic and international variables that are specific to our homeland as well as those that are traditional to the military services. The technologies and their deployment in so many ways will imply ''business that is not at all as usual.''

Thank you for your support and your interest in this timely topic. We look forward to working with you, the Coast Guard, and your staff on this extremely important endeavor.

Very respectfully,

DENNIS K. MCBRIDE,
President.

AMENDMENT NO. 1318

Mr. AKAKA. Mr. President, I rise today in strong support of the Senator from Nevada, Mr. REID, who is offering an amendment to establish $20 million in grants to protect tourist populations. This amendment will ensure that homeland security funding allocations properly reflect a State's population, including its tourist population.

Currently, Federal first responder funding is based on a State's permanent population. States with large tourist populations are left with the responsibility for protecting a larger number of individuals than is reflected by the funding they receive from the Federal Government. As a result, first responders in these States face severe funding shortfalls. We need to ensure that methods for allocating Federal assistance for homeland security, especially first responder funding, considers the resources needed to protect each and every individual in a State.

Tourists represent a significant proportion of the population in many States. This is especially true for Hawaii, where, at any given time, there are over 160,000 tourists in the State.

Since the current first responder grant formula does not account for tourist populations, Hawaii is responsible for protecting 13 percent of its total population without Federal assistance.

This funding is critical for all States with significant tourist populations. For this reason, I am pleased to have worked with Senator COLLINS, chairman of the Governmental Affairs Committee, to include language in S. 1245, the Homeland Security Grant Enhancement Act of 2003, to ensure that tourist populations are fully addressed in first responder funding. This bill favorably passed out of committee unanimously. The Reid amendment builds on S. 1245 by providing the additional funding needed to protect tourist populations in Federal first responder funding.

Federal funding for homeland security should fully account for the total population in a State, including tourist populations. I urge my colleagues to support this amendment.

Mr. MCCAIN. Mr. President, as with every appropriations bill, I come to the floor of the Senate to speak about the objectionable provisions that are often hidden in the text of the legislation. Just last week, I spoke at length about all the wasteful spending in this year's Defense Appropriations Act. However, I must commend the Appropriations Committee—especially the distinguished Senator from Mississippi—for their efforts in reporting out of committee a Homeland Security bill with minimal earmarks or unrequested spending. Seeing as this is the first ever Homeland Security appropriations bill, I am very encouraged that my friends on the Appropriations Committee resisted the urge to load this legislation with unrequested spending. I urge my colleagues to ensure the bill remains this way as it progresses through conference.

The Department of Homeland Security plays a crucial role in our Nation's defense. In no place is the role of our Department of Homeland Security more vital than in protecting our Nation's borders.

Waves of undocumented immigrants still cross the border daily, leaving a trail of death and destruction in their wake. Those who survive the journey place enormous strains on the residents of Arizona and other border States. All aspects of life for the residents of Arizona are affected by costs of illegal immigration. The situation has gotten so desperate along the border, a group of citizens has resorted to vigilante actions to defend the borders because they believe the Federal Government has failed them. While I believe the actions of these groups are dangerous, they illustrate the dire situation faced by the residents of Arizona. It is vital that we continue to increase resources, particularly manpower and improve the technology along our borders. I am particularly encouraged by the development of new technologies such as Unmanned Aerial Vehicles, UAVs, which may prove extremely useful in patrolling the areas between our ports of entry.

This bill provides much-needed funding for our Nation's borders. However, money alone will not solve this problem. The militarization of our borders is not the answer. As long as there are better paying jobs in the United States, there will be a steady supply of people coming into this Nation looking for work. Legal immigration plays an important role in contributing to the economic growth and prosperity of our Nation. Our Nation's tradition of legal immigration must be respected while the Federal Government works to solve the problems along the border. One solution to the problem that will address our Nation's national security needs and prevent further deaths in the Arizona desert is to enact comprehensive immigration reform. This is not just an issue that affects those residing in border States, it affects all Americans. We must work together to address this situation.

Despite the overall lack of objectionable provisions in this legislation, I would like to express my concern about the committee's decision to move funding for the Assistance to Firefighters Grant, FIRE grant program, from the Department of Homeland Security's Emergency Preparedness and Response Directorate to the Office for Domestic Preparedness. As the chairman of the authorizing committee of jurisdiction, I am familiar with the success of the Assistance to Firefighters Grant Program. FIRE grants are made directly to local jurisdictions after their applications undergo a competitive, merit-based process. FIRE grant recipients use such funds to help meet their basic needs for equipment and training to respond to ''all-hazards,'' including wildfires, tornadoes, floods, and structural fires—not just antiterrorism efforts. I am concerned that the Office for Domestic Preparedness, ODP, has no experience with the basic needs of firefighters or administering a program like the FIRE grant program.

I wish to acknowledge that the administration's budget submission seeks to move this grant program over to ODP, while promising to administer the grant program in a manner similar to that which is done now, with an interest in ensuring that there is one-stop shopping and better coordination for emergency preparedness grants. I understand that goal and am more than willing to work with my colleagues to ensure better coordination of our emergency preparedness efforts. In fact, just last month, the Commerce Committee reported legislation to reauthorize the U.S. Fire Administration and improve coordination and training for first responders. That legislation is the appropriate vehicle to consider any programmatic changes, instead of this or any other appropriations bill.

I am also disappointed that the Senate choose to accept a ''Buy America'' provision by voice vote. I firmly object to all ''Buy America'' restrictions, as represent prime examples of protectionist trade policy. I continue to be very concerned about the potential impact of our restrictive trade policies with our allies. From a philosophical point of view, I oppose these types of protectionist policies. I believe free trade is an important element in improving relations among all nations and essential to economic growth. From a practical standpoint, ''Buy America'' restrictions could seriously impair our ability to compete freely in international markets and also could result in the loss of existing business from long-standing trade partners. Buy America'' provisions cost our Department of Defense over $5.5 billion each year, I do not want to see the same problems arise with the Department of Homeland Security. I urge the removal of this provision during the House-Senate conference.

Once again, I thank the appropriators for their diligence in passing a relatively clean homeland security appropriations bill. I ask unanimous consent that a copy of the objectionable provisions I have found in this legislation be printed in the RECORD. I hope that this continues with future appropriations.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

2004 HOMELAND SECURITY APPROPRIATIONS BILL

OBJECTIONABLE PROVISIONS IN THE BILL

Transportation Security Administration

$210 million for Maritime and Land Security.—

Explanation: The bill would provide $295 million for Maritime and Land Security which is $210 million above the President's FY2004 request. Within this amount the bill would provide $150 million for port security grants not requested by the Administration. In addition, the bill would provide $30 million for Operation Safe Commerce, an increase of $27.5 million over the President's request. The accompanying report further describes the appropriators' intentions for the Operation Safe Commerce funds.

Explanation: Provides money for port security grants and for Operation Safe Commerce. Operation Safe Commerce is a program intended to serve as a test-bed for new techniques to increase the security of container shipments—from the point of destination through the supply chain to the point of origin. Operation Safe Commerce is not, and has never been, authorized. Report language would expand the program beyond the original pilot program ports—the ports of Seattle and Tacoma, Los Angeles and Long Beach, and the Port Authority of New York/New Jersey. This is objectionable because it is a policy change that has not been reviewed by the authorizing committee.

$10,000,000 for Intercity Bus Security. Explanation: This money was not requested by the President.

$25,000,000 for Trucking Industry Grants. Explanation: This money was not requested by the President.

$13,000,000 for Hazardous materials permit program/truck tracking. Explanation: This money was not requested by the President.

$4,000,000 for nuclear detection and monitoring. Explanation: This money was not requested by the President.

U.S. Coast Guard

The bill provides $18 million to repair bridges under the Truman-Hobbs Act and the report further earmarks these funds to the following specific bridge projects: $5 million for the Florida Avenue Railway/Highway bridge in New Orleans, LA; $1.5 million for the EJ&E railroad bridge in Morris, IL; $2 million for the John F. Limehouse bridge in Charleston, SC; $2.5 million for the Chelsea Street Bridge in Boston, MA; $2,500,000 for the Sidney Lanier Highway Bridge in Brunswick, GA; and $7 million for the Fourteen Mile CSX Railroad Bridge, Mobile, AL. Explanation: The Administration did not request this funding and the bridges earmarked are not necessarily the bridges with the greatest need to be altered under the Truman-Hobbs Act. These earmarks continue a trend where only bridges in select states annually are funded without undergoing a need or risk-management based process.

The bill states that funds for bridge alteration projects conducted pursuant to the Truman-Hobbs Act shall be available for such projects only to the extent that the steel, iron, and manufactured products used in such projects are produced in the United States, unless contrary to law or international agreement, or unless the Commandant of the Coast Guard determines such action to be inconsistent with the public interest or the cost unreasonable.

The report earmarks $4 million to assist the Coast Guard in transitioning its voluntary ballast water management program to mandatory enforcement. Explanation: This money was not requested by the Administration, and the Coast Guard currently is in the process of drafting regulations to transition its ballast water management program from a voluntary program to one that is mandatory.

The report contains language adding $12 million in funding for the Coast Guard's 17th District in Alaska and contains language directing the Coast Guard to fund a total of seven Marine Safety and Security Teams (MSSTs) while the Administration only requested funding for six. Explanation: The Administration requested six new Marine Safety and Security Teams (MSSTs) in its budget request for Boston, San Francisco, Honolulu, San Juan, San Diego, and New Orleans. It appears this additional funding will create a seventh unrequested MSST for Alaska.

The report adds $202 million for the Coast Guard's Integrated Deepwater system project. Explanation: The Administration requested $500 million for the Coast Guard's Integrated Deepwater system project which is

approximately $50 million less than the national Deepwater plan requires. The General Accounting Office (GAO) reported in March 2003 that if the Administration's FY04 Deepwater request is enacted, the Deepwater project will have a cumulative $202 million shortfall. This additional $202 million increase would erase this shortfall and get the Deepwater project back on schedule.

The report earmarks $40 million to acquire and install a shore-based universal Automatic Identification System (AIS) coverage system in ports nationwide. Explanation: The Administration did not request this funding. While the Maritime Transportation Security Act (MTSA) of 2003 requires the Automatic Identification System (AIS) carriage by vessels to be phased in beginning in 2003, the Coast Guard is in the process of analyzing its shore-based coverage requirements and has not determined what the system design or calculated its costs. This $40 million is not based on any in-depth analysis and is simply a guess.

TITLE IV—ASSESSMENTS, PREPAREDNESS, AND RECOVERY

Federal Law Enforcement Training Center (FLETC)

Salaries and Expenses. Explanation: $50,357,000 above the President's request to cover additional student weeks of basic training.

Acquisition, Construction, Improvements, and Related Expenses. Explanation: $5,029,000 above the President's request to construct an indoor/outdoor firearms range at FLETC's Artesia, New Mexico, location

Office for Domestic Preparedness. Explanation: $15,000,000 above the President's request for emergency management performance grants.

Cerro Grande Fire Claims. Explanation: $38,062,000 above the President's request for Cerro Grande fire claims settlement.

DIRECTIVE LANGUAGE FOUND IN THE FY 2004 DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT

The Under Secretary of Transportation and Border Security is directed to provide a comprehensive report to the Committee describing the specific measures taken by the Department and its legacy agencies since September 11, 2001, to enhance security at the northern border. The report should include a discussion of (1) increased personnel deployment, technological improvements, and enhancements in interagency coordination; (2) measures for improvement of northern border security authorized by the Congress that the Department has not yet undertaken; and (3) aspects of northern border security requiring additional resources and focus. Because of the sensitive nature of many aspects of this report, the Department should provide both an unclassified and, if necessary, classified version of the report.

The Department is expected to submit a plan that explains the privacy policies that will be put in place to protect the information that is housed in the U.S. VISIT system. Both the expenditure plan and the privacy plan shall be submitted to the Committee no later than 45 days after the enactment of this Act.

The Committee directs BCBP to review staffing nationwide, and to submit a comprehensive deployment plan to include existing (direct and fee funded) and newly funded positions. Included in the amount recommended by the Committee is continued funding at the fiscal year 2003 level for part-time and temporary positions in the Honolulu Customs District.

The Committee directs BCBP to submit a deployment plan to the Committee for the new agents provided, and to ensure that this plan is coordinated with construction projects.

The Committee directs BCBP to quickly implement deployment of the systems as planned and to submit a report to the Committee no later than October 1, 2003, on the progress made in meeting this goal.

The Committee directs the Department to work with the General Services Administration to develop a nationwide strategy to prioritize and address the infrastructure needs at the land ports-of-entry and to comply with the requirements of the Public Buildings Act of 1959 to seek necessary funding.

In addition, BCBP should review the priority funding list for construction projects for the Border Patrol, and submit to the Committee an updated plan no later than July 1, 2004.

The Committee expects BICE to review staffing nationwide, and to submit a comprehensive deployment plan, to include existing and newly funded positions.

The Department is directed to submit to the Committee an annual review of the program. This review should include a discussion of its effectiveness, compliance by certified schools, status of compliance reviews, the rate of student non-compliance, and the results of investigations. The first report is to be submitted by December 31, 2003.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I will speak for a couple of minutes about the big State formula in the Department of Homeland Security. I am not going to take long. It is very important we address the issue of the formula in the bill just passed.

The formula is not fair to the large States where the greatest risk is. The large States generally have the larger population centers which generally have the highest risk for homeland security. Yet the formula under which we are proceeding is a formula that takes away from our 13 largest States because of a floor put in for the smaller States. I don't think any of the large States want to be totally whole but the large States would like to have more of a fair shake than the formula underlying in this bill.

I hope the Senate will agree to hear the bill that has come out of the Committee on Governmental Affairs which does authorize new formulas and will seek to change the formulas in a way that is more fair. To give a couple of examples, the State of California on a strict population basis would get $216 million; the State of California has a long coastline, they have major cities, they certainly have a high-risk designation. Under the bill, they will get $146 million for a deficit to California of $64 million. Georgia should get $53 million; it would get $46 million for a deficit of $5 million. New York should get $118 million; it will get $86 million for a deficit of $28 million. My home State of Texas should get $134 million; it will get $96 million for a deficit of $34 million.

This does not make sense. It does not pass the fairness test. The large States do not ask for complete parity but we do ask for fairness. There is a formula we used in the State aid package in the most recent tax cut legislation that does not give the big States full parity but it does give them a much more fair formula.

That is what I intended to offer in the bill. It would have been subject to a point of order, so I withheld. But I am serving notice that I, along with Senators VOINOVICH, SPECTER, DEWINE, SANTORUM, WARNER, CHAMBLISS, CORNYN, and LEVIN, am going to readdress this issue and hope that everyone will come together, small States and large, for something that is fair to the States that are at the highest risk.

That is a very important component of securing our homeland. If we are going to leave our biggest States and biggest cities vulnerable, that is not protecting the part of our country that is most at risk.

I thank you, Mr. President. I am serving notice we will try to address this issue in the bill. I ask the majority leader and minority leader to please assure that we will address this issue in the bill that has come out of the Governmental Affairs Committee so that we can correct this inequity.

I yield the floor.

Ms. COLLINS. Mr. President, I would oppose the amendment of my friend from Texas. I understand that she has agreed not to offer the amendment, and instead to just debate the issue at this time. As I noted yesterday, when a similar amendment was offered by the Senator from New York, formula fights are never easy. But they deserve careful deliberation and consideration.

An appropriations bill is where Congress spends money once it has settled on a formula in authorizing legislation. An appropriations bill is not the right place to have a formula fight.

My friend from Texas has raised an issue that falls squarely within the jurisdiction of the Government Affairs Committee, which has held three hearings on this topic this year. We have heard from firefighters, police officers, mayors, governors, State emergency management directors, county officials, and Secretary Ridge.

As a result of these hearings, I have developed legislation, on a bipartisan basis, with Senator CARPER and 15 other cosponsors.

Just last month, the Governmental Affairs Committee approved this legislation by a unanimous vote. My legislation would address the very issue that the amendment of the Senator from Texas seeks to address on this appropriations bill.

I cannot support the amendment of the Senator from Texas because it would pre-empt a debate that we began in the Governmental Affairs Committee, and that should continue when our legislation reaches the Senate floor.

But I also oppose this amendment because it is bad for Maine—and States across the country. And because I believe it could compromise the security of this great Nation.

This amendment would not only reduce the small State minimum from .75

to .5 percent of the amount appropriated, but it would also make the small State minimum a ceiling, rather than a floor, which it is in current law, and should remain.

Moreover, big States already get plenty under the bill that Chairman COCHRAN and Ranking Member BYRD have so ably crafted.

The bill distributes $1.75 billion to all 50 States, territories, and the District of Columbia. Of this amount, $1.05 billion, or 60 percent, will be distributed strictly based on population, meaning more populous states do well.

In addition, however, the bill sets aside $750 million just for big cities. That means states such as Maine, Mississippi, West Virginia, and Alaska will not see a dime of this money—$750 million just for the country's biggest cities—$250 million more than the House appropriated. And yet big States want more.

The Senate should not be considering these kinds of authorizing changes to an appropriations bill.

I know it is tempting to offer amendments like this to appropriations measures—I considered offering my grants bill, or parts of it, as amendments—but the practice must be resisted. It does an end-run around authorizing committees, which are set up to address matters such as these in a deliberate, thorough manner.

Any modifications to ODP's formula should be considered in a comprehensive manner, not as piecemeal amendments. By changing the formula on an ad-hoc basis, we may produce unintended consequences, where a State may end up with insufficient homeland security resources.

For all these reasons, I urge my colleagues to oppose changes to the existing funding formula on this bill.

At the same time, I pledge to work with my friend from Texas to accommodate her legitimate concerns. Big States have big homeland security needs, and the Federal Government has an obligation to help them.

Mrs. FEINSTEIN. Mr. President, I rise to urge my colleagues to support the efforts of Senators LEVIN, VOINOVICH, HUTCHISON, myself, and others to modify the USA PATRIOT Act formula for homeland security grants. This formula, as currently interpreted by the Department of Homeland Security, DHS, greatly disadvantages larger States.

Unfortunately, as Senator LEVIN stated earlier, it looks as though we will not be able to use the Homeland Security Appropriations bill to make such a modification. Any such amendment would face a point of order and fail.

However, we will be back. I intend to continue to raise this issue in the Senate until we finally change existing law to ensure that the DHS has the authority to distribute homeland security money fairly to all States.

In my view, the Department should distribute homeland security funds according to population or, at a minimum, according to threat and vulnerability assessments, location of critical infrastructure, and population density.

On March 7, 2003, DHS released their State-by-State allocations for the $566 million State Homeland Security Grant Program.

Although this program is described as being distributed on the basis of population, smaller States received a higher level of funding on a per capita basis than larger States.

For instance, California received $1.33 per capita while Wyoming received $9.78 per capita. This means that residents of Wyoming received more than five times what residents of California received. The national average was $1.98 per capita.

However, if you look at all the homeland security grants awarded by the DHS Office of Domestic Preparedness, ODP, for FY 2003, the numbers are even worse. This fiscal year, California received $4.85 per capita in ODP homeland security grants and Wyoming received $35.67 per capita. In other words, residents of Wyoming received more than seven times what residents of California received.

I do not want to pick on Wyoming or focus inordinately on California. The issue is not about any State in particular. It is about the fact that States with large populations and large amounts of critical infrastructure are more vulnerable to terrorism and also generally subject to more credible terrorist threats.

However, since I represent California in this distinguished body, I do want to explain why I believe that California—as other populous States has been shortchanged on homeland security grants.

California is what people in the counterterrorism field called a ''target-rich'' environment. We have two of the biggest seaports in the country, Disneyland, the Golden Gate Bridge, two of the biggest ports in the country, some of the busiest airports in the country, and much else as well.

Moreover, with the release of a congressional report today on intelligence failures by the FBI and CIA, the American people now know that at least several of the September 11 hijackers had numerous links with California. And, as a member of the Senate Intelligence Committee, I can assure you that terrorists and their sympathizers continue to operate in California.

Finally, we have all heard about credible threats to important tourism and commercial sites in California—and those are just the ones that have become public.

However, in spite of all this, my State received this fiscal year less than one-seventh per capita of ODP homeland security grants than the least populous State—a State that is not a target-rich environment, has little if any connection with any terrorists, and has been subject to few if any terrorist threats.

In my view, that is absurd.

Americans in every State should be more afraid knowing that a disproportionate amount of homeland security money is flowing into States that may not need that money.

The reason that homeland security grant allocations favor small States is because of the way that ODP applies Sec. 1014 of the PATRIOT Act.

Under the USA PATRIOT Act, ODP gives each State .75 percent and each territory .25 percent of the appropriation for homeland security grants.

For the 50 States and five territories, these amounts total approximately 40 percent of the total appropriation.

However, the USA PATRIOT Act is silent on how ODP should distribute the remaining 60 percent. ODP has opted to distribute the remaining 60 percent based on population.

It is worth pointing out that the USA PATRIOT Act does not require that the .75 minimums be allocated first and then the remainder distributed according to population. ODP could, under the USA PATRIOT Act, distribute all the money according to population and then bump up any State that has not received .75 percent.

If ODP followed this method, it would mean millions of additional dollars for more populous States. I would urge ODP to look into using such a method.

In any event, because of the USA PATRIOT Act formula, California only received $149 million of the $1.87 billion appropriated in FY 2003 for the ODP State homeland security grant program about 8 percent of the total.

However, California has over 12 percent of the population and a disproportionate amount of the country's critical infrastructure—all terrorist targets of opportunity.

If this money had been allocated according to population, California would have received $76 million more for homeland security just this fiscal year.

There is no question that the USA PATRIOT Act formula greatly disadvantages California and other States with high threat potential. These are States that possess densely populated areas and critical infrastructure such as landmark buildings, large gathering places, stadiums, amusement parks, tall buildings, underground transit, bridges, and ports.

Secretary of Homeland Security Tom Ridge has made this very point over and over. For example, in a hearing before the Senate Commerce Committee, he expressed frustration with the USA PATRIOT Act formula and urged that Congress enact legislation that would require such money to be distributed based on the likely terrorist theat and vulnerability of a given area.

Most reasonable observers agree. It is ludicrous to pour homeland security money into small, rural States that are at little risk of terrorist attack and shortchange States that have densely populated centers and/or have critical infrastructure.

It is also worth noting that the .75 small State minimums are not applied to other grant programs. In an exhaustive survey of Federal grant programs, we could find only two grant programs that used such a high percentage for State minimums: State homeland security grants and sport fish restoration grants.

While an argument could be made that perhaps less populous States deserve more sport fish restoration money, that argument fails with regard to homeland security. The fact remains that the areas most vulnerable to terrorist attack are large cities and those with critical infrastructure, which tend to be in more populous States.

Grant programs other than for homeland security or sport fishing restoration have either no small State minimums, percentages ranging from .25 percent to .50 percent, or minimum dollar figures.

The current formula for allocating homeland security grants is unfair and illogical. And, to be brutally honest, it wastes taxpayers' money by sending to it to areas where it may not be needed. I urge my colleagues to support efforts to modify this formula.

I ask unanimous consent to have printed in the RECORD a chart listing Homeland Security grants per capita.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FISCAL YEAR 2003 ODP HOMELAND SECURITY GRANTS PER CAPITA

[Grant dollars in thousands]

Rank and state	ODP grants	2000 Census	Per capita spending
1. Wyoming	17,611	493,782	$35.67
2. District of Columbia	17,917	572,059	31.32
3. Vermont	18,110	608,827	29.75
4. Alaska	18,225	626,932	29.07
5. North Dakota	18,183	642,200	28.31
6. South Dakota	18,723	754,844	24.80
7. Delaware	18,917	783,600	24.14
8. Montana	19,352	902,195	21.45
9. Rhode Island	20,029	1,048,319	19.11
10. Hawaii	20,772	1,211,537	17.15
11. New Hampshire	20,897	1,235,786	16.91
12. Maine	20,981	1,274,923	16.46
13. Idaho	21,177	1,293,953	16.37
14. Nebraska	22,823	1,711,263	13.34
15. New Mexico	23,356	1,819,046	12.84
16. West Virginia	23,133	1,808,344	12.79
17. Nevada	24,708	1,998,257	12.36
18. Utah	25,311	2,233,169	11.33
19. Arkansas	26,980	2,673,400	10.09
20. Kansas	27,006	2,688,418	10.05
21. Mississippi	27,666	2,844,658	9.73
22. Iowa	27,989	2,926,324	9.55
23. Oregon	30,417	3,421,399	8.89
24. Connecticut	30,157	3,405,565	8.86
25. Oklahoma	30,298	3,450,654	8.78
26. Puerto Rico	31,846	3,858,806	8.25
27. South Carolina	32,898	4,012,012	8.20
28. Kentucky	32,841	4,041,769	8.13
29. Colorado	34,592	4,301,261	8.04
30. Alabama	34,505	4,447,100	7.76
31. Louisiana	34,487	4,468,976	7.72
32. Arizona	38,617	5,130,632	7.53
33. Minnesota	36,766	4,919.479	7.47
34. Maryland	38,622	5,296,486	7.29
35. Wisconsin	38,549	5,363,675	7.19
36. Missouri	39,532	5,595,211	7.07
37. Tennessee	40,057	5,689,283	7.04
38. Washington	41,211	5,894,121	6.99
39. Indiana	41,592	6,080,485	6.84
40. Massachusetts	42,730	6,349,097	6.73
41. Virginia	46,400	7,078,515	6.56
42. Georgia	51,767	8,186,453	6.32
43. North Carolina	50,747	8,049,313	6.30
44. New Jersey	51,892	8,414,350	6.17
45. Michigan	58,080	9,938,444	5.84
46. Ohio	63,888	11,353,140	5.63
47. Illinois	68,884	12,410,293	5.55
48. Pennsylvania	67,760	12,281,054	5.52
49. Florida	86,307	15,982,378	5.40
50. Texas	107,777	20,851,820	5.17

FISCAL YEAR 2003 ODP HOMELAND SECURITY GRANTS PER CAPITA—Continued

[Grant dollars in thousands]

Rank and state	ODP grants	2000 Census	Per capita spending
51. New York	96,664	18,976,457	5.09
52. California	164,279	33,871,648	4.85
Total	2,043,979	285,280,712	7.16

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Mr. HARKIN. Mr. President, I thank the subcommittee chair and ranking member for their work on this bill. A difficult task was set before them in marking up this first appropriations measure for the new Department of Homeland Security. September 11 changed much about how Americans view the role of the Federal Government and its most basic function—providing physical security for American citizens.

We cannot protect the nation completely from every conceivable threat. We have to devote available resources to those threats we judge to be the likeliest and most serious. This poses difficult choices for Congress and the administration, as well as for local communities who face similar decisions. Deciding which threats to public safety it is most important to prepare for is perhaps most difficult for first responders, those men and women most directly tasked with the job—men and women whose bodies and even lives are regularly on the line.

One of my first goals upon being appointed to the Homeland Security Appropriations Subcommittee has been to attempt to address directly the needs of these people in Iowa who are on the front lines, the people who are most responsible for public safety throughout the State. My staff and I have had a number of conversations with the Governor of Iowa, his staff and with others in State government. I also asked members of my Iowa staff to visit each of the State's 99 officials. I asked my staff to check in with people in each of these local communities to find out what they think is most important when it comes to homeland security, what they think is working and what is not.

I think the meetings have been a big success. Not surprisingly, Iowans were pleased to be asked what they think are the top priorities in this area of policy. Security is on people's minds, and the communities that my staff visited have provided me with great insight about how to approach homeland security issues here in Washington. Mr. President, I ask consent that two items be printed in the RECORD at the end of my statement: first is a letter I have sent today to Homeland Security Secretary Ridge regarding the findings of my staff from their meetings around Iowa; second is the list of the locations in Iowa for those meetings, along with the dates they occurred.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HARKIN. When Senator LIEBERMAN first proposed creation of a new Department of Homeland Security, in his role at that time of chairman of the Government Affairs Committee, I supported his effort. We knew then that balancing, and probably shifting, among competing priorities would be a challenge. We must do all we can to safeguard the vital interests of the Nation form the threat of terrorism. But it remains essential that we don't disregard the need to protect people from other, more likely hazards, especially in areas away from large towns and critical assets.

We must not merely redirect funds badly needed current programs, creating new holes in our security infrastructure. In fact, we should seek wherever it is possible to expand and strengthen existing emergency response mechanisms. We should increase their capacity in ways that allow local authorities to prevent or respond to terrorist threats while also helping them to deal better with the much more common threats and emergencies they face. I believe this is possible.

Iowans told my staff that the biggest challenges Iowans face today include many of the same problems they faced in June of 2000: crime, the methamphetamine scourge, natural disasters.

Over the past several years, FEMA, now part of Homeland Security, has become a truly remarkable and world-class organization for dealing with fires, floods, tornadoes and earthquakes. These occur every year, regardless of other threats, and they continue to take away lives and livelihoods. Earlier this week, a tornado hit Cedar Rapids, IA, and caused damage to 25 homes. We cannot back away from our commitment to help people in need due to these natural disasters. One example of making sure we continue that commitment is the successful fight that I and others have undertaken to ensure that the fire grant program is retained.

There is also no question that many Iowans feel that their world changed on 9/11. People want their families to be safe from terrorist threats. Larry Hurst is County Emergency Management Director in Glenwood, IA, which is in Southwest Iowa. He is afraid that Iowa could be comparatively neglected in this regard, that we might ''find it easy to cut public safety, defense and health funding, betting that nothing will happen here.'' Of course, we hope that no terrorist incidents do occur in Iowa. But, we are only as strong as the network of first responders throughout the Nation.

First responders in my State tell me that they are frustrated. When the alert level changes, they learn about it from CNN, not from the Department of Homeland Security. They don't know why the alert level is raised, or which kinds of threats they ought to look for. Mahala Cox, the Emergency Manager in my home county. Warren County, says that ''we cannot afford to be behind the curve and reacting to a media

message.'' People like Ms. Cox must respond to vague mandates they don't fully understand, taking time away from other pursuits. Mandates are unclear, and can be costly. While some money is flowing, communities are unsure how exactly they should be spending it, and they fear spending it in a way that might not meet a later mandate.

At the same time, some current reporting requirements are onerous and illogical. One county emergency manager in Iowa relayed to my staff that they are required to report on contingency plans in case there is a tidal wave, and they understand they are not allowed to answer ''not applicable.'' I suspect if a tidal wave big enough to cause damage in Iowa were to hit the U.S. our least concern would be what a given county emergency manager plans to do about it. These increased burdens are coming at a time when State and local governments are hurting. Many already are laying off police, fire, and emergency management personnel. The vast majority of firefighters in the United States are volunteer, increased training requirements for these personnel, while useful, might be very burdensome at a time when we are already losing firefighters in Iowa. If we at the Federal level are to create mandates, funds must follow those, mandates.

Walter ''Ned'' Wright is the Emergency Management Director in Linn County, IA, which is home to Cedar Rapids, one of the State's larger cities. He spoke to my staff about reporting requirements. He talked about ''analysis paralysis,'' which he described as ''assessment after assessment, and blue ribbon panel assessments, but no real results.

Law enforcement and first responders are being watchful of Government waste. They are worried that we are reinventing the wheel. I share their concern. I was concerned to hear of the great costs incurred by certain communities in my State to protect critical asset bridges. I want to make sure that communities are made whole for necessary expenses, but I also want to make sure that The Department spends its money in a way that isn't wasteful. The security of our homeland is so critical that we can't afford to waste a single penny. I would be happy to work with my colleagues and the Department to help to identify ways to be more efficient.

I am pleased with language in the report requiring the Department to establish clearly defined standards for all levels of government emergency preparedness, and detailing the costs of meeting these standards, and to take into account heir opinions.

I think the committee has done a commendable job at trying to maintain funding for the kinds of programs I was most concerned with, particularly three emergency programs that are close to my heart—Emergency Management Performance Grants, Firefighter Assistance Grants, and Hazard Mitigation Grants, through I was disappointed with the cuts to the Hazard Mitigation Grants last year from 15 percent of public and individual assistance to only 7.5 percent for post-disaster mitigation and $150 million for pre-disaster mitigation. I would like to see this returned to the 15 percentage level. In Iowa, this program has been successfully used to reduce the damage from future disasters. In many cases, it saves the Government money in the long run by avoiding the costs of repairing dangerously placed structures that are repeated damaged.

Finally, I would like to mention the subject of agri-terrorism. As my colleagues know, a major agri-terrorism event could easily cause billions of dollars in losses. Anyone who has spent time in rural America knows the difficulty in trying to guard against every avenue through which agriculture could be attacked. It is impossible. The key for protecting U.S. agriculture is making sure our intelligence and response capacities are in place to both prevent acts of terrorism in the first place, and respond quickly, should an attack occur, to limit the damage. I think we are still falling short on response. I am very disappointed not to see more resources directed to building the capacity of our agricultural first response system. I think we really need to take a hard look, and make sure we are doing all we can to protect U.S. agriculture and rural communities.

I have been working closely with the State of Iowa, particularly with the state Homeland Security director, Ellen Gordon, on appropriate State and Federal responses to agi-terror. The State has been working overtime trying to map out a comprehensive plan to deal with this very difficult issue. I applaud their work, and look forward to working with them and with my colleagues as we move forward to improving our capability to respond to this very serious and very real threat.

EXHIBIT 1

U.S. SENATE,
Washington, DC, July 21, 2003.

Secretary TOM RIDGE,
U.S. Department of Homeland Security, Washington, DC.

DEAR SECRETARY RIDGE: This June and July, members of my staff traveled to every county in Iowa to better understand the needs of local first responders and emergency management officials. Please find enclosed a more thorough summary of the comments provided to me by those public officials. I hope that you find it as helpful as I have.

I would appreciate it if the Department could comment on some of the broader recurring themes of their reports, including, but not limited to, those items I will discuss in this letter. As a member of the Homeland Security Appropriations Subcommittee in the Senate, I understand some of the difficulties inherent in pulling together a broad agency with a unified mission.

I fully supported legislation creating this agency. We knew then that balancing, and probably shifting, among competing priorities would be a challenge. We must do all we can to safeguard the vital interests of the nation from the threat of terrorism. But it remains essential that we don't disregard the need to protect people from other, more likely hazards, especially in areas away from large towns and assets that have been identified by the Department as critical. As evidenced by the Oklahoma City bombing, anyone could be targeted. Also, it is critical to maintain the ability local departments currently have to respond to the things they always have; fires, floods, tornadoes, and crime. In order to do so, I think it is critical to make sure that we keep the lines of communication open between the rule makers and public safety officials.

To that end, allow me to summarize the administrative issues that seemed to arise most often. Topping almost everyone's list was the desire for more information about terror alert level elevation. Public officials have complained that they learn of the increased alert level from CNN before they hear from DHS. Upon receipt of this information, they are not sure how they should alter their current behavior, if at all. It was suggested in these meetings between my staff and local officials that better intelligence from DHS as to specific threats could eliminate unnecessary cost to departments and limit complacency among citizens.

Another near-universal concern is the relationship of mandates to funding. The time and manpower needed to complete various emergency management plans come out of local budgets that are already stretched. One county emergency manager in Iowa relayed to my staff that they are required to report on contingency plans in case there is a tidal wave, and they understand that they are not allowed to answer ''not applicable.'' At the same time, these communities are laying off firefighters and police officers due to budget constraints.

Training requirements are also difficult to cover for many small departments. While they may be reimbursed for the training itself, they may also have to pay overtime to cover for the missing staff. The vast majority of fire departments in Iowa are volunteer, so leaving a duty station for training means using vacation time from a paying job. This costs many departments valuable personnel.

On the other hand, there are funds flowing for equipment, but localities claim that guidance on how those funds could be best spent is not available from the federal level. If that is the case, is guidance planned in the near future, and if so, would that guidance require further equipment expenditures? I understand that many communities still have cold war era siren alert systems. What is the feasibility of more advanced equipment, like radios, or more advanced siren technology?

There is broad support for many of the grant formulae, such as Fire Grants, that go straight to local departments from the federal level. I have been a long time supporter of the program, first in the authorization, then as a member of VA/HUD and Independent Agencies Appropriations Subcommittee, and now as a member of Homeland Security. It is my hope that DHS will list programs like Assistance to Firefighters, Hazard Mitigation Grants, and Emergency Management Performance Grants individually in its budget request to Congress, and will request increased funding for these accounts in future years as needs grow.

Law enforcement and first responders are being watchful of government waste. They are worried that we are ''reinventing the wheel.'' It is my hope to work with you to make sure that we do our best to weed out duplicative and overly burdensome requirements so that we may find best practices to

more effectively strengthen the nationwide network of first responders.

Sincerely,

TOM HARKIN,
U.S. Senator.

SUMMARY OF COMMENTS FROM COUNTIES

Homeland Security Alerts are received via CNN instead of through formal Homeland Security Channels.

Homeland Security staff at the federal and state level is increasing, but stagnant at the local level. All coordination, reporting, and emergency response is being done at the lowest level, which receives the least funding.

In order to qualify for grant funds, a great deal of planning efforts and reports are required, but local emergency management cannot spare resources to do this work. Each country needs a full time emergency management staff person.

All counties have the same requirements regardless of county size or the number of paid employees.

Many rural communities do not have the means for protecting the community well or sanitary lift station.

Funds should be used to fix security problems rather than study them.

More decision making should be local, to respond to the unique needs of the community.

More funds are needed for training and to cover overtime for replacement workers when others are away at training.

Grants are increasingly important with dwindling state and local budget capacity.

The feasibility of developing regional capabilities for training, planning, exercising and equipment should be explored.

State, county, and city fiscal restraints, combined with certain other unfunded mandates to local jurisdictions, limit growth of public safety and emergency management budgets.

Administrative burden of regionalization will be huge and cannot be borne by local jurisdictions without funds or staff.

Local jurisdictions are just now beginning work on bioterrorism, and have not started work on agriterrorism.

Due to the specific work that the public health agencies have to accomplish in this federal fiscal year, they are finding it difficult to become leaders in pulling the community resources together for multi-agency planning and are depending upon emergency management to assist in this endeavor.

Instead of a nationwide security upgrade to level orange, a state by state, or region by region analysis of the situation would be better.

There is a need to update the sirens or early alert system. Most are 30–40 years old and there is no longer funding available to replace them.

Food processing sites want to be notified of threats directly when relevant intelligence is received by the Department. The rapid production in many food processing plants require this because of the length of time between processing and distribution.

Farm Service Agencies and veterinarians expressed concern about the easily spread hoof and mouth disease. The plan for quarantining a contaminated herd is critical. There is no known action plan in the event of this or any other infection. There is talk that the State's Department of Emergency Management is working to compile a plan, but many fear not fast enough.

Regional storage facilities for equipment would be useful for communities to share equipment they otherwise could not afford.

Forms are confusing with requirements that don't apply to the state. Some forms require an explanation of country plans in case of tidal wave. The applicant may not answer ''not applicable.''

Hazmat teams need more funding.

Interoperability should apply to training as well as equipment.

Information technology funding is needed.

Pre-Disaster Mitigation Act of 2000 hazard mitigation plans require a rework of every community's plan with new standards that are very difficult to meet.

Training requirements are difficult. There is no compensation to cover overtime to fill in for those away at training. Most fire departments are volunteer, and training requires that firefighters take vacation from paying jobs.

More training should be available over the internet or the fiber-optics Iowa Communications Network.

Communities need more education on the nature of possible agriterrorism threats, and how to respond.

Grants that require a local match can be difficult for small communities to obtain, due to budget constraints.

SCHEDULE OF STAFF MEETINGS WITH LOCAL EMERGENCY MANAGEMENT AND FIRST RESPONDERS—SENATOR TOM HARKIN—SUMMER, 2003

June 9—Muscatine, Wapello, Mount Pleasant, Burlington, Fort Madison, Keosauqua.

June 12—Bloomfield, Centerville, Corydon, Chariton, Albia, Ottumwa.

June 13—Fairfield, Washington, Sigourney, Oskaloosa, Montezuma, Marengo.

June 16—Iowa City, Tipton, Anamosa.

June 17—Waverly, Allison, Charles City, Cresco, New Hampton.

June 18—Osage, Northwood, Mason City, Hampton, Eldora.

June 19—Waterloo, Independence, Cedar Rapids.

June 24—Webster City, Fort Dodge, Dakota City, Algona.

June 25—Forest City, Garner, Clarion.

June 26—Vinton, Toledo, Grundy Center.

July 1—Elkader, Waukon, Decorah, West Union.

July 2—Manchester, Dubuque, Maquoketa.

July 7—Boone, Jefferson, Guthrie Center, Adel.

July 8—Nevada, Marshalltown, Newton, Knoxville, Indianola.

July 10—Bedford, Corning, Atlantic, Greenfield.

July 11—Clarina, Sidney, Glenwood, Red Oak.

July 15—Ida Grove, Sac City, Rockwell City, Pocahontas.

July 16—Logan, Council Bluffs, Audubon, Harlan.

July 18—Cherokee, Primghar, Sibley, Rock Rapids, Orange City.

July 21—Spencer, Spirit Lake, Estherville, Emmetsburg.

July 23—Sioux City, LeMars.

July 24—Onawa, Denison, Carroll, Winterset, Creston, Mount Ayr, Leon, Osceola.

July 30—Storm Lake.

Mr. AKAKA. Mr. President, I rise today to discuss the committee report to H.R. 2555, the Department of Homeland Security Appropriations Act of 2004, to ensure that the Department of Homeland Security fulfills it non-homeland security missions.

I am pleased that the committee report includes many of the same reporting requirements of non-homeland security missions at S. 910, the Non-Homeland Security Mission Performance Act of 2003, which I introduced on April 11, 2003. My bill, which is cosponsored by Senators CARPER, LAUTENBERG, and DURBIN, will guarantee the fulfillment of non-homeland security functions that Americans rely on daily. S. 910 was reported out of the Government Affairs Committee unanimously on June 13, 2003.

In my view, the reporting requirements in the committee report to H.R. 2555 and those in S. 910 achieve similar goals. However, I believe the reporting requirements in H.R. 2555 could be improved by including the reporting requirements in S. 910.

The Department of Homeland Security should indicate the management flexibilities and personnel used to carry out non-homeland security functions; clarify whether any changes are required to the department's roles, responsibilities, and organizational structure to enable it to fully accomplish its non homeland security functions; and describe the management strategy the department will use to fulfill its non-homeland security missions.

Moreover, the report should complement, not duplicate, existing reporting requirements the U.S. Coast Guard already provides the Department of Homeland Security Inspector General. The department should fully describe and evaluate how homeland security and non-homeland security functions will be fulfilled in government-wide performance reports to Congress, and the General Accounting Office should evaluate the extent to which the department is implementing the provisions in this bill and its non-homeland security missions generally.

This report should be provided annually over a five year period, and submitted to the appropriations Committees, Governmental Affairs Committee, and the Government Reform Committee.

The cost of creating a Department of Homeland Security should not come at the expense of essential non-homeland security missions.

I urge that these provisions be included to complement those in the Committee Report to H.R. 2555.

Mr. DASCHLE. Mr. President, since September 11, 2000, Congress has provided the President, our military, our intelligence agencies, and our Federal law enforcement officials with the resources and tools needed to hunt down members of al-Qaida and to break up their activities and the activities of other terrorist organizations. In addition to the regular appropriations bills that provide funding to our troops and our intelligence and law enforcement agencies, we have passed several supplemental appropriations bills totaling close to $100 billion to cover the unanticipated costs of these operations.

Regrettably, the record is not as good when it comes to making our homeland and home towns more secure. Within weeks of the 9/11 tragedy, Senate Democrats, led by Senator BYRD, launched an effort to begin addressing the major gaps in our Nation's efforts to defend itself from future attacks. Senator BYRD proposed that we provide $15 billion for first responders

and to address the vulnerabilities of our Nation's transportation system, chemical and nuclear facilities, public health system, and borders.

Sadly, the administration adopted a view that we did not need additional resources for homeland defense. Hundreds of billions of additional resources for the Pentagon? The administration stated, and I agreed, that we must give our troops what they need to wage the war on terrorism. Billions in additional resources for intelligence? The administration stated, and I agreed, that we needed to strengthen our intelligence capabilities. Billions more for Federal law enforcement? The administration stated, and I agreed, that Federal law enforcement officials needed more resources to tackle the terrorist threat. But for some reason, in the immediate aftermath of the 9/11 attacks, the administration decided to draw the line on providing additional resources to protect America and Americans. In a November 28, 2001, letter to Senator BYRD, Tom Ridge, then the President's Homeland Security Director, said, ''No additional resources to protect the homeland beyond what the President has already requested are needed at this time.'' No additional resources were needed beyond what the President requested before the 9/11 tragedy had exposed to America and the world how vulnerable we were to terrorist attack.

And what has happened since then? Study after study has affirmed this country's vulnerability to terrorist attack and the need for additional resources. According to America—Still Unprepared, Still In Danger, a bipartisan study by former Senators Warren Rudman and Gary Hart published in October, 2002, ''America remains dangerously unprepared to prevent and respond to a catastrophic terrorist attack.''

Our newspapers are filled almost daily with reports about the vulnerability of various aspects of our economy, our infrastructure, and our communities to terrorist attacks. In a follow-up report entitled ''Drastically Underfunded, Dangerously Unprepared,'' the authors concluded, ''Nearly two years after 9/11, the United States is drastically underfunding local emergency responders and remains dangerously unprepared to handle a catastrophic attack on American soil.'' In the words of Warren Rudman, former Republican Senator and one of the principal authors, ''There isn't a place in America today, that if we had a nuclear, biological, or a chemical attack, that the fire and police departments could respond to it and survive the response.''

Only a small percentage of the 21,000 containers that arrive in our ports every day are inspected. Little has been done to enhance the security of our Nation's 103 nuclear plants and scores of chemical facilities, despite the fact that many of them are located near populated areas. According to the EPA, there are 123 chemical facilities in 24 States where an attack could expose more than 1 million people to highly toxic chemicals. Our rail lines carry more than 23 million passengers and 40 percent of the Nation's freight. Yet the administration has done very little to improve rail security.

This is only a sample of the many challenges we must confront before we can look the American people in the eye and say we have done everything we can to make them and their families more secure. Time and again, Senate Democrats led by Senator BYRD have led the charge to begin addressing these vulnerabilities only to be rebuffed by the administration and Senate Republicans.

By their words and their votes on this bill, Republicans have confirmed that the position espoused by Secretary Ridge in the days after 9/11 is a position they remain largely committed to today. On the bill before us, they defeated Democratic efforts to add resources for States and local communities to hire, equip, and train thousands of additional police, firefighters, and emergency medical technicians. They have opposed Democratic efforts to provide resources to hire, equip, and train more than 1,000 Border and Customs personnel to police our porous borders. They voted against Democratic attempts to hire 1,500 port security personnel to enhance port security. Republicans defeated a Democratic effort to provide funds to mass transit agencies and our railways. And they opposed a Democratic proposal to provide an assessment of the vulnerability of our nuclear and chemical plants to terrorist attack.

Democrats will not give up in our attempts to protect the American people. We will return again and again in the days and months ahead to see that we provide the resources needed to make our homeland and our home towns more secure.

Finally, before leaving the floor, I would like to say a few words about Senator BYRD's latest homeland security effort his amendment to help ensure that the homeland security funds we do appropriate are spent on the proper priorities and for the proper reasons.

Hundreds of billions of taxpayers' dollars will be dedicated to homeland security in the coming years. The ethical standing of the Federal employees making these life-and-death decisions that affect the security of all Americans must be above reproach. Even the appearance of impropriety could be damaging.

Yet news reports indicate at least four of Secretary Ridge's senior aides have left government service and are working as homeland security lobbyists trying to influence the decisions of their former colleagues. Trying to deliver millions of dollars in contracts to their new employers.

Senator BYRD's important amendment merely says we should employ the same post-employment ethical standards to homeland security employees as we do to Senators and their senior staff. Based on the critical nature of their work, we should ask no less of these employees and I hope all of my colleagues join me in supporting Senator BYRD's amendment.

Mr. COCHRAN. Mr. President, I know of no other amendments that will be offered. I think we are ready for third reading.

The PRESIDING OFFICER. Is there further debate?

The Senator from West Virginia.

Mr. BYRD. Mr. President, last week, the Senate approved a bill making appropriations for the Department of Defense. That bill totaled some $368.6 billion. It is an important bill, both in size and in importance. That $368.6 billion bill pays our men and women in uniform. It pays for all the advanced weapons and technology that make the Armed Forces of the United States second to none on the planet. The Department of Defense appropriations bill funds the forces and activities that keep the United States at the forefront of military activities around the globe, protecting American interests and lives as well as responding to humanitarian and security crises in distant lands.

That $368.6 billion does not include, mind you, the actual costs of the war on terrorism. Our activities in Iraq and Afghanistan, aside from salaries paid to military personnel, are funded through supplemental appropriations—over $60 billion thus far. But that $368.6 billion does provide the weapons, the forces, the training, and the infrastructure that allow the Armed Forces to provide a very high level of preparedness, a very high level of readiness, and a very high level of security. It provides the means to keep U.S. troops stationed in Korea, Japan, and Europe as a uniformed tripwire and global 911 emergency service. In its unanimous vote in favor of the bill, the Senate has indicated its support for that level of funding and for fully supporting the men and women serving in our military.

This week, the Senate has debated an equally important appropriations bill. The bill under consideration this week funds the Department of Homeland Security. It pays the salaries of the men and women whose job it is to keep safe the people of the United States here at home. It pays for the advanced technology needed to prepare American communities to defend against and respond to attacks against Americans on U.S. soil and in U.S. airspace. It pays for the forces, border patrol and inspectors strung out along America's vast land and sea borders, striving to keep dangerous people and materials out of our vulnerable heartland. It pays for America's infrastructure security, America's traveling public. In every way and by every measure, the activities funded in the homeland security appropriations bill are as important as those funded in the Department of Defense appropriations bill.

So how much money will we spend on protecting Americans here at home in fiscal year 2004? Well, it is not $368.6 billion. Mr. President, it is nowhere close to $368.6 billion. It is not half that amount, or even a quarter of that amount. It is just $28.5 billion. In fiscal year 2004, this bill funds the Department of Homeland Security at $28.5 billion, almost 13 times less than the amount approved for the Department of Defense.

Do we care about the world outside our borders 13 times more than we care about Americans at home? I do not think so. Do we care about guarding Baghdad 13 times more than we care about guarding our own borders? I do not think so. Do we care about patrolling the skies over Afghanistan and Iraq 13 times more than patrolling the thousands of commercial airliners streaking over our heads right now? I do not think so.

I do not believe that this amount is adequate. Over the last year, we have all read the press reports about security lapses at our airports, border checkpoints, and elsewhere. Things are improving, but not nearly fast enough. This bill does not do enough or go far enough to provide the Federal resources necessary to assist a community that falls victim to a terrorist attack, and it is woefully inadequate to provide individual States and communities the resources to prepare themselves to respond to such an attack. Indeed, given the number of reservists and National Guard troops who have been called into active service, our Federal Government is robbing States and communities of critical core defenders. If an attack does come, state governors may not have the resources on hand to respond effectively, and Federal support may or may not materialize in a timely manner, especially if attacks occur at a number of places simultaneously. The so-called war on terrorism has put troops bristling with arms across the globe, but it is leaving America with a hollow core, its towns and communities undefended.

I know, as does everyone who reads the paper or watches the news, what a difficult State the economy is in. I, too, have shaken my head at the latest forecast on the size of the deficit. At an estimated $455 billion, this year's deficit surpasses even the Department of Defense budget. We have had a very difficult year in the Appropriations Committee, trying to craft bills under these circumstances. But just as we should not and will not shortchange the men and women in uniform who put their lives on the line every day in Baghdad, Kabul, Seoul, and elsewhere, we should not shortchange the families they leave behind and the men and women in uniform who patrol our coast, our borders, our airports, and our streets, and who prepare every day to face the unthinkable of a deadly biological, chemical, or nuclear attack here at home.

These defenders of American security here at home need all the help that we can give them. They, too, need new tools to help them face and defeat their enemies. They need sensors that can detect toxins and pathogens in near real time, so that contaminated areas can be cordoned off and proper decontamination procedures initiated. They need communications systems that let doctors and epidemiologists track and contain disease outbreaks, be they from infected prairie dogs, mosquitos, or more nefarious vectors. They need scanners to rapidly and effectively check the million of tons of cargo that enter the United States every day. They need better ways to protect the free and open commerce that will return the United States to a vibrant and growing economy. These tools and technologies may not be as sexy and high tech as antiballistic missile technology, or as imposing as an Aegis cruiser, but they are just as necessary for creating and maintaining the security and well-being of our Nation.

We must not forget that it is the individual communities and their State governments that will bear the brunt of any response to a terrorist event, just as they bear the brunt of responding to other natural and manmade disasters.

On September 11, 2001, the United States was attacked on two fronts, in New York and in Washington, DC. Both locations were well served by their large emergency response teams of police, firefighters, and rescue crews.

The fact is, every State and every community must be prepared to respond, or to assist neighboring communities should multiple attacks occur—whether it be Fairmount, WV, or Fairbanks, AK, Chicago, IL, or St. Paul, MN. Many communities are not ready. The first line of prevention—and defense—is the local and state leadership, not the Federal Department of Homeland Security. While the Department of Homeland Security fiddles with selecting a common computer operating system, the towns around Rome may burn. These communities need guidance, and funding, and they need it now. The Department of Homeland Security needs to get its game face on and get moving, both to do its many jobs better, and to fulfill its role in helping States and local governments to prepare for the unthinkable.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on the engrossment of the amendments and third reading of the bill.

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

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill, as amended, pass?

Mr. ENSIGN. Mr. President, I ask for the yeas and nays on the bill.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Utah (Mr. BENNETT) is necessarily absent.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Georgia (Mr. MILLER) are necessarily absent.

I also announce that the Senator from Minnesota (Mr. DAYTON) is absent attending a funeral.

I further announce that, if present and voting, the Senator from Minnesota (Mr. DAYTON) and the Senator from Massachusetts (Mr. KERRY) would each vote ''aye.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 93, nays 1, as follows:

[Rollcall Vote No. 306 Leg.]

YEAS—93

Akaka	Dodd	Lott
Alexander	Dole	Lugar
Allard	Domenici	McCain
Allen	Dorgan	McConnell
Baucus	Durbin	Mikulski
Bayh	Ensign	Murkowski
Biden	Enzi	Murray
Bingaman	Feingold	Nelson (FL)
Bond	Feinstein	Nelson (NE)
Boxer	Fitzgerald	Nickles
Breaux	Frist	Pryor
Brownback	Graham (FL)	Reed
Bunning	Graham (SC)	Reid
Burns	Grassley	Roberts
Byrd	Gregg	Rockefeller
Campbell	Hagel	Santorum
Cantwell	Harkin	Sarbanes
Carper	Hatch	Schumer
Chafee	Hutchison	Sessions
Chambliss	Inhofe	Shelby
Clinton	Inouye	Smith
Cochran	Jeffords	Snowe
Coleman	Johnson	Specter
Collins	Kennedy	Stabenow
Conrad	Kohl	Stevens
Cornyn	Kyl	Sununu
Corzine	Landrieu	Talent
Craig	Lautenberg	Thomas
Crapo	Leahy	Voinovich
Daschle	Levin	Warner
DeWine	Lincoln	Wyden

NAYS—1

Hollings

NOT VOTING—6

Bennett	Edwards	Lieberman
Dayton	Kerry	Miller

The bill (H.R. 2555), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. COCHRAN. Mr. President, I move that the Senate insist on its amendments and request a conference with the House and the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer appointed Mr. COCHRAN, Mr. STEVENS, Mr. SPECTER, Mr.

DOMENICI, Mr. MCCONNELL, Mr. SHELBY, Mr. GREGG, Mr. CAMPBELL, Mr. CRAIG, Mr. BYRD, Mr. INOUYE, Mr. HOLLINGS, Mr. LEAHY, Mr. HARKIN, Ms. MIKULSKI, Mr. KOHL, and Mrs. MURRAY conferees on the part of the Senate.

The PRESIDING OFFICER. The Senator from Florida is recognized.

JOINT INTELLIGENCE REPORT POST–9/11

Mr. GRAHAM of Florida. Mr. President, earlier this afternoon a declassified version of the report of the House and Senate Intelligence Committees on the events of September 11, 2001, were released to the public. I will take a few minutes to recognize those who performed a great public service in producing this report and to commend it to my colleagues and those who are watching. The public version of this report is available at the Web site of the Government Printing Office, www.access.gpo.gov.

This report fulfills the commitment that was made to the American people and particularly to the families of those who perished in this tragedy. The commitment was to conduct a thorough search for the truth about what our intelligence agencies knew or should have known about al-Qaida and its intentions prior to September 11. It was then to apply the lessons learned from that experience to reform the intelligence community in such a way as to mitigate the likelihood of a repetition of September 11.

This was a historic first-of-a-kind effort. For the first time in the history of the Congress, two standing committees, the House and the Senate, joined together to conduct a special inquiry with its own staff. That staff was led by the very capable Ms. Eleanor Hill. The staff reviewed nearly 1 million documents and conducted some 500 interviews. The joint inquiry committee held 22 hearings last year, 9 of which were open to the public. The result of this effort was released today.

This document includes both findings of fact and 19 recommendations for reform. I am extremely proud of the commitment that the Members of the House and Senate Intelligence Committee have given to this review. I would especially like to recognize the vice chairman of the Senate committee, Senator SHELBY, and the chairman and vice chairman of the House Intelligence Committee, Congressman PORTER GOSS and Congresswoman NANCY PELOSI.

The report's findings are grouped in 24 subject areas, but they have a single bottom line: The attacks of September 11 could have been prevented if the right combination of skill, coordination, creativity, and some good luck had been brought to the task.

There is an abundance of important information in this report that suggests, for example, institutional resistance to making counterterrorism a high national priority prior to September 11. This resistance took many forms. It included a lack of information sharing among key agencies. It included budget cuts at the Department of Justice for the FBI's counterterrorism program. Simply put, those problems contributed to the Government's inability to successfully launch an offensive against al-Qaida.

As an example of this difficulty, a previously classified finding, No. 14 in the report, states that senior military officials were reluctant to use military assets to conduct offensive counterterrorism efforts in Afghanistan or to support or participate in CIA operations directly towards al-Qaida prior to September 11.

In part, this reluctance was driven by the military's view that the intelligence community was unable to provide the intelligence necessary to support military operations. For example, the report confirms that between 1999 and 2001, U.S. Navy ships and submarines armed with cruise missiles were positioned in the north Arabian Sea. Their mission was to attack Osama bin Laden, but it was a mission frustrated because they were not able to get the actionable intelligence which only could have come by our ability to place spies close enough to al-Qaida to tell us what that organization would be doing and where Osama bin Laden might be on any given day.

The report makes it clear we should have known that potential terrorists were living among us. Indeed, two of the terrorist-turned-hijackers lived with an FBI informant in San Diego, CA, for 6 months or more in the year 2001. A resourceful FBI agent in Phoenix wanted to follow up on suspicions about foreign-born students who were honing their skills at American flight schools. Officials at FBI central headquarters shut him down.

To assure the American people that we take such actions seriously, we included a recommendation, No. 16, that calls for the Director of Central Intelligence to implement new accountability standards throughout the intelligence community. These standards would identify poor performance and affix responsibility for it. It would also set a standard to recognize and reward excellent performance.

Had such standards been in place 2 years ago, we might have been able to hold those whose performance fell short of what our country deserves accountable for their errors, omissions and commissions, particularly in the critical period immediately before September 11.

Had these standards been implemented last year, it is possible the Nation could have avoided the embarrassment and damage to our Government's credibility that has occurred because of the use of discredited intelligence information in the President's State of the Union Address. So far, we have seen no one suffer more than the indignity of a newspaper headline in either incident.

With the release of the joint inquiry report, it is time to look ahead and continue to implement the important reforms of the intelligence community that are necessary and to enhance the Federal Government's partnership with State and local law enforcement and other first responders.

If the recommendations in this report are heeded by the White House, by the agencies, and by this Congress, we should be able to make great strides in improving the security of the American people.

It is my intention to introduce legislation soon, with cosponsorship of members of the joint inquiry, that would implement the reforms which require legislative action. I hope it will move expeditiously to passage with the full support of the administration. I will also begin that effort with a sense of outrage because we have lost valuable time.

It took 7 months, almost as long as it took to conduct the inquiry, for the intelligence agencies to declassify the portions of the report that we are releasing today.

What are the consequences of that 7 months' delay? One is that the momentum for reform, which was at a high tide in the weeks and months immediately after 9/11, has begun to diminish despite the scope of the tragedy. We will learn shortly whether we can reinvigorate that reform movement. This Senate will face the test of its will to do so. I, for one, am committed to see this report is not forgotten or overlooked.

In my view, the delay reflects the excessive secrecy with which this administration appears to be obsessed and which is keeping important findings of our work from the American people. Such censorship also saps the urgency of reform and precludes the American peoples' ability to hold its leaders accountable.

The most serious omission, in my view, is part 4 of the report which is entitled ''Finding, Discussion and Narrative Regarding Certain Sensitive National Security Matters.'' That section of the report contained 27 pages between pages 396 through 422. Those 27 pages have almost been entirely censured. This is the equivalent of ripping out a chapter in the middle of a history book before giving it to your child or grandchild and then telling her ''good luck on the test.''

The declassified version of this finding tells the American people that our investigation developed ''information suggesting specific sources of foreign support for some of the September 11 hijackers while they were in the United States.''

In other words, officials of a foreign government are alleged to have aided and abetted the terrorist attacks on our country on September 11 which took over 3,000 lives.

I would like to be able to identify for you the specific sources of that foreign support but that information is contained in the censured portions of this

report which are being denied to the American people.

What are the consequences of this? It significantly reduces the information available to the public about some of the Government's most important actions, or more accurately, inactions prior to September 11. Second, it precludes the American people from asking their Government legitimate questions such as, How was the information that our Government might have had prior to September 11 utilized after September 11 to enhance the security of our homeland and American interests abroad? Third, almost 2 years after the tragedy of September 11, the administration and the Congress, in the main, have not initiated reforms which would reduce the chances of another September 11.

For example, we are allowed to report that the estimates of the CIA's counterterrorism center is that between 70,000 and 120,000 recruits went through al-Qaida's training camps in Afghanistan before those troops were attacked in late 2001. The important questions as to the significance of that statement, to the security of the American people, are not available.

This obsession with excessive secrecy is deeply troubling. The recognition of the evils of secrecy in a free society date back to the beginnings of our Nation. Patrick Henry declared: The liberties of a people never were, nor ever will be, secure when the transactions of their rulers may be concealed from them.

President John F. Kennedy observed in the first year of his Presidency: ''the very word secret is repugnant in a free and open society, and we are, as people, inherently and historically opposed to secret societies, to secret oaths, and to secret proceedings. We decided long ago that the dangers of excessive and unwarranted concealment of pertinent facts far outweighed the dangers, which are cited to justify.'' These are traditional American values that are being trampled.

So the joint committee included our report with this recommendation, recommendation No. 15. ''The President should review and consider amendments to the Executive Orders, policies, and procedures that govern the national security classification of intelligence information in an effort to expand access to relevant information for Federal agencies outside the intelligence community and for State and local authorities which are critical to the fight against terrorism and for the American public''.

In addition, the President and heads of Federal agencies should assure that the policies and procedures to protect against unauthorized disclosure of classified intelligence information are well understood, fully implemented, and vigorously enforced.

It is my observation that because classification is used so excessively, the corollary is only a minimal effort to enforce classification of materials that truly do deserve to be classified.

Again, I remind my colleagues that these recommendations were written late in 2002 before the current crisis developed over the use and possible misuse of intelligence leading us to war in Iraq. But that crisis has given this recommendation even greater urgency for the Government's credibility with the American people and our credibility with the rest of the world.

These qualities have been severely eroded in large part because of excessive secrecy. To regain the people's trust we must bring new transparency to our decisionmakers. We must bring new transparency to our decisionmaking. We must move decisions and governmental information into the sunshine. We owe that and much more to the 3,000 victims of September 11.

The PRESIDING OFFICER (Mr. ENZI). The majority leader.

UNANIMOUS CONSENT AGREEMENT—NOMINATION OF EARL LEROY YEAKEL III, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF TEXAS

Mr. FRIST. Mr. President, as in executive session I ask unanimous consent the Senate proceed to executive session for the consideration of Calendar No. 296, Earl Yeakel III, to be U.S. District Judge for the Western District of Texas; I further ask that there then be 5 minutes for debate, equally divided between Senators HUTCHISON and CORNYN, and 5 minutes for Senator LEAHY; further, I ask that following that debate, the Senate proceed to a vote on the confirmation of the nomination, with no further intervening action or debate; finally, that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Mr. President, I object.

The PRESIDING OFFICER. Objection is noted.

Mr. FRIST. Mr. President, I now ask unanimous consent that the Senate proceed to the nomination at 4:50 p.m. on Monday, under the exact same conditions.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

ENERGY POLICY ACT OF 2003—Resumed

Mr. FRIST. Mr. President, I now ask for the regular order with respect to S. 14.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 14) to enhance the energy security of the United States, and for other purposes.

Pending:

Campbell amendment No. 886, to replace ''tribal consortia'' with ''tribal energy resource development organizations.''

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, parliamentary inquiry: Are we currently on the Indian amendment of Senator CAMPBELL?

The PRESIDING OFFICER. The Campbell amendment No. 886 is pending.

Mr. DOMENICI. I have cleared this on both sides. I ask unanimous consent that amendment be set aside so we can conduct some business this evening. There are two or three amendments of substance that Senators would like to offer. Senator CAMPBELL and Senator BINGAMAN have no objection to setting this aside.

Mr. REID. Reserving the right to object, I have spoken to Senator CAMPBELL earlier this evening. We have, now—however many weeks it has been since we were on this bill. The Senator on our side we said would be here to offer the next amendment is Senator DURBIN. Senator DURBIN is ready whenever the Senator yields the floor.

Mr. DOMENICI. Surely.

Mr. REID. He is ready to offer that right now, whenever the Senator desires.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from New Mexico has the floor.

Mr. DOMENICI. Mr. President, I certainly have no objection to Senator DURBIN having the first amendment this evening. I just want to make sure we have an understanding about how long he might take and what will be next. There are a number of people who want to offer similar amendments. We understood the purpose tonight was to stay, even though it is late, so Senator DURBIN might offer an amendment in the area of CAFE standards, and that two other Senators might follow.

Mr. REID. If I can respond to the Senator from New Mexico, the distinguished chairman of the committee, the Senator from Illinois intends to lay down the amendment tonight and that is all.

Mr. DOMENICI. Before I yield the floor, I ask if the Senator from Georgia wishes to ask something of the Senator from New Mexico, or does he want the floor?

Mr. CHAMBLISS. I ask unanimous consent I be allowed to speak for no more than 5 minutes as in morning business.

Mr. DOMENICI. He asked to speak as in morning business prior to the amendment. I have no objection.

Mr. REID. Mr. President, I would love to hear the Senator from Texas, but Senator DURBIN is going to take less than a minute to do his.

Mr. DOMENICI. We will then sit down. Certainly you can seek recognition.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I ask unanimous consent to send two amendments to the desk. I will take up the first amendment and ask the second amendment be laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1384

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN], for himself, Mr. NELSON of Florida, Mrs. BOXER, Mr. REID, Mr. REED, and Mr. KENNEDY, proposes an amendment numbered 1384.

Mr. DOMENICI. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

AMENDMENT NO. 1385

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN] proposes an amendment numbered 1385.

Mr. DURBIN. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. DOMENICI. Mr. President, I don't object. I don't know what is going on, but I understood we were yielding so Senator DURBIN could offer an amendment. Now I understand there are two amendments.

Mr. DURBIN. If the chairman will yield, through the Chair, I am setting aside the second amendment. I filed but set aside the second amendment. I am only going to offer one amendment. I ask unanimous consent only one amendment be considered.

Mr. DOMENICI. I thank you.

Mr. DURBIN. I am prepared, having filed this amendment, to yield so the Senator from Georgia may be recognized.

Mr. DOMENICI. If the Senator would like to get the floor, after 5 minutes yielded to the Senator from Georgia, the Senator from New Mexico asks the floor be returned to him so he can make brief opening remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. CHAMBLISS are printed in today's RECORD under ''Morning Business.'')

Mr. DOMENICI. Mr. President, we have all been waiting for a long time. The minority has been telling us that we can't finish the Energy bill in 1 week starting on Monday and working for the entire week. Our distinguished majority leader has been telling us—at least 10 times—that it won't be 1 week, it will be 1 week and whatever else it takes to finish it. He is sending a nice warning to all of us, as I see it, that we don't intend to put up with long delays. Nobody is offering the last phase of this Energy bill so that we can all have fun on the floor.

The idea is, if you want to recess, finish the Energy bill. I will do everything in my power to keep it right in focus. But I can't do much more than the rules permit me and the minority manager on that side will let me do. But I guarantee you that from our standpoint, there will be no efforts to go outside the scope of what is required to complete an Energy bill for the United States.

My colleagues know this is how the Senate works. We have scores of amendments listed on the so-called final list. But if anybody were to look at them in this country, they would say: What are you talking about? Those aren't amendments. That is right. They are not. It is just a list of words with numbers alongside them that Senators have put in.

I am looking at my friend from Illinois. Some Senators put 30 and 40 of them down. There is no intention to offer those kinds of amendments. We can finish this. The fact is there are 392 amendments. It doesn't mean a thing. As a matter of fact, we have put together a bipartisan electricity bill. It was circulated. I believe that bill alone might, by itself, take between 30 and 50 of the amendments on that so-called list. Those are the kinds of things that have been incorporated in this major electricity amendment.

While I am on it, let me suggest that if things work right, we should be on the electricity portion of this bill on Monday. Monday is a workday here, too, according to our leader. There is no holiday on Monday. Tomorrow is a workday, even though it is Friday.

Essentially, the bill that was submitted to everyone will have many cosponsors. It has been worked out over a long period of time with almost all the interests in the electrical future of our country as part and party to seeing the solution put together. We believe it represents a very wide scope of coverage, and that should be found acceptable. Certainly there will be amendments, and we will debate them. But the main bill should be found acceptable by an overwhelming majority.

In talking about what is really left in this bill, this huge bill—if we pass it and it goes to conference—will be the basis for America producing all kinds of energy for her future and jobs.

I think there are seven major issues left.

CAFE: My good friend from Illinois offered not two but one CAFE bill amendment tonight. He will get his turn. If not tonight, we are going to finish up CAFE in the morning. Other Senators have amendments also.

With cooperation, which I think we will get, our plan is to have the next one, and the next one, and the next one, with the Senator from Illinois reserving his right. If he wants to have his amendment voted on first, he is the first one up. We believe CAFE will be disposed of. Frankly, we believe it will be disposed of by Monday night. We don't intend to spring this on everyone. This requires everybody who can be here to be here. It looks as if that will be Monday afternoon sometime.

We think climate change will be offered by two or maybe three Senators. This Senator could make the point—but I think it will fall on deaf ears—that climate change doesn't belong in this bill. I don't think we have jurisdiction. I don't think it belongs in the Environment and Public Works bill. But we are going to get it anyway. We are very hopeful that can come up after CAFE.

I have explained electricity.

That makes three major items.

Then we have one that I thought was resolved between the distinguished Senator CRAIG and the ranking minority member, Senator BINGAMAN, on hydroelectric relicensing. But I understand it has not been resolved. So we had better list it as four in terms of serious amendments.

Fifth is an Indian energy issue. We just set it aside prior to the amendment of the Senator from Illinois. It involves a serious discussion between the junior Senator from Colorado, Mr. CAMPBELL, and the minority leader. Senator BINGAMAN wants to amend it. I understand the distinguished Senator from Vermont, Mr. JEFFORDS, may also want to amend it, which would mean the Indian energy bill would have two amendments.

There is the longstanding, always recurring issue called renewable portfolio standards—the RPS. I don't know whether we call it a standard. But essentially it is an approach that says we are going to take some of this renewable energy supplied by wind and solar. Even though we are giving them plenty of incentives in this legislation, indeed wind is—it is kind of a strange way of saying it—coming on strong; there is no question but that it is. It has even been enough to show up on these various diagrams that talk about energy. We have given them all kinds of incentives.

But the idea is mandating that companies which produce electricity in our sovereign States have a percentage each year of the renewables. Thus, the renewable portfolio standard will be an issue.

That is as I see it. That is the sixth issue. I am aware of two amendments in that area; again, one from the distinguished Senator BINGAMAN, and one from the distinguished Senator JEFFORDS from Vermont.

Then everybody should know there sits on the sideline a package. It is called a tax package. The way we have been doing this on energy bills is: Those of us concerned with energy, we all go to the Finance Committee, which has total jurisdiction over taxes, including tax incentives, and we make our case, and they produce for us a package of tax incentives and tax legislation. They have done so again this year. That is ready.

At a point in time—let me suggest—I cannot predict exactly, but I am thinking some time about Wednesday or the latest Thursday—we would offer this tax package in its entirety to become part of this bill.

I know there are many Senators who are anxious to offer tax measures, and this tax package will be no different. It will be an opportunity, for those who want to offer tax amendments, to do so. Except I might suggest that the precedent, if you can count on it, has been that amendments that are not relevant to this package do not find themselves in this bill; that is, if somebody does not like the current state of play on the child tax credit, they may want to offer that on this bill that has incentives for windmills, incentives for biomass.

I can say, here and now, as manager of this bill, the rules are the rules. Senators' prerogatives are Senators' prerogatives, but I would ask—and I will ask in advance as many Senators as I can talk to—that we table any such amendments, and we keep the tax package to the energy package.

There will be some who want the Energy bill to pass, and they will quickly understand that is the right way to do it; and they will help. I don't know of any, so I am just talking. But there may be some who do not want us to finish by next Friday night or Saturday or Sunday or Monday—part of our vacation—and they may not like the idea of getting this tax package over with, and they may want to spend their recess debating taxes. I hope not because there are a lot of Senators around here who do not want to spend their recess debating taxes. They want to finish this bill and go home or go wherever their plans are.

I note that our leader is serious enough about this where he can be here an extra 3 days or 6 days before his plans take effect. Just to show us he is serious, that is what it looks like in his regard.

Let me tell my colleagues that it is 9:05 p.m. The minority has generously let us set aside the Indian amendment and offered the first CAFE amendment. I am hopeful that in a few minutes the senior Senator from Missouri, Mr. BOND, will be here. I am hopeful he will seek to offer a CAFE standards amendment and that the other side will be as generous as we were and let him offer his without jeopardizing the CAFE amendment of the distinguished Senator from Illinois—just setting it aside temporarily while Senator BOND offers his.

Frankly, I do not see any reason after that occurs—unless somebody comes here with some business—to stick around very long. There have been many votes today. I am just as tired, if not more tired, than most of the Senators who have already left the premises. So I do not want to stay beyond the offering of the two CAFE amendments.

I say to Senators, there is great cooperation taking place. And tomorrow morning, if we can get the same cooperation, the distinguished Senator from Arizona intends to offer his CAFE amendment. I say to the Senator, as you know, he has been telling us about that amendment for quite some time. And then immediately after that, if everyone continues to be somewhat harmonious, there will be another modified CAFE amendment that will be offered by Senator FEINSTEIN, joined by others, but I know joined by Senator MCCAIN.

That will put us tomorrow, before noon, with four CAFE amendments of sorts—I say to the Senator, his being one kind and the last one I spoke to being another kind—all pending before the Senate. After they are pending, we can determine what voting on each one does, one to another. But until then, we will hope that each Senator, who is interested in what they will clearly tell us is one of their important issues, what they perceive to be very important; namely CAFE—they will have a chance to make their presentation, as I understand it.

Senator BOND will be here shortly. I say to the Senator, if you do not mind, without going into any detail, I have a Senator to take my place for the rest of the evening.

DEATH OF COLIN MCMILLAN

Mr. President, I received word today, not too many hours ago, that one of our President's nominees to become Secretary of the Navy, Colin McMillan—some of my colleagues knew him; he would have been up here for confirmation shortly; he was a very good friend of mine for 35 years—he is dead. That is as much as I can say. And that is not a great way to start the evening.

One of my fellow Senators has told me that if I put in a brief quorum call, he will take my place and save enough time for Senator BOND, whom we have imposed upon to come down and offer his amendment.

Mr. DURBIN. Mr. President, I don't know if a quorum call has been ordered. If not, I would like to ask recognition from the Chair.

Mr. DOMENICI. I was going to suggest the absence of a quorum. I say to the Senator, if you don't mind, I would like a Republican to be here. If he will just tell me he wants to speak on his amendment—is that what the Senator wants to do?

Mr. DURBIN. That is exactly right.

Mr. DOMENICI. I say to the Senator, when Senator BOND arrives, upon request, will the Senator from Illinois yield and let him offer his amendment?

Mr. DURBIN. I will be happy to do that.

Mr. DOMENICI. Can we do that? Under those conditions, rather than suggest the absence of a quorum, I will relinquish the floor. Senator DURBIN can start. Senator BOND will be here shortly, and a Senator will be here to replace me in short order.

Here is Senator BOND now.

I ask the Senator how long he thinks it will be before he is ready?

Mr. BOND. About a minute and a half.

Mr. DOMENICI. Let's proceed as we had planned and let the distinguished Senator from Missouri proceed next.

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. BOND. 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. 1386

(Purpose: To impose additional requirements for improving automobile fuel economy and reducing vehicle emissions)

Mr. BOND. Mr. President, I send an amendment to the desk on behalf of myself, Mr. LEVIN, Mr. DOMENICI, and Ms. STABENOW, and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report.

The legislative clerk read as follows:

The Senator from Missouri [Mr. BOND], for himself, Mr. LEVIN, Mr. DOMENICI, and Ms. STABENOW, proposes an amendment numbered 1386.

Mr. BOND. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. BOND. Mr. President, as we continue debate on the Energy bill, there are a number of very important issues and amendments facing the Senate. One is of great interest to me and, frankly, any Senator who has automobile plants or suppliers in his home State. It actually should be of interest to every Senator since it directly affects all American consumers in every State who drive a car, SUV, other vehicle, or even ride in one. It is also of vital interest and a high priority to the Chamber of Commerce, the United Auto Workers, the American Farm Bureau, and a very large, diverse coalition of labor, business, and consumer groups. I refer to Corporate Average Fuel Economy, or CAFE, standards.

I am a great baseball fan, and I can think of no higher authority than Yogi Berra to quote when I say it is deja vu all over again. I must admit I was holding out hope that the Senate could avoid a lengthy debate this year over the CAFE standards. After all, this body examined fuel economy proposals in great detail during debate on the Democratic Energy bill last year. As some of my colleagues may recall, Senator LEVIN and I, with the help of others, developed an amendment to strike the job-killing antisafety CAFE provisions offered and proposed by other Members and replace it with commonsense language mandating that the experts at the National Highway Traffic Safety Administration set new CAFE standards at the maximum feasible level.

The Levin-Bond amendment last year passed on a vote of 62 to 38, obviously including Senators from both sides of the aisle. I am pleased to be offering a similar amendment again this year with Senator LEVIN, Chairman DOMENICI, and Senator STABENOW.

Members supported our amendment last year because they knew then and I believe they know now that setting fuel economy standards is complicated. Future standards should be based on sound science, and they must take into account a number of important criteria, including the impact on jobs, safety, technology, consumer choice, and many others. They should not be based on a political number, and that is why the Kerry-McCain provision was stripped out of last year's bill. In fact, it was withdrawn for an obvious lack of support.

When the Senate debated the Levin-Bond amendment last year, some in the Chamber doubted whether the Bush administration would take CAFE seriously and issue new standards in a timely fashion. The administration did act earlier this year and announced the biggest increase in 20 years in CAFE levels for light trucks and SUVs.

Regrettably, proponents of higher CAFE standards are back again this year. Several Senators have developed proposals to increase CAFE standards significantly without regard to the effect on American jobs and the American economy. If I might borrow a line from a recent movie, those CAFE numbers are ''too fast, too furious.''

I did some research on the economic job impact to the automobile industry in Arizona, Illinois, and California. Perhaps the sponsors of the higher CAFE amendments are not familiar with some of data for their home States. Let me provide for the record, in Arizona there are over 75,000 auto-related jobs, including 16,000 directly employed in the industry. In Illinois, there are 311,000 auto-related jobs, including 45,000 directly employed. Lastly, the great State of California has over 462,000 auto-related jobs, including 118,000 direct jobs.

Here are a couple of figures on a national scale: 6.6 million, this is the number of Americans employed in direct or spin-off jobs related to the automotive industry. Here is another big one: $243 billion, that is the economic contribution of the industry. In fact, every State is an auto State. Let me show my colleagues this chart. Most people would know that Michigan, Missouri, Indiana, and Ohio are big manufacturing States. But even smaller States—Nebraska, New Hampshire, Delaware, Arkansas—have suppliers and other industries whose success and business profitability are directly related to the bigger manufacturers.

Nebraska has 33,700 jobs; Arkansas 46,800; New Hampshire, 27,300 jobs; Delaware has 30,100 jobs. This chart is here for everyone to view.

Proponents of arbitrarily higher CAFE standards try to avoid any discussion of the job impact or they just dismiss concerns as being overreactive. But I have heard from a broad array of union officials, technical experts, plant managers, local dealers, and small businesses. They tell me that these proposals could cost jobs, because the only way for manufacturers to meet these unrealistic political numbers is to make significant cuts to light truck, minivan, and SUV production—the vehicles, quite frankly, Americans are demanding.

In fact, I had recently read in Roll Call that some of my colleagues here on the floor right now actually drive these bigger SUVs here in Washington, though there may be some fender damage to at least one of them.

I have also read the National Academy of Science's report on CAFE standards issued in 2001. Let me share with you a key finding about safety and higher standards:

> In summary, the majority of the committee finds that the downsizing and weight reduction that occurred in the late 1970s and early 1980s most likely produced between 1,300 and 2,600 crash fatalities and between 13,000 and 26,000 serious injuries in 1993.
>
> If an increase in fuel economy is effected by a system that encourages either downweighting or the production and sale of more small cars, some additional traffic fatalities would be expected.

That is the National Academy of Science. I believe that NAS report offers us in the Senate clear guidance and expert scientific analysis as we debate fuel economy standards. CAFE standards which cannot be met by technological improvement have killed roughly 2,000 people a year—that is almost as many as in the tragedy of September 11—because of what we in Congress have mandated. That is a frightening number.

This past April, the Energy Committee debated an amendment by Senator FEINSTEIN to raise the light truck CAFE standard. That could have had negative consequences for pickup trucks for ranchers and farmers across Missouri and in many agricultural States. The amendment would have also negatively impacted soccer moms and dads driving minivans, too, since they are part of the light truck category.

The committee soundly rejected the Feinstein amendment 15–7, on a bipartisan vote, including four Senators from the other side of the aisle opposing adoption. I look forward to working with those Senators and others to defeat excessive CAFE amendments to be offered on the floor.

I urge and strongly encourage Members who voted for the Bond-Levin amendment last year to do so again this year. It is a commonsense amendment to the Energy bill that will protect jobs, safety, consumer choice, and continue to pursue reasonable, scientifically achievable environmental improvements.

I know that some in this Chamber believe our fellow Americans cannot be trusted to make the right choice when purchasing a vehicle. For my part, in choosing between the Government or the consumer making choices, I side with consumers. I do not pretend to know what is best for each of the 16 million Americans who purchase a new vehicle every year.

For those who say, ''too bad, we must force Detroit to build more fuel-efficient cars and trucks,'' do you know that under CAFE, it doesn't matter what the companies manufacture and build? It is calculated based on what they buy. There are over 30 vehicles in showrooms that get over 30 miles to the gallon, but guess what: They represent less than 2 percent of sales. In their buying decisions, consumers consistently favor safety, utility, performance, and other characteristics over fuel economy.

Do we still have a free society? I think so and I hope so. Higher CAFE standards could lead to downsizing of many popular vehicles. I don't want to tell parents in Missouri, or in any State, they cannot get the SUV or minivan they wanted for their family or business because Congress decided it would be a bad choice. Is that any way to develop sound public policy? Of course not.

Last year, I said on the floor that I would be most interested to see the hard data and the solid science which supposedly justifies the higher CAFE standards put forward by some of my colleagues.

Mr. President, I never did get a firm answer. Frankly, I doubt one exists. The numbers in these CAFE amendments are political numbers picked out of thin air. Some of my colleagues are trying to indicate that their proposed standards are suggested in the NAS study. I remind my colleagues the National Academy of Science report states the following:

> The committee cannot emphasize strongly enough that the cost-efficient fuel economy levels are not recommended CAFE goals.

Mr. President, automakers are investing billions of dollars in advanced technology research and new products, such as hybrid and fuel cell vehicles, which offer great promise to improve fuel economy and continue to offer the driving public the comfort, safety, and utility they demand. We should be encouraging this type of research. In fact, the President has recognized the importance of advanced technology and has pledged $1.2 billion in fuel cell research funding, so that America can lead the world in developing clean, hydrogen-powered automobiles. We have already voted to accept Senator DORGAN's amendment, which paves the way for production and deployment of 2.5 million hydrogen fuel cell vehicles by 2020.

The Bond-Levin amendment allows the Transportation Department to continue its plans for a multiyear rulemaking to set new CAFE standards in the future. Our amendment includes provisions so that the Government plays its part in addressing vehicle fuel efficiency.

I urge all of my colleagues to oppose higher CAFE amendments, which will only hurt consumers and do very little for fuel economy and are not based on sound science. I ask that we save jobs, improve safety for our fellow Americans, and continue to make scientific progress toward greater fuel economy and environmental improvement. Vote ''yes'' on the Bond-Levin-Domenici-Stabenow amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, the Senator from Missouri made reference to a colleague on the floor who is driving a big SUV with a dented fender.

I drive a 1993 Saturn, and I just took it, with my wife, on a trip to North Carolina. We averaged 35 miles a gallon with the air conditioning on. I wanted that on the record so people won't believe I am standing here talking about fuel efficiency and the only car I drive is an SUV. I don't own an SUV. People who want to are certainly entitled to. That is their free choice.

You have just heard the opening statement by the Senator from Missouri, but you may not have noticed the flapping in the background. It was the waving of a white flag. It was a concession by the Senator on his behalf and on behalf of the cosponsors that America is incapable of developing a technology to make our cars and trucks more fuel efficient—so incapable that if we establish a new fuel efficiency standard, the Senator from Missouri tells us it will cost us thousands of jobs. So we are just going to give up. America is going to walk away, surrender. There is no way we can deal with the challenge of an amendment which says we need more fuel-efficient cars.

The Senator is prepared to say to us, if that battle is underway, we concede defeat to all the foreign automobile manufacturers. America just cannot keep up. We are just going to fall behind, and our workers are going to lose their jobs.

Forgive me, but I don't have that negative attitude or pessimistic view of the people who work in the automobile industry, nor those who design cars and trucks. When given a challenge, I believe they can meet it. But if not given a challenge—which is what the Senator from Missouri and his cosponsor, Senator LEVIN of Michigan, are proposing—we know what will happen. We have seen it happen. Take a look at the history of this.

First, consider the fact that we are debating an Energy bill. How can you have a serious Energy bill and not talk about conserving energy? If you are going to talk about conserving energy, how can you avoid the largest consumer of petroleum products in America, the cars and trucks we drive on the highway? How can you have an honest Energy bill that talks about America's energy future and doesn't address the critical need to reduce our dependence on foreign oil and to make certain that the cars and trucks we are driving are more fuel efficient?

I think the answer is obvious. When I go through my State of Illinois, whether I am talking to soccer moms or corporate executives, they all understand this. If you continue to say to Detroit that you can continue to build the heaviest, most fuel-inefficient vehicles imaginable and put them on the road with absolutely no motive or no impetus to change, we are going to continue to import oil from overseas, and we are going to continue to be dependent upon Saudi Arabia and all the other oil sources in the Middle East. We are going to continue to pollute our air until our children have a planet that, frankly, has been blighted by our own neglect, and that is an abdication of our responsibility. So I offer an amendment to improve the fuel efficiency of vehicles across America.

This is not a radical concept. We have done this before. When we get down to it, there are only two or three ways to basically improve fuel efficiency of the vehicles we drive. One, we can wait for consumers to demand it. Well, they might, over some period of time, driven by foreign policy concerns or environmental concerns. It might happen. Secondly, we can increase the cost of fuel in America. And we know what happens then. If gasoline went up over $5 a gallon, every spouse would be asking his or her spouse, what kind of fuel economy do we get on that car in the driveway? At $5 a gallon, we need to know, and maybe we need to get a more fuel-efficient car. But I think that is a poor way to do it.

Imposing new taxes or new cost in fuel means families across America are going to spend more. Small businesses are going to struggle with more cost. That certainly is not the way to answer it.

There is a third way, a proven way. It is one we have used before. Remember back in 1975 when America was struggling with this whole question, and people were in long gas lines wondering whether we would have enough gasoline to fuel our vehicles? Congress took a look at the average fuel economy across America and found that the cars we were driving were averaging about 14 miles a gallon. So Congress said: We are going to impose a new standard; over 10 years, the automobile industry has to virtually double the fuel economy of its vehicles to almost 28 miles a gallon.

What did the critics say about that? Well, exactly what the Senator from Missouri just said: We cannot do that. We cannot double fuel economy in 10 years; why, that is technologically impossible. Secondly, if you want to build a car that gets 28 miles a gallon, it will not be safe. It will be light, it will be dangerous, it will not be fair to families, and people will die.

The third thing they said was: If we impose this standard of 28 miles a gallon, bet dollars to donuts those cars are going to be made overseas. They will be made in Japan and Germany and other countries, and American workers will lose their jobs. Sound familiar? Those are exactly the arguments we have heard from the Senator from Missouri: Technologically impossible; cars will be unsafe; we are going to lose jobs.

What did this Senate and the House of Representatives say about that? They rejected it. They said: We are not going to give up on American ingenuity and American technology. We believe that given a goal, Detroit and other automobile manufacturers can meet it. And we imposed a mandate to increase the fuel efficiency of vehicles and double it over a 10-year period of time.

What happened? It worked. By the end of 10 years, average fuel efficiency was up to about 27½ miles a gallon. They found the technology, cars were safer, and there were still plenty of jobs in the United States, good paying jobs, in the auto industry. That is what happened.

What has happened since 1985, when that requirement to double fuel efficiency ended? Nothing. Eighteen years of no improvement in fuel efficiency of the cars and trucks in America; and, even worse, because of loopholes in the law, we decided to call SUVs ''trucks'' so they were exempt from fuel efficiency.

So what happened over the 18 years? We started to slide backwards, from 27½ miles a gallon to now about 24 miles a gallon average fuel efficiency across America. What does it mean? More dependence on foreign oil; more dependence on Saudi Arabia and the oil sheiks; more dependence on the tangle of politics in the Middle East; more air pollution because the cars that we are driving, those big SUVs and heavy trucks, with less fuel efficiency and less fuel economy, are burning more gallons of gasoline, tossing more emissions out of the tailpipe, creating a bigger soup in the atmosphere to heat up our planet Earth, endangering not only lives with the problems that come from pulmonary disease and lung disease but endangering species around the world and endangering our environmental future. That is what we get for 18 years of neglect.

What is the answer of those who come before us today with the alternative amendment? More neglect. They believe America is not up to this challenge, America cannot come up with this technology. Sadly, there is some evidence that they are right.

Take a look at the hybrid cars that are on the road today. Do my colleagues know the cars I am talking about? The ones that combine gasoline engines and electric-powered engines and they get substantially better fuel mileage than most cars that are on the road. Where are the two models of these cars coming from today? Sadly, they are coming from Japan. Detroit is running second again in the race for technology.

I am not giving up on American ingenuity and technology. I do not agree with those who say there is no way we can make our cars and trucks more fuel efficient. I think we can do better, and I think we will do better, but we have to establish challenges and goals.

Let me talk for a moment about this concept of soccer moms. I have heard this—the Senator from Missouri often refers to it—there are a lot of soccer moms in Illinois and, yes, they drive minivans and SUVs and a lot of other types of cars. But when I sit down and talk to these soccer moms, they understand that they have a responsibility beyond just picking out the biggest and heaviest automobile they can buy. They understand their responsibility to the future that their children are going to share with others. They understand their responsibility to the environment.

They ask me: Senator, are you saying that Detroit, given 10 years, cannot give us a safe, fuel-efficient vehicle?

I tell them, I believe they can. But the Bond-Levin amendment says they cannot, that there is no way they can; that soccer moms are going to be stuck driving some flimsy old vehicle that may get better gas mileage but at the expense of the safety of their children.

I do not buy it. I am not that pessimistic. I am very optimistic. When it comes to American creativity, I think we can meet this challenge, and I think those soccer moms and dads want to drive more fuel-efficient vehicles, not just for the money savings—that is important to every family—but also because they feel a responsibility to the future of their children. They feel a responsibility to the environment in which we live. They understand that the No. 1 diagnosis of kids going into emergency rooms and hospitals across America today is asthma and lung disease that is caused by air pollution. They understand that.

They want to do their part. To do their part, they need leadership right here on the Senate floor, not waving the flag of surrender, not retreating, but moving America forward with a new vision, a vision which says to Detroit, to Chrysler, to General Motors, to Ford, to manufacturers in our country, let us show the rest of the world we can lead. We do not have to surrender, as the amendment that is being offered tonight suggests. We want to lead. In leading, we will solve the environmental problem and reduce our dependence upon foreign oil.

I have a few charts, but it is late, and I understand that staff has been here for a full day, so I am not going to belabor this issue. There will be time. I think we will return to this issue next week, and at that time on Monday evening, when I return, I plan to give a full statement and show charts that talk about the CAFE standard, which I am sure will be very convincing to my colleagues.

I do hope my colleagues will consider this: If we are serious about an Energy bill, if we are serious about tomorrow's energy supply, if we are serious about looking at this issue in an honest fashion, how can we avoid talking about conservation? What we have proposed by a variety of amendments, including the one from the Senator from Missouri, is more study: Let's take a look at this; surely there must be some way we can study this problem into a solution.

I do not think it works that way. The choices are very few: raising the gas tax, which I oppose for reasons I have stated, or establishing standards to reach a 40-mile-per-gallon standard fuel efficiency. That, I think, is what America needs, and that is what we can achieve. We can do it over a reasonable period of time.

AMENDMENT NO. 1385, AS MODIFIED

Mr. DURBIN. I ask unanimous consent to modify my amendment No. 1385 with the changes that are at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1385), as modified, is as follows:

At the appropriate place insert the following:

SEC. ___. MODIFICATIONS TO GAS GUZZLERS TAX TO ENCOURAGE GREATER AUTO FUEL EFFICIENCY.

(a) INCREASE IN TAX RATE.—Subsection (a) of section 4064 (relating to gas guzzlers tax) is amended to read as follows:

''(a) IMPOSITION OF TAX.—

''(1) IN GENERAL.—There is hereby imposed on the sale by the manufacturer of each automobile a tax determined in accordance with the following table:

If the fuel economy for the model year of the model type in which the automobile falls is:	**The tax is:**
Less than 5 mpg below the applicable fuel economy standard	$0
At least 5 but less than 6 mpg below such standard	1,000
At least 6 but less than 7 mpg below such standard	1,500
At least 7 but less than 8 mpg below such standard	2,000
At least 8 but less than 9 mpg below such standard	2,500
At least 9 but less than 10 mpg below such standard	3,100
At least 10 but less than 11 mpg below such standard	3,800
At least 11 but less than 12 mpg below such standard	4,600
At least 12 but less than 13 mpg below such standard	5,500
At least 13 but less than 14 mpg below such standard	6,500
At least 14 mpg below such standard	7,700.

''(2) INFLATION ADJUSTMENT.—

''(A) IN GENERAL.—In the case of any taxable year beginning after 2005, each dollar amount referred to in paragraph (1) shall be increased by an amount equal to—

''(i) such dollar amount, multiplied by

''(ii) the cost-of-living adjustment determined under section (1)(f)(3) for the calendar year in which the taxable year begins, by substituting '2004' for '1992'.

''(B) ROUNDING.—If any amount as adjusted under subparagraph (A) is not a multiple of $100, such amount shall be rounded to the next lowest multiple of $50.''.

(b) EXPANSION OF DEFINITION OF AUTOMOBILE.—

(1) INCREASE IN WEIGHT.—Section 4064(b)(1)(A)(ii) (defining automobile) is amended by striking ''6,000 pounds'' and inserting ''12,000 pounds''.

(2) EXCEPTION FOR CERTAIN VEHICLES.—Subparagraph (B) of section 4064(b)(1) is amended to read as follows:

''(B) EXCEPTION FOR CERTAIN VEHICLES.—The term 'automobile' does not include—

''(i) a vehicle which has a primary load carrying device or container attached,

''(ii) a vehicle which has a seating capacity of more than 12 persons,

''(iii) a vehicle which has a seating capacity of more than 9 persons behind the driver's seat, or

''(iv) a vehicle which is equipped with a cargo area of at least 6 feet in interior length which is an open area or is designed for use as an open area but is enclosed by a cap and is not readily accessible directly from the passenger compartment.''.

(c) ADDITIONAL DEFINITIONS.—Section 4064(b) (relating to definitions) is amended by adding at the end the following new paragraphs:

''(8) APPLICABLE FUEL ECONOMY STANDARD.—The term 'applicable fuel economy standard' means, with respect to any model year, the average fuel economy standard as defined in section 32902 of title 49, United States Code, for passenger automobiles for such model year.

''(9) MPG.—The term 'mpg' means miles per gallon.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to sales after October 31, 2005.

SEC. ___. HIGHLY FUEL-EFFICIENT AUTOMOBILE CREDIT.

(a) IN GENERAL.—Subpart C of part IV of subchapter A of chapter 1 (relating to refundable credits) is amended by redesignating section 36 as section 37 and by inserting after section 35 the following new section:

''SEC. 36. HIGHLY FUEL-EFFICIENT AUTOMOBILE CREDIT.

''(a) ALLOWANCE OF CREDIT.—There shall be allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to the new highly fuel-efficient automobile credit determined under subsection (b).

''(b) NEW HIGHLY FUEL-EFFICIENT AUTOMOBILE CREDIT.—For purposes of subsection (a), the new highly fuel-efficient automobile credit with respect to any new automobile placed in service by the taxpayer during the taxable year is determined in accordance with the following tables:

If the fuel economy for the model year of the model type in which the passenger automobile falls is:	The credit is:
Less than 5 mpg above the applicable fuel economy standard	$0
At least 5 but less than 6 mpg above such standard	770
At least 6 but less than 7 mpg above such standard	1,540
At least 7 but less than 8 mpg above such standard	2,310
At least 8 but less than 9 mpg above such standard	3,080
At least 9 but less than 10 mpg above such standard	3,850
At least 10 but less than 11 mpg above such standard	4,620
At least 11 but less than 12 mpg above such standard	5,390
At least 12 but less than 13 mpg above such standard	6,160
At least 13 but less than 14 mpg above such standard	6,930
At least 14 mpg above such standard	7,700.

If the fuel economy for the model year of the model type in which the non-passenger automobile falls is:	The credit is:
Less than 5 mpg above the applicable fuel economy standard	$0
At least 5 but less than 6 mpg above such standard	770
At least 6 but less than 7 mpg above such standard	1,540
At least 7 but less than 8 mpg above such standard	2,310
At least 8 but less than 9 mpg above such standard	3,080
At least 9 but less than 10 mpg above such standard	3,850
At least 10 but less than 11 mpg above such standard	4,620
At least 11 but less than 12 mpg above such standard	5,390
At least 12 but less than 13 mpg above such standard	6,160
At least 13 but less than 14 mpg above such standard	6,930
At least 14 mpg above such standard	7,700.

''(c) NEW AUTOMOBILE.—For purposes of this section, the term 'new automobile' means a passenger automobile or non-passenger automobile—

''(1) the original use of which commences with the taxpayer,

''(2) which is acquired for use or lease by the taxpayer and not for resale, and

''(3) which is made by a manufacturer.

''(d) PASSENGER AUTOMOBILE; NON-PASSENGER AUTOMOBILE.—For purposes of this section—

''(1) PASSENGER AUTOMOBILE.—The term 'passenger automobile' has the meaning given the term 'automobile' by section 4064(b)(1).

''(2) NON-PASSENGER AUTOMOBILE.—

''(A) IN GENERAL.—The term 'non-passenger automobile' means any automobile (as defined in section 4064(b)(1)(A)), but only if such automobile is described in subparagraph (B).

''(B) NON-PASSENGER AUTOMOBILES DESCRIBED.—An automobile is described in this subparagraph if such automobile is—

''(i) a vehicle which has a primary load carrying device or container attached,

''(ii) a vehicle which has a seating capacity of more than 12 persons,

''(iii) a vehicle which has a seating capacity of more than 9 persons behind the driver's seat, or

''(iv) a vehicle which is equipped with a cargo area of at least 6 feet in interior length which does not extend beyond the frame of the vehicle and which is an open area or is designed for use as an open area but is enclosed by a cap and is not readily accessible directly from the passenger compartment.

''(e) OTHER DEFINITIONS.—Except as provided in subsection (d), for purposes of this section, any term used in this section and also in section 4064 shall have the meaning given such term by section 4064.

''(f) SPECIAL RULES.—For purposes of this section—

''(1) REDUCTION IN BASIS.—For purposes of this subtitle, the basis of any property for which a credit is allowable under subsection (a) shall be reduced by the amount of such credit so allowed.

''(2) NO DOUBLE BENEFIT.—The amount of any deduction or other credit allowable under this chapter with respect to an automobile described under subsection (b), shall be reduced by the amount of credit allowed under subsection (a) for such automobile for the taxable year.

''(3) PROPERTY USED BY TAX-EXEMPT ENTITIES.—In the case of a credit amount which is allowable with respect to an automobile which is acquired by an entity exempt from tax under this chapter, the person which sells or leases such automobile to the entity shall be treated as the taxpayer with respect to the automobile for purposes of this section and the credit shall be allowed to such person, but only if the person clearly discloses to the entity at the time of any sale or lease the specific amount of any credit otherwise allowable to the entity under this section.

''(4) RECAPTURE.—The Secretary shall, by regulations, provide for recapturing the benefit of any credit allowable under subsection (a) with respect to any property which ceases to be property eligible for such credit (including recapture in the case of a lease period of less than the economic life of an automobile).

''(5) PROPERTY USED OUTSIDE UNITED STATES, ETC., NOT QUALIFIED.—No credit shall be allowed under subsection (a) with respect to any property referred to in section 50(b) or with respect to the portion of the cost of any property taken into account under section 179.

''(6) ELECTION TO NOT TAKE CREDIT.—No credit shall be allowed under subsection (a) for any automobile if the taxpayer elects to not have this section apply to such automobile.

''(7) INTERACTION WITH AIR QUALITY AND MOTOR VEHICLE SAFETY STANDARDS.—Unless otherwise provided in this section, an automobile shall not be considered eligible for a credit under this section unless such automobile is in compliance with—

''(A) the applicable provisions of the Clean Air Act for the applicable make and model year of the automobile (or applicable air quality provisions of State law in the case of a State which has adopted such provision under a waiver under section 209(b) of the Clean Air Act), and

''(B) the motor vehicle safety provisions of sections 30101 through 30169 of title 49, United States Code.

''(g) REGULATIONS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall promulgate such regulations as necessary to carry out the provisions of this section.

''(2) COORDINATION IN PRESCRIPTION OF CERTAIN REGULATIONS.—The Secretary of the Treasury, in coordination with the Secretary of Transportation and the Administrator of the Environmental Protection Agency, shall prescribe such regulations as necessary to determine whether an automobile meets the requirements to be eligible for a credit under this section.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 1016(a), as amended by this Act, is amended by striking ''and'' at the end of paragraph (23), by striking the period at the end of paragraph (24) and inserting '', and'', and by adding at the end the following new paragraph:

''(35) to the extent provided in section 36(f)(1).''.

(2) Section 6501(m), as amended by this Act, is amended by inserting ''36(f)(6),'' after ''30B(f)(9),''.

(3) Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting before the period '', or from section 36 of such Code''.

(4) The table of sections for subpart C of part IV of chapter 1 is amended by striking the last item and inserting the following new items:

''Sec. 36. Highly fuel-efficient automobile credit.

''Sec. 37. Overpayments of tax.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after October 31, 2005, in taxable years ending after such date.

Mr. BOND. Mr. President, I thank my colleague from Illinois for his comments. I regret that he did not apparently gather what I was saying in my remarks because his characterization of my position was untenable. He suggested that we do not want to increase CAFE standards. The amendment that Senators LEVIN, DOMENICI, STABENOW, and I prepared on page 4 reads that the Secretary of Transportation shall issue new regulations setting forth increased fuel economy standards for nonpassenger automobiles, among others. We say they shall increase it. But you know something? We say they ought to base it on sound technology and sound science. For example, on page 2, we say when deciding the maximum fees of fuel economy, the Secretary shall consider:

''(1) Technological feasibility.

''(2) Economic practicability.

''(3) The effect of other motor vehicle standards of the Government on fuel economy.

''(4) The need of the United States to conserve energy.

''(5) The desirability of reducing United States dependence on imported oil.

''(6) The effects of the average fuel economy standards on motor vehicle and passenger safety.

''(7) The effects of increased fuel economy on air quality.

''(8) The adverse effects of average fuel economy standards on the relative competitiveness of manufacturers.

''(9) The effects of compliance with average fuel economy standards on levels of employment in the United States.

These are all points that are very important. But we start off saying, don't push something that is purely political. Make sure there is a technological basis for it.

Yes, my colleague is right. We did increase the CAFE achievements, but much of it came through lowering the weight of the vehicles. If my colleagues will listen and pay attention, we have the very frightening statistic from the National Academy of Sciences that those lower weight vehicles, vehicles initially designed for safety, were

forced to be downsized, and they caused roughly 2,000 additional fatalities a year in automobile vehicle accidents and some 13,000 to 26,000 serious injuries. That is why we say safety is part of it. That is why we say we need to make sure we can achieve these technologically. We are pushing the technology.

My colleague talks about soccer moms. If they want to drive a very small fuel-efficient car, they can. If they want to drive an SUV, they can. We are going to push the technology to make those as efficient as possible. But we are not some kind of dictatorial or authoritarian society that says, no; we will tell you what you can buy.

We want to have parents, whether they are soccer moms, baseball dads, granddads who want to take their kids to the ball game, to have the ability to choose the kind of car they want.

It is about safety, it is about choice, and it is about jobs.

I am very grateful for a letter I have just received dated July 24, 2003, from Alan Reuther, legislative director of the UAW. He says in part:

> The UAW strongly opposes a number of other CAFE amendments that may be offered by Senator McCain, Senator Feinsten or Senator Durbin. Although taking different approaches, all of these amendments would mandate excessive, discriminatory increases in fuel economy standards that would directly threaten thousands of jobs for UAW members and other automotive workers in this country. In our judgment, fuel economy increases of the magnitude proposed in these amendments are neither technologically or economically feasible. The study conducted by the National Academy of Sciences does not support such increases. Given the economic difficulties currently facing the auto industry, we believe it would be a profound mistake to impose additional burdens on the companies by mandating excessive increases in the CAFE standards.

That is why, in summary, the UAW says it strongly supports the Bond-Levin amendment.

I ask unanimous consent this letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA,

Washington, DC, July 24, 2003.

DEAR SENATOR: This week the Senate is scheduled to take up the comprehensive energy legislation. At that time, the Senate may consider a number of important amendments relating to Corporate Average Fuel Economy (CAFE) standards.

The UAW strongly supports the Levin-Bond amendment, which would require the Department of Transportation to engage in expedited rulemaking to issue new fuel economy standards for both cars and light trucks. DOT would be required to take into consideration a wide range of factors in establishing the new standards, including employment, safety, technology, economic practicability and the relative competitive impacts on companies. This amendment is similar to the Levin-Bond substitute that the Senate approved by a wide margin last year. The UAW supports the approach contained in this amendment because we believe it will lead to a significant improvement in fuel economy, without jeopardizing the jobs of American workers.

The UAW strongly opposes a number of other CAFE amendments that may be offered by Senator McCain, Senator Feinstein or Senator Durbin. Although taking different approaches, all of these amendments would mandate excessive, discriminatory increases in fuel economy standards that would directly threaten thousands of jobs for UAW members and other automotive workers in this country. In our judgment, fuel economy increases of the magnitude proposed in these amendments are neither technologically or economically feasible. The study conducted by the National Academy of Sciences does not support such increases. Given the economic difficulties currently facing the auto industry, we believe it would be a profound mistake to impose additional burdens on the companies by mandating excessive increases in the CAFE standards.

In addition, the UAW is particularly concerned that the structure of the proposed fuel economy increases—a flat mpg requirement for cars and/or light trucks—would severely discriminate against full line producers (such as GM, Ford and DaimlerChrysler) because their product mix contains a much higher percentage of larger cars and light trucks. This could result in severe disruption in their production, and directly threaten the jobs of thousands of UAW members and other workers associated with the production of these vehicles. Furthermore, by eliminating the distinction between foreign and domestic car fleets, the McCain amendment would enable the Big Three automakers to outsource their domestic small care production to other countries, resulting in the loss of thousands of additional automotive jobs in this country.

The UAW continues to believe that modest improvements in fuel economy are achievable over time. Indeed, NHTSA has already promulgated new CAFE standards for light trucks that will yield significant fuel savings. In our judgment, we can continue to make progress on fuel economy by following this same approach, and directing NHTSA to promulgate new fuel economy standards for both cars and light trucks, as called for by the Levin-Bond amendments. But we also believe it is critically important that the Senate reject the extreme, discriminatory CAFE proposals contained in the amendments sponsored by Senators McCain, Feinstein and Durbin, which would threaten the jobs of thousands of American automotive workers.

Thank you for considering our views on this priority issue.

Sincerely,

ALAN REUTHER,
Legislative Director.

MORNING BUSINESS

Mr. BOND. Seeing no other Senators on the floor seeking recognition, I ask unanimous consent that there now be a period for the transaction of morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE TRAGEDY IN NEW YORK CITY

Mr. SCHUMER. Mr. President, I rise to speak about the tragedy that occurred in my city yesterday.

Everyone knows that a gunman came into our city hall, into the city council chamber, raised his gun, and killed one of our brave city councilmen. I knew the councilman. I knew him well. He did not live far from my home in Brooklyn. One of my happiest moments with him was speaking at his inaugural ceremony only 2 short years ago.

So I would like to speak about Councilman James Davis, and also about Officer Richard Burt, who acted with bravery. In short, in the wake of this terrible tragedy, we really celebrate two heroes: mourning the life of one, thankful for the bravery of the other.

First, I would like to talk about Councilman Davis. He came from Brooklyn. He went to a high school that was one of my high school's rivals, and followed in the footsteps of his father. He was a corrections officer, and then a police officer, and then ran for public office.

He was always a maverick. He liked to challenge the conventional wisdom. He was unafraid. He was virtually fearless. But he was always fearless with a smile on his face. He would take on whatever powers that be because he believed it was right.

He cared so much about his community. Long before he became an elected official, he would sponsor ''Stop the Violence'' marches in Crown Heights. Everyone knew it was August when the big signs saying ''Stop the Violence'' would be emblazoned across Eastern Parkway.

When he got elected to the city council, it was a dream come true for James Davis. He had run for office many times before and been defeated, but he kept working and working. The people in the community saw that the man was sincere and put him in the office of city council.

Once on the city council, it was clear that James Davis was one of the rising stars in his own way because he always did things in his own way. He was a maverick. He would oppose things everybody else thought was good, and then he would have good reason for it. And he always had a twinkle of mischief in his eye, and often, when he would greet you, he would have some kind of little joke to mention with you. But he never hesitated to speak his mind. He never hesitated to vote his conscience, regardless of how it would affect his career. He refused to roll over for anyone, even some of the most powerful politicians in New York City.

So we miss James Davis. It is a tragedy he has been taken from us so young, with so much potential. It is a tragedy he has been taken from this Earth, untimely ripped. But his smile, his passion, his desire to fight, his desire to tilt at windmills will remain with us forever.

There is another hero we celebrate today, and that is Police Officer Richard Burt, so typical of the bravery of New York City police officers. Officer Burt acutely saw what was happening on the balcony during the New York City council meeting, and though he was 45 feet away, he fired shots at

James Davis' murderer, and the shots struck true and killed the murderer.

Richard Burt saved lives. Richard Burt, just like James Davis, was brave. James Davis' bravery was about his willingness to challenge the establishment and to do what he thought was right. Burt's bravery came as well in the line of duty, as a police officer. We thank him because many lives were saved.

I read the reports this morning that in the murderer's sock were more bullets. Lord knows what would have happened had Richard Burt's aim not been brave and true.

So it is a sad day in New York today. It is a sad day because our city council chamber, our city hall, has been violated by violence. It is a sad day because we miss and mourn for James Davis, and our thoughts and prayers are with his family.

Two brave men: One we mourn, gone, his memory, his courage live with us; one we thank for saving the lives of so many others.

I yield the floor.

SGT PHILLIP RANDALL RUGG II

Ms. LANDRIEU. Mr. President, I take this opportunity to speak about some very exciting and heartwarming events in Monroe, Louisiana, today and tomorrow. I regret I will be unable to attend the events. But, they are very important to Marine Sergeant Phillip Randall, II, his family, the city of Monroe, and for all the people of Louisiana. Quite frankly Sgt. Rugg's actions tell a story that will be heartwarming to the Nation.

As we consider how to best defend our borders, and also as we continue to aggressively pursue the standing up of a new government in Iraq to establish a democracy there, I wish to pay tribute to our military by highlighting the heroic actions of one of the Marines' best.

Marine Sgt Phillip Randall Rugg II, is being honored today by the city of Monroe, Louisiana. Monroe is a city of about 50,000 in northeast Louisiana that has its share of men and women in the active and reserve forces serving our country at this time. They are doing the brave and difficult work necessary for us to achieve victory. Having won the war, we are now in an all-out effort to win the peace. These men and women from Louisiana and around the Nation are putting their lives on the line, and the Nation is grateful.

Monroe is opening its arms and its hearts to a true hero. With his wife Nicol and his 2-year-old son Trey, Sgt. Rugg will be honored by the people of Monroe. I rise to explain why.

A few months ago, on March 22, then-Corporal Rugg was serving in Iraq with the 1st Tank Battalion, the 1st Marine Division. On that day, his tank recovery vehicle was hit by at least four rocket-propelled grenades. Shrapnel from the RPGs tore through his body, leaving him unable to use his legs. His vehicle was on fire. Using only his arms, with great injury to himself, he pulled himself out of his vehicle. Once outside, he realized that his gunnery sergeant, Guadalupe Denojean, was still inside the burning vehicle.

Then, without regard to his own safety, obviously having been severely injured with broken legs, he climbed back into the burning vehicle which was engulfed in flames and pulled the gunnery sergeant out. Regrettably, after this incident, Sgt. Rugg's wounds were not able to heal fully and his left leg had to be amputated below the knee. He may have had part of his leg removed, but no doctor or enemy weapon could remove his spirit.

I spoke to this young marine yesterday by phone. He is proud of his service. He is proud of his country. He said: Senator, this is not a story about sadness or pity. I am proud I went to serve in defense of my nation.

I want to say how proud we are of him and his family, how proud I am that one of the cities in Louisiana is honoring him today. This is the Marine spirit. It is one that has existed for over 200 years. It is a flame that will not go out.

He has now been promoted to sergeant. Again, he is proud to serve his country. As he told me yesterday: Senator, I have no regrets. I was happy to do what I did. My family is happy to support me in this effort.

He will soon reenter school to complete his degree in accounting. His other leg is rehabilitating well, and he is working with his doctors and therapists to some day not only walk, but run. He also wants to get back on the golf course. With his positive outlook, I am sure Sgt. Rugg will go on to do great things and continue to be a proud father and devoted husband. As the city of Monroe celebrates the recovery and return of Sgt. Rugg, I am certain his faith and positive outlook will only bring more causes for the Rugg family to celebrate in the years to come.

Former Senator Max Cleland of Georgia is a triple amputee as a result of a grenade explosion in Vietnam. Senator Cleland says his injuries changed his life and gave him even greater purpose to serve his country as a Senator and Cabinet Secretary. Senator Cleland always says he is stronger at the broken places. After talking with Sgt. Rugg, I know that he, too, is stronger at the broken places.

I want to tell Sgt. Rugg how proud the United States Senate is of his service. I want to tell the thousands of other men and women in uniform how grateful we are for what they do each day to protect and promote liberty. I want to wish Sgt. Rugg and his family well, and know my thoughts and prayers are with them. Sgt. Rugg, I salute you.

I ask unanimous consent to print the following document in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SERGEANT PHILLIP RANDALL RUGG, II

Phillip Randall Rugg, II was born at St. Francis Hospital in Monroe, Louisiana on April 26, 1977 to Jan Elizabeth Falletta Rugg and Phillip Randall Rugg. Randall was christened at Our Lady of Fatima church and attended Our Lady of Fatima School from grades K–8. He attended St. Frederick High School where he lettered in football, basketball, and baseball for three years and graduated with honors in 1995. Randall attended the University of Louisiana at Monroe and Louisiana Tech University from 1995 to 1998.

On June 28, 1999, Randall joined the Marine Corps and immediately did twelve weeks of basic training at the Marine Corps Recruit Depot in San Diego, California. After basic training, Randall attended fourteen weeks of Tank Mechanic School at Fort Knox where he graduated first in his class. On February 25, 2000, Randall was assigned permanent duty at the Marine Air Ground Task Force Training Command in Twenty Nine Palms, California.

On March 25, 2000, while serving at Twenty Nine Palms, Randall married Andrea Nicol Freeman of Ferriday, Louisiana. Randall received several letters of commendation and appreciation, and was meritoriously promoted twice while stationed at Twenty Nine Palms. His military achievements were overshadowed, however, by the birth of Phillip Randall Rugg, III, on March 18, 2001, whom Randall and Nicol have nicknamed Trey.

On March 22, 2003, the third day of Operation Iraqi Freedom, shortly before sunrise, Randall, Sergeant Eric W. Percy and Master Gunnery Sergeant Guadalupe Denogean (referred to by his crew as ''Master Guns'') were operating an M88 Tank Recovery Vehicle when they sustained direct hits from at least five to eight rocket-propelled grenades which were fired from a nearby farmhouse. Sergeant Percy escaped the vehicle through the side door, which had been blown off in the explosion. Randall, finding his legs were useless managed to pull himself up to the top hatch and roll out of the vehicle from the turret, which is eighteen feet from the ground. Once out of the M88, Randall and Sergeant Percy realized that ''Master Guns'' was still inside. Randall and Sergeant Percy managed to return to the inside of the M88 and drag him to safety. Within minutes, Randall, Sergeant Percy, and Master Gunnery Sergeant Denogean were flown to a field hospital to receive medical attention. Sergeant Percy had received two shrapnel wounds, Sergeant Denogean had received a head injury rendering him unconscious and Randall had sustained extensive shrapnel wounds to both legs, his face, and one shoulder. The damage to Randall's left leg was irreparable, requiring an amputation below the knee. His right leg sustained compound fractures of both lower leg bones and tissue damage requiring skin grafts. All three soldiers are recovering.

Randall spent a week in the hospital in Ramstein, Germany before being flown to Bethesda, Maryland where he spent seventeen days in the Bethesda Naval Hospital. He returned to Louisiana on April 15th. Once Randall's injuries heal and he is able to be fitted for a prosthesis for his left leg, he plans to go back to college and graduate in accounting.

Randall's story is similar to thousands who have gone before him. This Country, founded on the belief in freedom for all of her people, stands upon the shoulders of those who have, time and again, willingly stepped into harm's way to protect our freedom. Through life-altering injury to body or mind, or by paying the ultimate price, these brave young men and women and their families have borne the weight of freedom for our families

and the families of our children. What makes Randall special is that he is ours, and through his sacrifice, we have become his.

What an honor and a privilege it will be to thank Randall in person on July 24th and 25th, 2003. The Community Salute to Sergeant Phillip Randall Rugg, II, will feature a free community gathering at the American Legion Hall at Forsythe Park in Monroe to meet Randall from 3 to 6 p.m. on July 24th. There will be a sponsor's reception and silent auction from 7 to 10 p.m. on July 24th also at the American Legion Hall at a cost of $15 per person. The following day, July 25th, there will be a golf tournament at Calvert Crossing Golf Club, For information regarding sponsorships call (318) 329–5890. All checks made payable to Sergeant Phillip Randall Rugg at American Horizons Bank.

JOINT INTELLIGENCE REPORT POST—9/11

Mr. CHAMBLISS. Mr. President, I rise tonight in response to the comments of my friend, the Senator from Florida, about the report that was issued today about September 11. There were a lot of innuendoes and direct statements by the Senator from Florida with respect to the administration, faults on the part of the administration leading up to September 11 and the connection of causation between the administration and some deficiencies with the administration and September 11. Nothing could be further from the truth.

My friend from Florida made the comment that the lack of resources in our intelligence community played a big part in the intelligence deficiencies that allowed September 11 to happen. I agree with him 100 percent. What he failed to say is that this administration had been in office less than 8 months when September 11 happened. This administration had not even been through an appropriations cycle. It is this body and the House that made the appropriations over the last several years that, in fact, did lead to a decline in resources, with the leadership of the previous administration, that caused the resources not to be put in the right place, that allowed the problems within the intelligence community to arise.

The Senator mentioned certain declassification, or failure to declassify certain aspects of the September 11 report that were not included in the report that was released today. Again, he is exactly right. But there is a reason for that. The public does have a right to know everything we can tell them about the facts leading up to September 11. But the intelligence community does not have the right and should not release information relative to sources and methods.

The intelligence community is a very complex community. The intelligence community has human assets in place all around the world, gathering information from an intelligence standpoint that is important to saving the lives of Americans.

In addition to that, we have methods of gathering intelligence that we simply cannot disclose and divulge to people we are gathering that intelligence from, or it will reduce or significantly lessen, or maybe even not allow us to gather information from them. So it is very important that we not release sources and methods.

Last, let me say my friend made the comment about secrecy on the part of this administration, this President. Again, nothing could be further from the truth. Secrecy is not the issue here, as set forth in that report that was released today.

The real issue as set forth in that report is the protection of America and the protection of Americans. This administration had done everything within its power leading up to September 11 to make sure the intelligence community had the ability to gather intelligence and that the law enforcement community had the ability to interrupt and disrupt intelligence activity. Unfortunately, as was concluded in the report today—the Senator from Florida was the chairman of the Intelligence Committee that participated in that report—that report says that, in spite of everything, there is nothing that could have been done on the part of the intelligence community that would have prohibited September 11 from happening.

What we need to be aware of and what the American people need to be aware of is that the intelligence community has learned a lesson from September 11, and we are moving forward to make sure our children and our grandchildren live in a safe and secure America just like we have enjoyed. We have a lot of recommendations within that report that are being followed today to make sure America is a safer place.

While I commend the men and women—and I was part of it—who worked very hard to get that report together, there is a lot of information in that report that was not declassified and which should not be declassified so that we can have a safer and more secure America.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, the Senator from New Mexico ought to be doing the thanking. I knew when the people of the Senator's State sent him up here—he thanked us, but we ought to be thanking him; we thank the people of his State for sending him here—we knew when the Senator came that he was going to be a stalwart and someone to whom we could look. We knew we would be getting the ''straight scoop,'' so to speak. Tonight it didn't take the Senator very long to set this record straight.

There is no use playing politics with things that do not need any politics added to them. There are already plenty of problems surrounding that big tragedy that came to America. We thank the Senator for telling us the way it is, the way it was, and the way we ought to understand it. This Senator thanks him for that. I wish he had more to say. I hope before it is over, he will have more to say about it.

With all of the inferences and implications when things go wrong, there is a political campaign. Just wait, and somebody will find some reason to blame the person running for office. Regardless of how farfetched or how wild, or how irrelevant it is, it will be there.

Frankly, we have a Senate with lots of privileges. I like the distinguished Senator from Florida. He had a big job when he had to put that report together. He doesn't have any more to say about it than a lot of other people. He just happens to be running for President. So he has a lot to say. But we thank the Senator very much for his few words which are excellent, as I understand it, and it is something we needed to hear.

Mr. CHAMBLISS. Mr. President, I will have a lot more to say about it later.

Mr. DOMENICI. I hope so.

ELECTIONS IN CAMBODIA

Mr. MCCONNELL. Mr. President, Cambodians will go to the polls this weekend for the third round of parliamentary elections since the 1991 Paris Peace Accords.

Elections half way around the world in a country best known for the killing fields of the 1970s would ordinarily warrant little attention by Washington or other foreign capitals. However, in the post-September 11 world such political exercises have heightened importance to America and the free world.

Cambodia today is a lawless country, with the thin veneer of democracy bestowed by U.N.-sponsored elections in 1993 all but worn away by political turmoil and crises. Under the repressive rule of Prime Minister Hun Sen and the ruling Cambodian People's Party, CPP, human rights abuses are committed with impunity, developments stymied by corruption and incompetence, and a palpable climate of fear persists throughout a country side controlled by CPP authorities.

Under Prime Minister Hun Sen's lawless rule, Cambodia has become the Zimbabwe of Southeast Asia.

Many in the diplomatic community continue to wrongly believe that the CPP offers Cambodia stability. This thinking is nonsensical.

A CPP coup d'etat in July 1997 destroyed the coalition government cobbled together after the 1993 polls. Grenade attacks against opposition parties in 1995 and 1997 were a clear attempt by CPP to silence its rivals through violence and intimidation. And anti-Thai riots earlier this year were fueled by the reckless comments of the Prime Minister, who failed to protect Thai diplomatic property and personnel from government-paid thugs, the Pagoda Boys.

More worrisome to the international community should be the arrest of suspect regional terrorists in Cambodia.

Lax border controls and official corruption have allowed terrorists a free reign in the country since the early 1990s. Cambodia is a haven for criminal triads—and fertile ground for extremists. While the Cambodian government has arrested some suspected terrorists, the absence of democracy and the rule of law in Cambodia only guarantees that terrorism will be a perpetual problem for that country, an and the entire region.

The Cambodian people must not miss the opportunity to use the upcoming polls to hold Hun Sen and the CPP accountable for the failure of leadership. While CPP has done everything it can to subvert the outcome of the elections even before the first ballots are cast, Cambodians must vote their conscience. They hold the key to breaking the cycle of violence and poverty that has gripped Cambodia for the past several decades.

I recognize that this may not be easy for many Cambodians. Anyone older than 28 years old lived through the nightmare of the Pol Pot regime and the Vietnamese invasion and occupation. Politics got people killed then—and it still does today. But unlike the past, today the fate of Cambodia is in the hands of the people and in the ballots they will cast on July 27.

Cambodians must hold those in power accountable for their actions. They should know that America is watching and willing to help them rebuild a nation committed to democracy and the rule of law.

HONORING OUR ARMED FORCES

Mr. LUGAR. Mr. President, recent developments in Iraq have given Americans cause for renewed confidence in our efforts there, as our soldiers systematically track down, capture, or eliminate the remaining fugitives on the most-wanted list. The cowardly hit-and-run attacks and ambushes on our troops have claimed American lives, but they have not deterred our troops from their task of ridding Iraq of every vestige of the brutal regime that ruled for so long.

I rise today to pay tribute to those service members who have fallen in this noble effort. As a nation, we must always keep in mind that our military successes come at a high cost in the loss of promising young human lives. My State of Indiana has paid a very high price indeed. As of this date, 13 Indiana families have suffered the loss of a loved one taking part in Operation Iraqi freedom. Seven of our losses were the result of combat action. Four Indiana soldiers have died from injuries not related to combat, and two have died of illnesses. I pray that there will be no more, but I know the danger still exists.

Army Specialist Chad L. Keith of Batesville, IN, died on July 7 in Baghdad when his motorized patrol was ambushed. He was riding in the lead vehicle when it was struck by the detonation of a mine hidden along the roadway.

Specialist Keith was 21 years old. He had joined the Army immediately after graduating from Batesville High School in 2000. He went through paratrooper training and was assigned to the 82nd Airborne Division at Fort Bragg, NC. A week before he died, he talked to his mother by telephone from Baghdad and spoke enthusiastically about wanting to get the job done in Iraq.

Chad Keith was an outstanding soldier. He will be missed.

Army Private Robert L. McKinley of Peru, IN, died on July 8 in a hospital in Homburg, Germany, where he had been taken for treatment of severe heat injuries suffered in the Iraqi desert. Private McKinley was 23 years old. He had enlisted just 8 months ago and was very proud to be serving with the fabled 101st Airborne Division.

Private McKinley, a 1998 graduate of Peru High school, was raised by his grandparents, Mr. and Mrs. Robert Feller, who loved him as if he were their own son. At his funeral, Private McKinley was posthumously awarded the Bronze Star Medal.

Robert McKinley was an outstanding soldier. He will be missed.

Sergeant First Class Craig A. Boling of Elkhart, IN, died on July 8 at Camp Wolf in Kuwait after being stricken by a sudden illness. Sergeant Boling was a member of the 1st Battalion, 152nd Infantry, one of two Indiana National Guard battalions mobilized to provide robust force protection to key bases and supply lines in Kuwait and Iraq. These units have done an extraordinary job.

Mrs. BOXER. Mr. President, I have come to the Senate floor several times this year to eulogize our young men and women who have died during the war in Iraq, as well those who have been killed during the postwar period.

Today, I want to honor and remember three additional Americans who were from California or were based in California who have died since the war officially ended.

Navy Petty Officer 3rd Class David J. Moreno, age 26, of Gering, NE, was killed July 17 in Iraq. David was assigned to the Naval Medical Center, Fourth Marine Division Detachment, San Diego, CA.

Marine LCpl Jason Andrew Tetrault, age 20, of Moreno Valley, CA, was killed in Kuwait on July 9 in a vehicle accident. He was assigned to the 7th Marine Regiment, 1st Marine Division, Twentynine Palms, CA. He was the quarterback for the Moreno Valley High School football team. He loved the outdoors, and told his family that he was looking forward to returning to California's beaches and seeing the Pacific Ocean again.

Marine LCpl Cory Ryan Geurin, age 18, of Santee, CA, was killed in Iraq on July 15. He graduated from West Hills High School in suburban San Diego and was the captain of the school's wrestling team his senior year. Cory was assigned to the 1st Battalion, 7th Marine Regiment, 1st Marine Division, Twentynine Palms, CA.

Mr. President, 58 individuals who were from California or based in California have died while serving our country in Iraq. The people of California, as well as all Americans, mourn their loss. I continue to pray for the safety of all of our troops and hope that they will soon be reunited with their families. I also continue my call for burden sharing in postwar Iraq so that American soldiers will not be singled out.

Mr. CONRAD. Mr. President, I rise today in tribute to a brave volunteer of the North Dakota National Guard who this week made the ultimate sacrifice for his Nation. Specialist Jon Fettig was a proud and patriotic American killed in action in Iraq on Monday. He was many times over a volunteer, from when he made his commitment to America's Armed Forces by enlisting and re-enlisting in the National Guard, to when he stepped forward to serve in Iraq despite the fact that his own unit had not been activated.

Jon Fettig is the first North Dakota National Guardsman killed in combat since the Korean war. Even before he volunteered to deploy to Iraq as a combat engineer with the 957th Multi-role Bridge Company he had already served 11 years in the Guard. His fellow soldiers admired him and valued his service. Those still at home in North Dakota gathered yesterday to celebrate his memory and mourn his passing.

SP Fettig lived his life in a way that is surely familiar to many of my distinguished colleagues here in the Senate. As Senators we are blessed with the opportunity to meet countless fine young Americans who serve our Nation in the military. Like so many National Guardsmen, SP Fettig was a good soldier, a good civilian employee, a good citizen and a good spouse. That he carried all those burdens at once is a tribute to him.

In this difficult time, our thoughts are with his father Larry, his mother Shirley, and his wife Cody. SP Fettig's sacrifice is a tragedy, but we all must take comfort from the fact that, as his father has said, he died doing what he loved, a hero serving his country to the best of his ability.

Specialist Brandon Erickson of Bismarck was another casualty of Monday's attack on the 957th, bringing to three the number of North Dakota soldiers wounded in combat in Iraq. Though SP Erickson has had part of his arm amputated, his condition is now improving. We are grateful for his service and that of the medics and doctors who treated him, and thankful that he will soon be returning home.

Our Nation asks so much of our Guard and Reserve, and they are coming through with flying colors. The tremendous contribution of North Dakotan active-duty personnel is matched by a truly remarkable commitment by

North Dakota's reservists. Per capita, no State has more citizens in the National Guard, and today no State has more Guard personnel mobilized. According to the Associated Press, 36 of every 10,000 North Dakotans age 18 or older served on active duty with the Guard or Reserve during this conflict. Eight hundred members of the North Dakota Army National Guard are still deployed in Iraq.

Nearly every city and town in my State has felt the impact of an Army National Guard unit activation, including Fargo, Lisbon, Bismarck, Grand Forks, Edgeley, Grafton, Devils Lake, Rugby, Bottineau, Wishek, Cando, Carrington, Mayville, Oakes, and Wahpeton. And the loss of SP Fettig, whose family lives in Dickinson, brings home the fact that many volunteers from units in other communities stepped forward to fill vacancies in units deploying overseas. Now some of these communities are further scarred by their losses.

Today, millions of people across Iraq and America are hearing the news of the death of the two brutal sons of Saddam Hussein, fully complicit in the crimes of his regime. Hopefully this victory will help us along the road to true peace and stability in Iraq. But there are surely still many tough days ahead. The success of this difficult work depends on the commitment and sacrifice of thousands of individuals like SP Fettig, men and women willing to give their all for the good of their Nation and their world. To all those who serve, I offer my heartfelt thanks. To the friends and family of Jon Fettig and all those whose service extends to the ultimate sacrifice, I can only offer the condolences, thanks, and prayers of a grateful Nation.

GREENSPAN 180

Mr. BUNNING. Mr. President, I want to share with my fellow colleagues an article written today by Larry Kudlow for National Review Online concerning Chairman Greenspan's detrimental effect on the bond market.

Mr. Kudlow very clearly points out how Chairman Greenspan once again usurped his monetary role as Chairman of the Federal Reserve by doing a complete rhetorical 180 on deflationary pressures. As a result of the Chairman's verbal roller coaster ride, the bond market is trading at 4.2 percent compared to 3.1 percent in mid-June, the worst bond market price rout in 9 years.

Many people in Congress and throughout the business world blindly follow and trust Chairman Greenspan. I have never and will never wear this blindfold. This is just another in a long line of examples where Mr. Greenspan oversteps his bounds and causes economic malaise.

I ask unanimous consent to print the article in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

This past spring Maestro Alan Greenspan issued official Federal Reserve statements that deflationary declines in the prices of goods and services people buy was the nation's top economic danger. Consequently, he said his Fed might make special purchases of Treasury bonds in order to pump new money into the economy, and get bond rates lower to stimulate investment.

But last week, in congressional testimony, Maestro G changed his tune. Totally. Completely, Utterly. Suddenly he said that next year's economy would be strong, and that this revival would begin in the second half of this year. Hence, his new thinking goes, deflation is apparently not a threat and there's no need to add liquidity through special bond purchases.

That's right. According to our Fed chairman, we've gone from deflation to reflation lickety-split. If someone from the CIA—after reading documents from Niger—had pulled this 180, they'd be forced to take a lie-detector test.

But what about the bond traders who trusted Greenspan and stocked up on Treasuries for future sales to the Fed? Said traders got their brains beaten in. Blindsided by Greenspan's policy reversal, bond traders were forced to sell heavily. Now the 10-year Treasury is trading at 4.2 percent compared to 3.1 percent in mid-June, the worst bond-market price rout in nine years.

Fortunately, at mid-year 2003, the whole deflation shtick has turned out to be a mirage, though Greenspan was unable to fathom this since late last year. The dollar's value in relation to the prices of gold, commodities, and foreign currencies has declined sufficiently to remove deflation as a real threat. There are no Japanese-style catastrophies looming out there.

And believe it or not, there is a silver lining to this Treasury travail. A stronger outlook for economic growth—from prior Fed money-creating and the newly enacted Bush tax-cut plan—has driven up the real-interest-rate component of the 10-year Treasury (not the inflation premium) by roughly a full percentage point. So, interest rates—which had been heading down for three years—are moving up.

This is meaningful. More normal interest-rate levels send a signal to consumers and investors that it is time to push the button on new purchases or new capital commitments. In fact a lot of folks will be rushing to beat the next group of rate hikes.

Of course, Maestro G himself told Congress that it is unlikely the central bank will tighten in our lifetime. But can anybody believe this guy anymore?

That aside, with supply-side tax cuts kicking in, there's all the more reason for Americans to start spending and investing right now. Stock market traders, who may be less guillible than bond traders, seem to have known this for some time. Since March equity markets have skyrocketed over 20 percent.

Democrats may be howling about false reports of uranium from Niger and big budget deficits from Washington, but these will be non-starter issues in next year's presidential election. The stock market crowd knows a peace-and-prosperity election landslide when they see one. The guys in the stock trading pits have also figured out that anytime taxes on investment are cut, more investment will quickly follow. While bondland has been hemorrhaging, equityland has fully understood an age-old axiom: When you slash marginal tax rates, you always get higher asset values and more powerful economic recovery.

Watching Britain's Tony Blair standing resolute and tall in the saddle next to George W. Bush, it's pretty clear that a bunch of ankle-biting Democrats won't deter the age-old Anglo-American partnership in their just quest to bring freedom and liberty to the Middle East (and elsewhere). If liberal critics would unlock their eyeballs for just a nanosecond, they would clearly see that the Bush/Blair axis of freedom is causing peace dominos to fall throughout the Arab region. Rather than a McGovernite quagmire in Vietnam, the prospect for free elections and free enterprise looks better today as a result of the application of force in the defense of liberty than at any time in the last 700 years.

At home, low-tax free enterprise is also gathering force. There has never been a major upturn in the stock market or the economy without broad-based tax cuts. President Bush has delivered—as promised—and this country's entrepreneurial and ownership-oriented investor class is rightly looking to much better times ahead.

As for the bond-bungling Greenspan, perhaps the 77-year-old Fed chairman will take a page from the book of Citigroup Chairman Sandy Weill, who recently chose a successor and then gracefully announced retirement at age 70. As usual, the private sector is way ahead of government.

AMAZING GRACE ON THE SEAS

Mr. HOLLINGS. Mr. President, earlier this month, newlyweds Walt and Donyelle Wilkins from Greenville, SC, were on their way to their honeymoon, when the small plane they were on crashed into the ocean. Because of their quick action and disregard for personal safety, they saved the lives of two young children, also passengers on the plane. I rise to salute this couple, and to thank them for their true heroism.

Walt and Donyelle were married in Charleston two Saturdays ago. The day after the wedding the couple took off from Ft. Lauderdale, heading to the Bahamas, when the plane crashed into the open sea. After assisting others out of the sinking plane and distributing life jackets, Walt jumped into the rough sea without a life jacket and swam to others, assisting them in inflating their jackets, while Donyelle held an infant above the waves.

After the parents of the infant were located in the water the child was passed to them so that Walt and Donyelle could assist two small children whose mother had just drowned. Several of the surviving passengers decided to attempt to swim to the nearest land some six miles away. But Walt and Donyelle stayed with the young children, keeping their heads above the waters and calming them by singing ''Amazing Grace.'' Approximately 2 hours later, they were rescued by a Coast Guard helicopter.

The children are alive today because of the Wilkins' amazing grace under threats no one should ever have to face. I speak for all my colleagues in wishing the young couple a long and happy life together.

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate

crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement 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 Omaha, NE. On September 12, 2001, two Muslim women were physically assaulted with a soda can as they walked through a parking lot of a Methodist hospital. The women were both wearing traditional hijab.

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.

THIRTEENTH ANNUAL REPORT OF THE DEPARTMENT OF VETERANS AFFAIRS NATIONAL CENTER FOR POST-TRAUMATIC STRESS DISORDER

Mr. GRAHAM of Florida. Mr. President, I rise today to point out the accomplishments of the Department of Veterans Affairs National Center for Post-Traumatic Stress Disorder for fiscal year 2002. As spelled out in its 13th annual report, the Center for PTSD has made significant strides in the treatment of this trauma—steps that became particularly meaningful following September 11, 2001.

Born during a time of crisis, the Center was created just months before the Loma Prieta, CA, earthquake in 1989. That event's aftermath became the Center's first real emergency-response experience. Since then, the Center has been called in time and time again to treat the mental trauma resulting from disasters, including the crisis brought on in my own state of Florida following Hurricane Andrew.

Though the Center's primary focus has always been and continues to be theis country's veterans, the knowledge and expertise gained through work in the VA system has proved to be invaluable in all areas related to disaster mental health. This became all too clear in the weeks and months following September 11, 2001. The Center for PTSD's fiscal year actually began on October 1, 2001, just weeks after the events of 9/11. The year that followed proved to be the Center's greatest test of its 13-year history, calling into play all three of the Center's main areas of endeavor: research, education, and consultation.

In 2001, the Center took leadership of a 3-year project to develop best-practice guidelines for emergency mental health interventions, taking into account both criminal and natural disasters. By the time 9/11 had taken place, staff were one year into the project, enabling them use the wealth of research and analysis already accumulated. During the recovery efforts, the Center's education materials, especially those on the website, proved very helpful in educating relief workers, victims, families and bystanders about PTSD and how to cope with it.

In addition, Center staff were called upon to consult for several agencies. Its researchers used the recovery process as an opportunity to gather data and conduct long-term research studies on the effects of 9/11, including a major study involving the entire Fire Department of New York.

In the end, this report proves mostly to be a living history of the events of September 11 and the way our Nation coped with those tragedies. As documented in the report's pages, the lessons of that day will remain invaluable to the future treatment of PTSD, for both our Nation's veterans as well as the rest of the country.

As Ranking Member of the Committee on Veterans' Affairs, I am proud of the accomplishments the Center for PTSD has made in treating disaster-related mental health. The hard work and dedication of its staff proved invaluable to all those affected by September 11, 2001, regardless of whether they witnessed firsthand the attacks in New York City and Washington, DC, or simply watched the events of that terrible day unfold on their television.

COMMEMORATING THE 50TH ANNIVERSARY OF THE KOREAN WAR ARMISTICE

Mr. PRYOR. Mr. President, more than half a century ago, America answered the call to defend freedom in South Korea. Today, we continue to defend democracy and freedom in over 100 countries around the world.

This war against communism is sometimes referred to as the ''Forgotten War'' because it came at the heels of World War II and was overshadowed by the Vietnam War. Indeed, there are fewer pages in our children's textbooks about this war than that of other wars. But the cause of freedom was no less important. The bravery of the Nation's Korean War veterans was no less significant. And the sacrifices of these veterans and their families were no less meaningful.

Twenty-two nations joined 1.8 million Americans in risking life and limb to defend a country they did not know and a people they had never met. Included were the young men and women who fought on the mountains of Korea in places such as Pork Chop Hill and Bloody Ridge. The United States suffered 36,934 casualties and 103,284 wounded during the Korean War; another 8,000 were taken prisoner or met an unknown fate. In my state of Arkansas, 466 brave servicemen and women paid the ultimate sacrifice. These are our Nation's heroes and they acted selflessly to bring forth freedom and opportunity for generations.

July 27 marks the 50th Anniversary of the armistice with North Korea. I take this opportunity to thank our Korean War veterans and their families for their great service and dedication to our Nation. We owe our Korean War veterans a debt of gratitude that we can never repay.

The Korean War veterans defined ''new opportunity for all.'' They defended and promoted the virtues of democracy abroad, providing an emerging Nation a chance to develop and flourish into the viable country it is today. I can not begin to imagine how different Southeast Asia and the world would be if it was not for the true determination and unbelievable courage demonstrated by our soldiers, airmen, marines and sailors.

American servicemen and women remain on-point in Korea to protect freedom along what is referred to as the world's most dangerous border. I commend them also for their bravery and commitment to democracy.

From Korea to Iraq, let us not forget the sacrifices that our men and women in uniform have made on behalf of our great country.

IN REMEMBERANCE OF STROM THURMOND

Mr. BUNNING. Mr. President, it is with great pride and honor I rise amongst my fellow colleagues to honor one of America's finest citizens, Senator Strom Thurmond of South Carolina.

When I look at Strom's unbelievable life and career and all that he has accomplished, I often find myself wondering how one man could possibly do so many different and amazing things in just one lifetime. Strom Thurmond truly deserves the title of renaissance man.

He has been a farmer, teacher, coach, lawyer, judge, author, Governor, war veteran, major general in the U.S. Army Reserves, State Senator, United States Senator, Democrat, Dixiecrat, Republican, husband and father, and most importantly to all of us—a friend. He was born when Theodore Roosevelt was president and lived through 18 different Presidencies. To put the longevity of his political career in perspective, Strom Thurmond won an election 18 years before President George W. Bush was even born. This is also a man who enlisted during World War II and jumped on D-Day with the 82nd Airborne when he was in his forties.

From 1954 when he ran and won a seat in the United States Senate as a write-in candidate, until his death on June 26, 2003, Strom Thurmond worked tirelessly and selflessly for the people of South Carolina and the citizens of this great Nation, casting more than 15,000 votes in his senatorial tenure. Whether or not people ever agreed with Strom politically, they certainly admired his zest and his passion.

In his earlier days in Congress, Strom argued for segregationist policies. In many ways, people have used

this to try and discredit this American icon. But most people forget he later championed civil rights laws and Black institutions. As Winston Churchill said, ''To improve is to change, to be perfect is to change often.'' Strom Thurmond was an honest and principled man, but he also was a man constantly striving to make this a better nation.

I now ask my fellow members of the Senate to join me in honoring our good friend and colleague for all he did throughout his life and throughout his tenure in the Senate. His brilliance, leadership and unmatched wit will be sorely missed by this legislative body and by the entire Nation. On June 26, 2003, one of this Nation's brightest stars faded away. Even though the light may be out, I believe we all will find our own way to hold on to the many memories and stories Strom Thurmond left behind with us.

ADDITIONAL STATEMENTS

IN MEMORY OF MR. PAUL BERNAL

● Mr. BINGAMAN. Mr. President, I rise to recognize a great New Mexican, Paul Bernal, who passed away on July 16. Mr. Bernal was a truly remarkable—yet remarkably humble—man.

Mr. Bernal was best known for his work to recover the Pueblo de Taos' title to its people's sacred Blue Lake, which lies in the Sangre de Cristo Mountains of northern New Mexico. Mr. Bernal served the Pueblo for many decades as a strategist and interpreter in its struggle to restore this sacred piece of land, which was taken without just compensation by the United States at the turn of the century. The Pueblo de Taos is a very traditional community and at that time had few leaders who spoke the English language. This language barrier stalled the Pueblo's efforts for decades. Mr. Bernal, who in 1946 had completed his service to this country aboard the aircraft carrier Ticonderoga in World War II, was appointed by the Pueblo elders to overcome this barrier and achieve the goal of restoring these sacred lands.

Mr. Bernal and his colleagues did achieve their goal, and the restoration act returned 48,000 acres of the Carson National Forest to be held in trust for the Pueblo to use for traditional purposes. It also restored to the Pueblo their rights to hunt, fish, graze livestock and, most importantly, to hold their lakeside ceremonies undisturbed. Mr. Bernal's courage and dedication is an inspiration and a testament to perseverance from which we can all learn.

I am honored to say that I had the opportunity to work with the Pueblo and Mr. Bernal when I cosponsored a bill in the mid-1990's to restore a final tract of sacred land to complete the Blue Lake wilderness' integrity—a tract the Taos Pueblo people use as the sacred Path of Life Trail that connects the Pueblo itself with Blue Lake. At a 1994 hearing on the bill, I had the privilege of hosting the last of Mr. Bernal's many appearances before the Senate Committee on Energy and Natural Resources. At that hearing, Mr. Bernal remembered the days when he testified before the distinguished and longtime Committee Chairman Scoop Jackson: ''They used to call me Mr. Blue Lake,'' Mr. Bernal said, ''I loved that name.''

Mr. Blue Lake surely will be missed. My thoughts and prayers are with Paul Bernal's family and community. I hope they can be comforted by the fact that his was a life of dedicated service to his people and country, and that his legacy will endure with the continued use of the sacred Blue Lake and its surrounding wilderness.●

TRIBUTE TO COLIN ''BIG C'' MACGUIRE

● Mr. SESSIONS. Mr. President, I rise today to give tribute to Mr. Colin MacGuire, affectionately known by all as ''Big C.'' Standing at 4-foot-7-inches, Mr. MacGuire is a small man in stature, but a large man in character, integrity, and heart. ''Big C'' is an avid and faithful Alabama fan and is even touted by some as one the South's biggest Bama fans.

''Big C's'' love for the Crimson Tide began at an early age, when he received four College Football Digest books. He immediately began memorizing the Tide's scores, stats, and other historical information and has continued to this day. It is this deep knowledge and love for his team, that led ''Big C'' to author ''Crimson Tide: 1,015 Questions and Answers.''

After graduating from Fort Dale Academy in 1976, Mr. MacGuire took the advice of his father and enrolled in Marion Military Institute, but after only one year, he transferred to the University of Alabama. While at the University, he was the manager for the wrestling team in the fall of 1977, and in the spring of 1978, he began managing the Crimson Tide football team. During this time, Colin had the wonderful opportunity to work for the legendary Coach Paul ''Bear'' Bryant, as well as, to run the sidelines while the Tide won back-to-back National Championships on the field.

Mr. MacGuire graduated from the University of Alabama in the spring of 1980 with a bachelor's degree in communications, but his hear has never left Tuscaloosa. ''Big C'' continues this commitment to the Tide as both a fan and alumnus. He has never met a stranger and continues to spread his kindness and infectious laugh to his community. I suppose all that is left to say to Mr. Colin ''Big C'' MacGuire is, ''Hey, big man, Roll Tide.''●

IDAHO BUSINESS CELEBRATES 20 YEARS OF ENTREPRENEURSHIP

● Mr. CRAIG. Mr. President, I rise today to recognize an Idaho business that is celebrating 20 years of providing wonderful food products, jobs, and economic strength to the citizens of Canyon County and Idaho.

Matterhorn Ice Cream, Inc. is located in Caldwell, ID. They are a home-grown company that has become a nationally recognized leader in ice cream novelty products. Matterhorn is an independent producer of ''Super Premium'' ice cream novelty products sold primarily in convenience stores. They also have production contracts with industry leading companies such as Costco, Kroger, ConAgra, Weight Watchers, and more. This year they developed a World Series commemorative ice cream sandwich for the World Champion Anaheim Angels.

Matterhorn has won Convenience Store News' ''Best New Product of The Year'' award three times. And company President Tom Nist was recently recognized as a finalist for Ernst and Young's prestigious 2003 ''Entrepreneur of The Year'' award. Tom has expanded the company into one of the largest employers in Canyon County, with over 120 associates, and an annual payroll approaching $2 million.

You may have had the wonderful experience of eating a ''Big Ed's'' cookie sandwich a ''Matterhorn Cone,'' or their ''Cluster Cone.'' If you haven't, I suggest to all my Senate colleagues that you try this tremendous Idaho product.

As you can see, we Idahoans are very proud of our local companies, our work ethic, our creativity and entrepreneurial spirit. Matterhorn Ice Cream is a perfect example of an Idaho company that continues to grow and continues to innovate, with a vision of becoming the premier manufacturer and creative leader of superior ice cream novelties in the United States.

I am honored to represent Matterhorn and their employees in the U.S. Senate, and look forward to celebrating their 20th anniversary with them this coming weekend.●

REPORT RELATIVE TO THE NATIONAL EMERGENCY WITH RESPECTS TO TERRORISTS WHO THREATEN TO DISRUPT THE MIDDLE EAST PEACE PROCESS—PM 47

The Presiding Officer laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Consistent with section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report, prepared by my Administration, on the national emergency with respect to terrorists who threaten to disrupt the

Middle East peace process that was declared in Executive Order 12947 of January 23, 1995.

GEORGE W. BUSH.
THE WHITE HOUSE, *July 24, 2003.*

MESSAGES FROM THE HOUSE

At 1:31 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2799. An act 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.

At 4:11 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House passed the following bills, in which it requests the concurrence of the Senate.

H.R. 2738. An act to implement the United States-Chile Free Trade Agreement.

H.R. 2739. An act to implement the United States-Singapore Free Trade Agreement.

H.R. 2800. An act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes.

MEASURES PLACED ON THE CALENDAR

The following bills were read the first and second times by unanimous consent, and placed on the calendar:

H.R. 2738. An act to implement the United States-Chile Trade Agreement.

H.R. 2739. An act to implement the United States-Singapore Free Trade Agreement.

H.R. 2800. An act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes.

The following bill, previously received from the House of Representatives for concurrence, was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 2673. An act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2004, and for other purposes.

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–3439. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Bacillus Subtilis Var. Amyloliquefacines Stain FZB24; Exemption from the Requirement of a Tolerance'' (FRL7309–8) received on July 23, 2003 ; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3440. A communication from the Secretary of the Department of Housing and Urban Development, transmitting, two pieces of proposed legislation relative to the Emergency Food and Shelter Program; to the Committee on Banking, Housing, and Urban Affairs.

EC–3441. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Variable Contracts'' (Rev. Rul. 2003–92) received on July 22, 2003; to the Committee on Finance.

EC–3442. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Section 269B Notice'' (Notice 2003–50) received on July 22, 2003; to the Committee on Finance.

EC–3443. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Reallocation of Income and Deductions Among Unrelated Parties to a Lease Strip'' (Rev. Rul. 2003–96) received on July 22, 2003; to the Committee on Finance.

EC–3444. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Update of Notice 95–53 (Lease Stripping)'' (Notice 2003–55) received on July 22, 2003; to the Committee on Finance.

EC–3445. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Equity Investments Prior to a New Markets Credit Allocation'' (Notice 2003–56) received on July 22, 2003; to the Committee on Finance.

EC–3446. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Variable Contracts'' (Rev Rul. 2003–91) received on July 22, 2003; to the Committee on Finance.

EC–3447. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''TD: Prohibited Allocations of Securities in an S Corporation'' (RIN1545–BC33) received on July 22, 2003; to the Committee on Finance.

EC–3448. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Applicable Federal Rates-August 2003'' (Rev. Rul. 2003–94) received on July 22, 2003; to the Committee on Finance.

EC–3449. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''List of Approved Spent Fuel Storage Casks: NAC–MPC Revision'' (RIN3150–AH20) received on July 22, 2003; to the Committee on Environment and Public Works.

EC–3450. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Protection of Stratospheric Ozone: Ban on Trade of Methyl Bromide with Non-Parties to Montreal Protocol'' (FRL7529–6) received on July 23, 2003; to the Committee on Environment and Public Works.

EC–3451. 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; New Jersey; Revised Motor Vehicle Emissions Inventories for 1996, 2005, and 2007 and Motor Vehicle Emissions Budgets for 2005 and 2007 Using MOBILE6'' (FRL7535–4) received on July 23, 2003; to the Committee on Environment and Public Works.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–235. A resolution adopted by the Senate of the Legislature of the State of Michigan relative to low-interest loans for military personnel called to active duty; to the Committee on Armed Services.

SENATE RESOLUTION NO. 151

Whereas, The recent events in our country have served to remind us of the degree to which our nation relies upon the sacrifices of our men and women in the military. With the call to active duty of thousands of members of National Guard and reserve units for overseas deployment and an increasing range of domestic security assignments, it is clear that our military strength is rooted in both the professional ranks and those working in civilian life while serving as ready reserves; and

Whereas, The men and women called to active duty to help the country respond to a crisis such as we have faced since September 11, 2001, do so at great cost to their families and, often, their careers. The uncertain length of the activation in the current situation can make the return to active duty a devastating blow to the finances of a family or a small business. When the person called to duty is the primary breadwinner in a family, for example, as is often the case, the family can face many difficulties. The mortgage payments, food and utility bills, and costs of raising children do not go away when the regular paycheck is replaced by a military paycheck that is usually far less; and

Whereas, While it would be impossible to cover the entire burden facing many families, it would be helpful for the federal government to do all it can to address this issue. A low-interest loan program for those whose active duty pay is less than civilian levels can provide short-term help with the monthly bills. For families who have sent someone to fight terrorism, whether overseas or on assignments at airports or border crossings, this would be an appropriate step to take: Now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to provide a program of low-interest loans for military personnel called to active duty; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–236. A joint resolution adopted by the Assembly of the State of Nevada relative to expenditures of money for restoration of and water developments on the public lands in Nevada; to the Committee on Energy and Natural Resources.

SENATE JOINT RESOLUTION NO. 2

Whereas, In recent years, wildfires have caused extensive damage to the public lands of this state by destroying thousands of acres of public lands used for economic, wildlife and recreational purposes, and have increased the threat of infestation of exotic annual grasses and noxious weeds which may, if not controlled cause further degradation of the lands, deterioration of wildlife habitat, erosion, and diminished water quality; and

Whereas, Responsible management and preservation of the public lands of this state require restoration of the public lands through various means, including, without limitation, reseeding, planting indigenous grasses and shrubs, combating exotic annual grasses and noxious weeds and reducing the

encroachment or density of certain plants for purposes of fire suppression; and

Whereas, Because of a lack of adequate water developments on the public lands of this state, wildlife and livestock on those public lands have been forced to concentrate near the limited number of water developments thus jeopardizing the ecological health of the public lands; and

Whereas, Responsible management and preservation of the public lands of this state require increasing the number of water developments on the public lands of this state so that the wildlife and livestock on those public lands will be properly dispersed; and

Whereas, Proper management and preservation of the public lands and waters of this state are critical as these lands support a wide variety of vital activities that are integral to the economic success and enjoyment of the natural resources of this state, including ranching, mining and recreation, and are a unique and important historical, cultural and environmental resource that must be maintained and preserved for the use and appreciation of current and future Nevadans; and

Whereas, The continued economic success of this state, existence of wildlife diversity in this state and enjoyment derived from the natural resources of this state depend on the maintenance of healthy ecosystems within the public lands and waters of this state; and

Whereas, The Southern Nevada Public Land Management Act of 1998, Pub. L. 105–263, 112 Stat. 2343, authorizes the Secretary of the Interior to expend a portion of the proceeds of the sale or exchange of certain public lands in Clark County for conservation initiatives on certain public lands in Clark County; and

Whereas, It would greatly benefit and protect the ecosystems on the public lands in Clark County if the Secretary of the Interior expended the money authorized for such conservation initiatives to pay for restoration of and water developments on certain public lands in Clark County; and

Whereas, The Federal Land Transaction Facilitation Act, 43 U.S.C. §§2301 et seq., which addresses the sale or exchange of public lands in areas other than certain public lands in Clark County, requires the Secretary of the Interior and the Secretary of Agriculture to use the proceeds of such sales or exchanges for certain purposes, but the Act does not specifically designate any money for restoration of and water developments on the public lands in the areas in which the sales or exchanges occurred; and

Whereas, It would greatly benefit and protect the ecosystems on the public lands in the areas of this state where public lands are sold or exchanged pursuant to the Federal Land Transaction Facilitation Act, 43 U.S.C. §§2301 et seq., if the Act authorized the Secretary of the Interior and the Secretary of Agriculture to expend a portion of the proceeds obtained from such sales or exchanges for restoration of and water developments on the public lands in those areas: Now, therefore, be it

Resolved by the Senate and Assembly of the State of Nevada, Jointly, That the members of the Nevada Legislature hereby urge the Secretary of the Interior to expend the money authorized pursuant to the Southern Nevada Public Land Management Act of 1998, Pub. L. 105–263, 112 Stat. 2343, for conservation initiatives on certain public lands in Clark County to pay for restoration of and water developments on such public lands in Clark County; and be it further

Resolved, That the members of the Nevada Legislature hereby urge Congress to amend the Federal Land Transaction Facilitation Act, 43 U.S.C. §§2301 et seq., to authorize the Secretary of the Interior and the Secretary of Agriculture to expend money obtained pursuant to the Act to pay for restoration of and water developments on the public lands in the areas of Nevada where public lands are sold or exchanged pursuant to the Act; and be it further

Resolved, That the Secretary of the Senate prepare and transmit a copy of this resolution to the Vice President of the United States as the presiding officer of the United States Senate, the Speaker of the House of Representatives, the Secretary of the Interior, the Secretary of Agriculture, the Director of the Bureau of Land Management and each member of the Nevada Congressional Delegation; and be it further

Resolved, That this resolution becomes effective upon passage.

POM–237. A joint resolution adopted by the Assembly of the State of Nevada relative to the allocation of water rights for watering livestock on public lands; to the Committee on Energy and Natural Resources.

SENATE JOINT RESOLUTION NO. 1

Whereas, Approximately 87 percent of the land in Nevada is held by the Federal Government and approximately 68 percent of the land in Nevada is administered by the Bureau of Land Management of the Department of the Interior; and

Whereas, Proper management and allocation of water resources on those lands are critical to the State of Nevada as those lands comprise a vast majority of the land in Nevada and as Nevada is one of the most arid states in the nation; and

Whereas, The State of Nevada has traditionally allocated water rights on public lands managed or controlled by the Federal Government pursuant to a system that provides an option for a range user to hold water rights for watering livestock solely in his own name; and

Whereas, In the mid-1990s, the Secretary of the Interior adopted regulations to be administered by the Bureau of Land Management which departed from that system by establishing a new approach to the allocation of water rights for watering livestock on public lands; and

Whereas, This new approach is codified in the second sentence of 43 C.F.R. §4120.3–9 and has the effect of significantly interfering with a range user holding such water rights solely in his own name even if the range user was fully responsible for the development of the water rights and putting the water at issue to beneficial use; and

Whereas, Since the adoption of the federal regulation at issue, important water developments on the public lands in Nevada have been postponed while the State of Nevada and the Bureau of Land Management attempt to resolve issues concerning the allocation of water rights for watering livestock on public lands; and

Whereas, If the sentence of 43 C.F.R. §4120.3–9 which is at issue were deleted.:

1. The State of Nevada could provide a range user the option of holding water rights for watering livestock on public lands in Nevada solely in his own name, without interference, as the State has done successfully for many years;

2. A range user who is fully and solely responsible for the development of water rights and putting those water rights to beneficial use would be authorized to hold such water rights in his own name; and

3. Important water developments on the public lands in the State of Nevada could be resumed; now, therefore, be it

Resolved by the Senate and Assembly of the State of Nevada, Jointly, That the members of the 72nd Session of the Nevada Legislature hereby urge the Secretary of the Interior to amend the regulations set forth in 43 C.F.R. §4120.3–9 by deleting the second sentence of that regulation in its entirety; and be it further

Resolved, That the Secretary of the Senate prepare and transmit a copy of this resolution to the Vice President of the United States as presiding officer of the United States Senate, the Speaker of the House of Representatives, the Secretary of the Interior, the Director of the Bureau of Land Management and each member of the Nevada Congressional Delegation; and be it further

Resolved, That this resolution becomes effective upon passage.

POM–238. A resolution adopted by the House of Representatives of the Legislature of the State of Michigan relative to urging the United States Department of Homeland Security to locate its Midwestern Headquarters at the Selfridge Air National Guard Base in Macomb County; to the Committee on Environment and Public Works.

HOUSE RESOLUTION NO. 47

Whereas, As our country continues to put in place stronger defenses against terrorism through homeland security measures, a key component will be the establishment of regional headquarters for the United States Department of Homeland Security. The President has called for regional centers in his 2004 budget proposal; and

Whereas, In the Midwest, an excellent site for a regional headquarters is the Selfridge Air National Guard Base in Macomb County. The advantages this location offers range from low costs, unsurpassed strategic significance, and facilities that can provide for a swift and smooth transition to the responsibilities of homeland security work; and

Whereas, Located at the heart of the nation's freshwater network and near several of the busiest international points of entry along our northern border, Selfridge is well positioned to handle quickly any type of task to protect America's people, resources, and infrastructure. Clearly, this location offers opportunities for enhanced responsiveness to the challenges before us in safeguarding our nation in the years ahead; now, therefore, be it

Resolved by the House of Representatives, That we urge the United States Department of Homeland Security to locate its Midwestern headquarters at the Selfridge Air National Guard Base in Macomb County; and be it further

Resolved, That copies of this resolution be transmitted to the Secretary of the United States Department of Homeland Security, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–239. A concurrent resolution adopted by the Senate of the Legislature of the State of Michigan relative to repealing the federal excise tax on telephone and other communications services; to the Committee on Finance.

SENATE CONCURRENT RESOLUTION NO. 4

Whereas, The federal tax on telephone service was put in place in 1898 as a temporary luxury tax on the new technology of the telephone. At that time, the government needed money to help pay for the Spanish-American War. Over the past century, this tax, which is now three percent, has been changed many times; and

Whereas, Recently, a focal point of tax policy has been the question of taxing another emerging communications technology, the Internet. This discussion has caused some observers to reexamine the nature of certain taxes. There is a strong parallel between the

notion of taxing some aspect of the Internet and the tax applied to the telephone a century ago; and

Whereas, The federal excise tax on telephone services provides an example of poor public policy. This tax is regressive in that all taxpayers, regardless of ability to do so, pay the same rate even though a phone is a necessity of modern life. Unlike other federal excise taxes, the telephone tax is not an attempt to reduce public use of a product like tobacco or alcohol that can be harmful and is not needed. In addition, the money raised from this excise tax does not go to any specific purpose related to telecommunications; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we memorialize the Congress of the United States to repeal the federal excise tax on telephone and other communications services; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–240. A resolution from the Senate of the Legislature of the State of Michigan international border crossings; to the Committee on Finance.

SENATE RESOLUTION NO. 149

Whereas, The events of September 11, 2001, have shattered the illusion that past practices are adequate when it comes to security issues. One of the most important elements of security for our state is the need for stronger and more thorough measures at Michigan's international points of entry. While some people have long called for increased resources at border crossings, there is a little disputing the significance of this now; and

Whereas, Because of its unique and mutually beneficial relationship with Ontario, Michigan includes some of the busiest crossing points along the entire United States-Canada border. In addition to the number of people who cross the border each year, the amount of equipment and goods here far surpasses the traffic in other regions. The importance of free trade to both our countries is reflected in the volume of material that comes into Michigan each day; and

Whereas, Although there may eventually be other ways to heighten security at border crossings with new technologies and other strategies, the most effective, immediate, and practical approach to take is to increase significantly the number of customs agents working at entry points. No single step offers a greater return than putting more trained and dedicated customs agents at our international border crossings. In addition to the added measure of security from better inspections and examinations of people and goods entering the country, the increased staffing would also bring benefits by reducing delays as much as is practical; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to increase the number of customs inspectors at Michigan's international border crossings; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–241. A resolution adopted by the Senate of the General Assembly of the State of Pennsylvania relative to prescription drug benefits to recipients of Medicare; to the Committee on Finance.

SENATE RESOLUTION

Whereas, The United States House of Representatives is about to consider legislation proposed by President Bush that would provide prescription drug benefits to recipients of Medicare; and

Whereas, The proposed legislation utilizes private companies to provide the benefits but does not consider public programs such as PACE and PACENET; and

Whereas, PACE, PACENET and public programs like them in 12 other states have saved millions of dollars in expensive medical procedures which have been prevented or delayed because participants have been kept healthy with their needed prescription medications; and

Whereas, Because the benefits of State programs will likely be more generous than any Federal benefit, low-income seniors will not leave PACE and PACENET, and Pennsylvania will see no savings; and

Whereas, Consequently PACE and PACENET should be recognized as PROVIDERS under any Medicare prescription drug bill passed by the Congress of the United States; and

Whereas, Our seniors would be allowed to continue to use a program they trust while reimbursing PACE and PACENET appropriately; and

Whereas, Protecting seniors' options for coverage so they have real choices is paramount and can lead to significant cost savings and expanded benefits as well as rewarding states that invest in prescription drug coverage; and

Whereas, Congress is urged to include the following language in the proposed legislation:

Notwithstanding any other provision of law, at the option of the State, any person enrolled in a State prescription assistance program or a Section 1115 Medicaid Pharmacy Plus Demonstration Program and eligible for Medicare benefits shall be deemed enrolled in the Medicare prescription program established by this act to the extent of but no more than the benefit amount provided under this act. The Secretary of Health and Human Services shall transfer a sum to each eligible State equivalent to the amount of Federal funds that would have been expended under the program established by this act. The sum shall be transferred once every three months and shall provide funding for prescription services and related administrative expenses for the total number of enrolled individuals in the previous three months. In the case of a State with a Section 1115 Medicaid Pharmacy Plus Demonstration Program, the amount transferred pursuant to this act shall be deducted from the State's Medicaid claim for quarter covered by the transfer; therefore be it

Resolved, That the Senate urge Congress to consider the PACE and PACENET programs for inclusion in the President's proposed program to provide prescription drug benefits to recipients of Medicare; and be it further

Resolved, That copies of this resolution be transmitted to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MCCAIN, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 1260. A bill to promote the development of the commercial space transportation industry, to authorize appropriations for the Office of the Associate Administrator for Commercial Space Transportation, and for other purposes (Rept. No. 108-111).

By Mr. HATCH, from the Committee on the Judiciary, without amendment and with a preamble:

S. Res. 124. A resolution designating September 28, 2003, as ''National Good Neighbor Day''.

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.

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 1301. A bill to amend title 18, United States Code, to prohibit video voyeurism in the special maritime and territorial jurisdiction of the United States, and for other purposes.

By Mr. HATCH, from the Committee on the Judiciary, without amendment and with a preamble:

S. Con. Res. 40. A concurrent resolution designating August 7, 2003, as ''National Purple Heart Recognition Day''.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

Mr. LUGAR. Mr. President, for the Committee on Foreign Relations I report favorably the following nomination list which was printed in the RECORD on the date indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that this nomination lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

*Foreign Service nominations beginning James M. Cunningham and ending Howard M. Krawitz, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on June 25, 203.

By Mr. HATCH for the Committee on the Judiciary.

James O. Browning of New Mexico, to be United States District Judge for the District of New Mexico.

H. Brent McKnight, of North Carolina, to be United States District Judge for the Western District of North Carolina.

*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. ENSIGN:

S. 1450. A bill to amend the Internal Revenue Code of 1986 to provide additional choice regarding unused health benefits in cafeteria plans and flexible spending arrangements; to the Committee on Finance.

By Mr. HATCH (for himself and Mr. LEAHY):

S. 1451. A bill to reauthorize programs under the Runaway and Homeless Youth Act and the Missing Children's Assistance Act, and for other purposes; to the Committee on the Judiciary.

By Mr. DODD:

S. 1452. A bill to amend the Immigration and Nationality Act with respect to the H0–1B and L–1 visa programs to prevent unintended United States job losses, to increase the monitoring and enforcement authority of the Secretary of Labor over such programs, and for other purposes; to the Committee on the Judiciary.

By Mr. LEAHY (for himself and Mrs. BOXER):

S. 1453. A bill to expedite procedures for hazardous fuels reduction activities and restoration in wildlife fire prone national forests and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DOMENICI (for himself, Mr. BAUCUS, Mr. ALLARD, Mr. ALLEN, Mr. BINGAMAN, Mr. BURNS, Mr. CAMPBELL, Mr. ENZI, Mr. JOHNSON, Mr. SMITH, Mr. WARNER, Mr. CRAIG, Mr. HAGEL, Mr. WYDEN, Mr. ROBERTS, Mr. NELSON of Nebraska, Ms. COLLINS, and Mr. REID):

S. 1454. A bill to establish a National Drought Council within the Department of Agriculture, to improve national drought preparedness, mitigation, and response efforts, 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 (for himself and Mr. BIDEN):

S. Con. Res. 58. A concurrent resolution expressing the sense of Congress with respect to raising awareness and encouraging prevention of stalking in the United States and supporting the goals and ideals of National Stalking Awareness Month; to the Committee on the Judiciary.

By Mr. CRAPO:

S. Con. Res. 59. A concurrent resolution supporting the goals and ideal of Chronic Obstructive Pulmonary Disease Awareness Month; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CRAPO:

S. Con. Res. 60. A concurrent resolution supporting National Men's Health Week; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 5

At the request of Mr. TALENT, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 5, a bill to care for people in need by inspiring personal responsibility through work, family, and community.

S. 171

At the request of Mr. DAYTON, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 171, a bill to amend the title XVIII of the Social Security Act to provide payment to medicare ambulance suppliers of the full costs of providing such services, and for other purposes.

S. 215

At the request of Mrs. FEINSTEIN, the name of the Senator from Georgia (Mr. MILLER) 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. 249

At the request of Mrs. CLINTON, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 249, a bill to amend title 38, United States Code, to provide that remarriage of the surviving spouse of a deceased veteran after age 55 shall not result in termination of dependency and indemnity compensation otherwise payable to that surviving spouse.

S. 253

At the request of Mr. CAMPBELL, the name of the Senator from Wyoming (Mr. THOMAS) 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. 300

At the request of Mr. KERRY, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Florida (Mr. GRAHAM) were added as cosponsors of S. 300, a bill to award a congressional gold medal to Jackie Robinson (posthumously) , in recognition of his many contributions to the Nation, and to express the sense of Congress that there should be a national day in recognition of Jackie Robinson.

S. 480

At the request of Mr. CRAIG, his name was added as a cosponsor of S. 480, a bill to provide competitive grants for training court reporters and closed captioners to meet requirements for realtime writers under the Telecommunications Act of 1996, and for other purposes.

S. 518

At the request of Ms. COLLINS, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 518, a bill to increase the supply of pancreatic islet cells for research, to provide better coordination of Federal efforts and information on islet cell transplantation, and to collect the data necessary to move islet cell transplantation from an experimental procedure to a standard therapy.

S. 557

At the request of Ms. COLLINS, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 557, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on account of claims based on certain unlawful discrimination and to allow income averaging for backpay and frontpay awards received on account of such claims, and for other purposes.

S. 596

At the request of Mr. ENSIGN, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 596, a bill to amend the Internal Revenue Code of 1986 to encourage the investment of foreign earnings within the United States for productive business investments and job creation.

S. 606

At the request of Mr. REID, his name was added as a cosponsor of S. 606, a bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

S. 623

At the request of Mr. WARNER, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 623, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 678

At the request of Mr. AKAKA, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 678, a bill to amend chapter 10 of title 39, United States Code, to include postmasters and postmasters organizations in the process for the development and planning of certain policies, schedules, and programs, and for other purposes.

S. 818

At the request of Ms. SNOWE, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 818, a bill to ensure the independence and nonpartisan operation of the Office of Advocacy of the Small Business Administration.

S. 874

At the request of Mr. TALENT, the names of the Senator from Kansas (Mr. BROWNBACK), the Senator from Maine (Ms. COLLINS), the Senator from Oregon (Mr. SMITH), the Senator from Utah (Mr. BENNETT) and the Senator from Texas (Mr. CORNYN) were added as cosponsors of S. 874, a bill to amend title XIX of the Social Security Act to include primary and secondary preventative medical strategies for children and adults with Sickle Cell Disease as medical assistance under the medicaid program, and for other purposes.

S. 905

At the request of Mr. ROCKEFELLER, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 905, a bill to amend the Internal Revenue Code of 1986 to provide a broadband Internet access tax credit.

S. 970

At the request of Mr. HOLLINGS, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of S. 970, a bill to amend the Internal Revenue Code of 1986 to preserve jobs and

production activities in the United States.

S. 985

At the request of Mr. DODD, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 985, a bill to amend the Federal Law Enforcement Pay Reform Act of 1990 to adjust the percentage differentials payable to Federal law enforcement officers in certain high-cost areas, and for other purposes.

S. 1028

At the request of Mr. CRAPO, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1028, a bill to amend the Public Health Service Act to establish an Office of Men's Health.

S. 1045

At the request of Mr. AKAKA, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1045, a bill to strengthen United States capabilities to safely and securely dispose of all greater-than-Class C low-level radioactive waste.

S. 1046

At the request of Mr. STEVENS, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 1046, a bill to amend the Communications Act of 1934 to preserve localism, to foster and promote the diversity of television programming, to foster and promote competition, and to prevent excessive concentration of ownership of the nation's television broadcast stations.

S. 1120

At the request of Mr. BAUCUS, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 1120, a bill to establish an Office of Trade Adjustment Assistance, and for other purposes.

S. 1283

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 1283, a bill to require advance notification of Congress regarding any action proposed to be taken by the Secretary of Veterans Affairs in the implementation of the Capital Asset Realignment for Enhanced Services initiative of the Department of Veterans Affairs, and for other purposes.

S. 1379

At the request of Mr. JOHNSON, the name of the Senator from Maine (Ms. COLLINS) 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. 1390

At the request of Mr. ENSIGN, the names of the Senator from Oregon (Mr. SMITH) and the Senator from Colorado (Mr. ALLARD) were added as cosponsors of S. 1390, a bill to protect children and their parents from being coerced into administering a controlled substance in order to attend school, and for other purposes.

S. 1419

At the request of Ms. LANDRIEU, the name of the Senator from South Dakota (Mr. JOHNSON) 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 name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. Con. Res. 40, a concurrent resolution designating August 7, 2003, as ''National Purple Heart Recognition Day''.

S. RES. 160

At the request of Mr. AKAKA, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. Res. 160, a resolution to express the sense of the Senate that the federal Government should actively pursue a unified approach to strengthen and promote the national policy on aquaculture.

S. RES. 170

At the request of Mr. DODD, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. Res. 170, a resolution designating the years 2004 and 2005 as ''Years of Foreign Language Study''.

AMENDMENT NO. 1349

At the request of Mr. INHOFE, the names of the Senator from Ohio (Mr. VOINOVICH), the Senator from Missouri (Mr. BOND) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of amendment No. 1349 intended to be proposed to S. 14, a bill to enhance the energy security of the United States, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HATCH (for himself and Mr. LEAHY):

S. 1451. A bill to reauthorize programs under the Runaway and Homeless Youth Act and the Missing Children's Assistance Act, and for other purposes; to the Committee on the Judiciary.

Mr. HATCH. Mr. President, I rise today to introduce ''the Runaway, Homeless and Missing Children Protection Act of 2003.'' This bill would reauthorize the Runaway and Homeless Youth Act as well as the National Center for Missing and Exploited Children.

The Runaway and Homeless Youth Act enables public and private entities to establish and operate centers for runaway and homeless youth. These centers—which provide, among other things, shelter, counseling, drug and sexual abuse education and treatment for youth—serve as alternatives for youths who are in the child welfare or juvenile justice systems. These alternatives have proven successful in keeping children off of our streets and from returning to our juvenile justice system.

The Runaway, Homeless and Missing Children Protection Act amends the original Act in the following ways: 1. It includes testing youth for sexually transmitted diseases; 2. It allows an exception to the 20 person maximum capacity to comply with States laws which may allow higher capacities; 3. It allows youths to go to maternity group homes, adds the homes to the list of eligible groups; 4. It increases the maximum amount of time a youth may spend in a home; 5. It requires the centers/groups to inform school districts of the status of youths, and it requires the centers/groups to inform youths of post-secondary education and training opportunities; and 6. It authorizes the Act through fiscal year 2008.

In addition, the Act reauthorizes the National Center for Missing and Exploited Children through Fiscal Year 2008. The Center is a critical component of our Nation's battle against child pornography and child exploitation. It is absolutely dedicated to eradicating these evils, and its members work tirelessly towards this end. The Center deserves more than just kind words for these heroic efforts; federal funding is necessary for it to continue this good work. Indeed, Congress has tasked the Center with many missions, including maintaining the cybertipline that receives reports of online child pornography, which the Center forwards to appropriate law enforcement officials and the new pilot program to study the feasibility of instituting a national background check for volunteers who work with children. In these, as well as many other areas, the Center forms a valuable partnership with both Federal and State law enforcement officials and prosecutors in redressing a host of crimes against children.

I urge my colleagues to support this Act and these important programs.

Mr. LEAHY. Mr. President, I rise today with Senator HATCH to introduce legislation to reauthorize and improve the Runaway and Homeless Youth Act, and to extend the authorization of the Missing Children's Assistance Act. We would extend both laws through 2008. This bill follows in the footsteps of the recently enacted PROTECT Act legislation, and presents another milestone in our efforts to safeguard all of our children.

In the 29 years since it became law, the Runaway and Homeless Youth Act has helped some of the most vulnerable children in our country. A Justice Department report released last year estimated that 1.7 million young people either ran away from home or were thrown out of their home in 1999. Other studies have suggested an even higher number. This law and the programs it funds provide a safety net that helps give these young people a chance to build lives for themselves. It is slated to expire at the end of this fiscal year, and Congress should not allow that to happen.

Under the Act, ever State receives a Basic Center grant of at least $100,000 to provide housing and crisis services for runaway and homeless youth and their families. Community-based groups around the country can also apply for funding through the Transitional Living Program, TLP, and the Sexual Abuse Prevention/Street Outreach grant program. TLP grants are used to provide longer-term housing to homeless youth between the ages of 16 and 21, and to help them become self-sufficient. The Outreach grants are used to target youth who have engaged in or are at risk of engaging in high-risk behaviors while living on the street.

In my State, the Vermont Coalition for Runaway and Homeless Youth and Spectrum Youth and Family Services in Burlington receive grants under these programs and have provided excellent services both to young people trying to build lives on their own and to those who are struggling on the streets. Reauthorizing this law will allow them to continue their enormously important work.

This bill would improve the TLP by extending the period during which older homeless youth can receive services, to ensure that all homeless youth can take advantage of TLP services at least until they turn 18. It would also amend the grant allocation formula to allow between 45 and 55 percent of funding to be used for TLP services, an increase from the current statutory maximum of 30 percent. In practice, TLP services have proven so critical that the appropriations committees already allocate 45 percent of the fund to TLPs, and this change will bring the authorizing statute in line with reality.

The bill would also make permanent the Secretary of Health and Human Services' authority to make grants explicitly to help rural areas meet the unique stresses of providing services to runaway and homeless youth. Programs serving runaway and homeless youth have found that those in rural areas are particularly difficult to reach and serve effectively, and this bill recognizes that fact.

In addition, we take steps in this bill to ensure that runaway and homeless youth are aware of the educational opportunities available to them, and to increase coordination between HHS and the Department of Housing and Urban Development.

The improvements proposed in this bill to the Missing Children's Assistance Act build on provisions included in the PROTECT Act legislation that we enacted earlier this year. In that bill, we authorized National Center for Missing and Exploited Children, ''NCMEC'', activities through 2005 and authorized the Center to strengthen its CyberTipline to provide online users an effective means of reporting Internet-related child sexual exploitation in distribution of child pornography, online enticement of children for sexual acts, and child prostitution. The legislation we introduce today would extend NCMEC through 2008. Now more than ever, it is critical for Congress to give the Center the resources it needs in order to pursue its important work. A missing or abducted child is the worst nightmare of any parent or grandparent, and NCMEC has proved to be an invaluable resource in Federal, State, and local efforts to recover children who have disappeared.

Although this is a very good bill on the whole, I am disappointed that Senator HATCH did not agree to remove a provision that was included in the House bill that prohibits grantees from using any funds provided under this program for needle distribution programs. This is a superfluous provision that simply repeats what is already law. In addition, it is unnecessary because no grantee under this program operates needle exchange programs or has expressed interest in doing so. The inclusion of this needless provision, however, does not change the fact that this is still a good bill.

These programs have received tremendous bipartisan support over the years, and the House has already passed this bill by a vote of 404–14. The Senate should consider this bill as promptly as possible.

By Mr. LEAHY (for himself and Mrs. BOXER):

S. 1453. A bill to expedite procedures for hazardous fuels reduction activities and restoration in wildlife fire prone national forests and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. LEAHY. Mr. President, today I rise to introduce a bill to address the growing concern over the future of our Nation's Federal forest lands. The debate over the administration's proposed Healthy Forests Initiative indicates just how important these public lands are and calls for Congress to provide visionary leadership over the future of these lands. My bill, the Forestry and Community Assistance Act, strives to provide that vision through a balance of sound land stewardship and immediate active management to address the wildfire risk to communities and the forest health needs of our Federal and private forest lands.

The catastrophic fires that plague our western national forests and Bureau of Land Management lands are not a new phenomenon. Forest fires are part of the natural landscape. However, the intensity of these fires and the impacts of them on the urban interface due to past management decisions must be appropriately addressed. This a complex issue requiring prudent and deliberate thought, not rash reaction that cuts the public out from the debate over the future of their Federal lands.

The administration claims that over 190 million acres are in need of treatment. By its own admission, treating even a small fraction of these acres will take almost a decade. Most people believe it will be much longer and could cost billions of dollars. Unfortunately, we do not have the time or money to take the broad, unfocused approach the administration proposes in H.R. 1904.

We need to take a step back and work together on a bill that will target funding and projects first to help those communities at greatest risk from wildfires. My bill, the Forest and Community Assistance Act, will expedite fire threat reduction projects on high-risk forest lands nearby communities, private property, and municipal watersheds. It provides new authority for Federal land management agencies to enter into cooperative agreements with local and State government, homeowner associations, and local fire districts to plan and execute thinning projects across ownership boundaries.

It would do all of this without compromising environmental laws, the public input process, or judicial review. The administration, through H.R. 1904, is suggesting that they should be able to get around all of these. They are wrong. Those who we entrust with the management of our public lands should be held to the highest standards of accountability. To end the open dialog with the American public, remove objective oversight, and, when necessary, limit review of decisions by the judiciary is irresponsible. These are the American public's lands, not the lands of a small minority who want to bypass over 30 years of environmental laws and jurisprudence.

The administration continues to argue that these problems have been created by unnecessary analysis, appeals, and lawsuits. It still boggles the imagination that an agency with a $4.84 billion budget, such as the Forest Service, is brought to its knees by thirteen lawsuits as recently noted in a May 2003 General Accounting Office report.

Maybe the devil is in the details, but as a former States attorney and ranking member of the Senate Judiciary Committee, one of my greatest concerns with the House bill, H.R. 1904, is its encroachment into the judicial branch. H.R. 1904 not only interferes with how the courts should manage their dockets, but it further tips the scales of justice in favor of the government. This is not the appropriate role of this Congress or of the executive branch. As noted, by my good colleague from Alaska, Senator STEVENS, in a debate last week on another bill, ''the separation of powers is one of the most distinct advantages of this democracy. It is the longest living government on the face of the Earth today because it is a government of the people, by the people, and for the people, but it has a Constitution. That Constitution we all swear to uphold and defend. Part of that Constitution is the separation of powers concept.'' H.R. 1904 violates that concept.

The Forestry and Community Assistance Act of 2003 allows for public involvement, requires compliance with environmental laws, and allows for judicial review, while allowing work to be completed in an expedited manner. Further, my bill works towards addressing the health of our Nation's Federal lands by placing an emphasis on addressing the large-scale insect and disease epidemics that are harbingers of an unhealthy forest. The bill would also conserve lands in a healthy forest reserve program to provide protection for species at risk. Lastly, but not of least significance, the Forestry and Community Assistance Act focuses on providing economic and technical assistance to rural communities that depend on this Nation's natural resources for a living.

I hope that my colleagues will take a very close look at H.R. 1904 and recognize that it goes much further than its claims of addressing wildfire. I hope my colleagues will recognize that we need to take a different approach.

By Mr. DOMENICI (for himself, Mr. BAUCUS, Mr. ALLARD, Mr. ALLEN, Mr. BINGAMAN, Mr. BURNS, Mr. CAMPBELL, Mr. ENZI, Mr. JOHNSON, Mr. SMITH, Mr. WARNER, Mr. CRAIG, Mr. HAGEL, Mr. WYDEN, Mr. ROBERTS, Mr. NELSON of Nebraska, Ms. COLLINS, and Mr. REID):

S. 1454. A bill to establish a National Drought Council within the Department of Agriculture, to improve national drought preparedness, mitigation, and response efforts, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. DOMENICI. Mr. President, I rise today to introduce the National Drought Preparedness Act of 2003. I want to start by thanking my colleague from Montana, Senator BAUCUS, for joining me as my lead cosponsor on this important legislation.

The National Drought Council will formulate strategies to alleviate the effects of drought by fostering a greater understanding of what triggers wide spread drought conditions. By educating the public in water conservation and proper land stewardship, we can ensure a better preparedness when future drought plagues our country.

Drought is a unique emergency situation; it creeps in unlike other abrupt weather disasters. Without a national drought policy we constantly live not knowing what the next year will bring. If we find ourselves facing a drought, towns could be scrambling to drill new water wells, fire could sweep across bone dry forests, and farmers and ranchers could be forced to watch their way of life blow away with the dust. We must be vigilant and prepare ourselves for quick action when the next drought cycle begins. Better planning on our part could limit some of the damage felt by drought. I propose that this bill is the exact tool needed for facilitating better planning.

The impacts of drought are also very costly. According to NOAA, there have been 12 different drought events since 1980 that resulted in damages and costs exceeding $1 billion each. In 2000, severe drought in the South-Central and Southeastern States caused losses to agriculture and related industries of over $4 billion. Western wildfires that year totaled over $2 billion in damages. The Eastern drought in 1999 led to $1 billion in losses. These are just a few of the statistics.

I am pleased to be following through on what I started in 1997 when I commissioned a taskforce to study the widespread effects of drought. As a result, the taskforce concluded that the development of a national drought council would be an important factor in proactively combating drought.

The bill that I am introducing today is the next step in implementing a national, cohesive drought policy. The bill recognizes that drought is a recurring phenomenon that causes serious economic and environmental loss and that a national drought policy is needed to ensure an integrated, coordinated strategy.

What the future holds is very uncertain but the continuing apathy in a national drought policy is not. The need for this act is now. We can ill afford to suffer the devastating after-effects of drought knowing that we could have prepared ourselves better.

Before I close I would like to give some information about the bill. The National Drought Preparedness Act of 2003 establishes a National Drought Council within the Department of Agriculture to improve national drought preparedness, mitigation, and response efforts. It also develops a cohesive strategy for national drought policy where none previously existed. Addressing these concerns should be of paramount importance as we enter into yet another year with predictions of continued drought.

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. 1454

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''National Drought Preparedness Act of 2003''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.
Sec. 4. Effect of Act.

TITLE I—DROUGHT PREPAREDNESS

Subtitle A—National Drought Council

Sec. 101. Membership and voting.
Sec. 102. Duties of the Council.
Sec. 103. Powers of the Council.
Sec. 104. Council personnel matters.
Sec. 105. Authorization of appropriations.
Sec. 106. Termination of Council.

Subtitle B—National Office of Drought Preparedness

Sec. 111. Establishment.
Sec. 112. Director of the Office.
Sec. 113. Office staff.

Subtitle C—Drought Preparedness Plans

Sec. 121. Drought Assistance Fund.
Sec. 122. Drought preparedness plans.
Sec. 123. Federal plans.
Sec. 124. State and tribal plans.
Sec. 125. Regional and local plans.
Sec. 126. Plan elements.

TITLE II—WILDFIRE SUPPRESSION

Sec. 201. Grants for prepositioning wildfire suppression resources.

SEC. 2. FINDINGS.

Congress finds that—

(1) drought is a natural disaster;

(2) regional drought disasters in the United States cause serious economic and environmental losses, yet there is no national policy to ensure an integrated and coordinated Federal strategy to prepare for, mitigate, or respond to such losses;

(3) drought has an adverse effect on resource-dependent businesses and industries (including the recreation and tourism industries);

(4) State, tribal, and local governments have to increase coordinated efforts with each Federal agency involved in drought monitoring, planning, mitigation, and response;

(5) effective drought monitoring—

(A) is a critical component of drought preparedness and mitigation; and

(B) requires a comprehensive, integrated national program that is capable of providing reliable, accessible, and timely information to persons involved in drought planning, mitigation, and response activities;

(6) the National Drought Policy Commission was established in 1998 to provide advice and recommendations on the creation of an integrated, coordinated Federal policy designed to prepare for and respond to serious drought emergencies;

(7) according to the report issued by the National Drought Policy Commission in May 2000, the guiding principles of national drought policy should be—

(A) to favor preparedness over insurance, insurance over relief, and incentives over regulation;

(B) to establish research priorities based on the potential of the research to reduce drought impacts;

(C) to coordinate the delivery of Federal services through collaboration with State and local governments and other non-Federal entities; and

(D) to improve collaboration among scientists and managers; and

(8) the National Drought Council, in coordination with Federal agencies and State, tribal, and local governments, should provide the necessary direction, coordination, guidance, and assistance in developing a comprehensive drought preparedness system.

SEC. 3. DEFINITIONS.

In this Act:

(1) COUNCIL.—The term ''Council'' means the National Drought Council established by section 101(a).

(2) CRITICAL SERVICE PROVIDER.—The term ''critical service provider'' means an entity that provides power, water (including water provided by an irrigation organization or facility), sewer services, or wastewater treatment.

(3) DIRECTOR.—The term ''Director'' means the Director of the Office appointed under section 112(a).

(4) DROUGHT.—The term ''drought'' means a natural disaster that is caused by a deficiency in precipitation—

(A) that may lead to a deficiency in surface and subsurface water supplies (including rivers, streams, wetlands, ground water, soil moisture, reservoir supplies, lake levels, and snow pack); and

(B) that causes or may cause—

(i) substantial economic or social impacts; or

(ii) physical damage or injury to individuals, property, or the environment.

(5) FUND.—The term ''Fund'' means the Drought Assistance Fund established by section 121(a).

(6) INDIAN TRIBE.—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).

(7) INTERSTATE WATERSHED.—The term ''interstate watershed'' means a watershed that crosses a State or tribal boundary.

(8) MITIGATION.—The term ''mitigation'' means a short- or long-term action, program, or policy that is implemented in advance of or during a drought to minimize any risks and impacts of drought.

(9) NATIONAL INTEGRATED DROUGHT SYSTEM.—The term ''National Integrated Drought System'' means a comprehensive system that collects and integrates information on the key indicators of drought, including stream flow, ground water levels, reservoir levels, soil moisture, snow pack, climate (including precipitation and temperature), and forecasts, in order to make usable, reliable, and timely assessments of drought, including the severity of drought.

(10) NEIGHBORING COUNTRY.—The term ''neighboring country'' means Canada and Mexico.

(11) OFFICE.—The term ''Office'' means the National Office of Drought Preparedness established under section 111.

(12) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(13) TRIGGER.—The term ''trigger'' means the thresholds or criteria that must be satisfied before mitigation or emergency assistance may be provided to an area—

(A) in which drought is emerging; or

(B) that is experiencing a drought.

(14) UNDER SECRETARY.—The term ''Under Secretary'' means the Under Secretary of Agriculture for Natural Resources and Environment.

(15) WATERSHED.—

(A) IN GENERAL.—The term ''watershed'' means—

(i) a region or area with common hydrology;

(ii) an area drained by a waterway that drains into a lake or reservoir;

(iii) the total area above a designated point on a stream that contributes water to the flow at the designated point; or

(iv) the topographic dividing line from which surface streams flow in 2 different directions.

(B) EXCLUSION.—The term ''watershed'' does not include a region or area described in subparagraph (A) that is larger than a river basin.

(16) WATERSHED GROUP.—The term ''watershed group'' means a group of individuals that—

(A) represents the broad scope of relevant interests in a watershed; and

(B) works in a collaborative manner to jointly plan the management of the natural resources in the watershed; and

(C) is formally recognized by each of the States in which the watershed lies.

SEC. 4. EFFECT OF ACT.

This Act does not affect—

(1) the authority of a State to allocate quantities of water under the jurisdiction of the State; or

(2) any State water rights established as of the date of enactment of this Act.

TITLE I—DROUGHT PREPAREDNESS

Subtitle A—National Drought Council

SEC. 101. MEMBERSHIP AND VOTING.

(a) IN GENERAL.—There is established in the Office of the Secretary a council to be known as the ''National Drought Council''.

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Council shall be composed of—

(A) the Secretary;

(B) the Secretary of Commerce;

(C) the Secretary of the Army;

(D) the Secretary of the Interior;

(E) the Director of the Federal Emergency Management Agency;

(F) the Administrator of the Environmental Protection Agency;

(G) 4 members appointed by the Secretary, in coordination with the National Governors Association—

(i) who shall each be a Governor of a State; and

(ii) who shall collectively represent the geographic diversity of the United States;

(H) 1 member appointed by the Secretary, in coordination with the National Association of Counties;

(I) 1 member appointed by the Secretary, in coordination with the United States Conference of Mayors;

(J) 1 member appointed by the Secretary of the Interior, in coordination with Indian tribes, to represent the interests of tribal governments; and

(K) 1 member appointed by the Secretary, in coordination with the National Association of Conservation Districts, to represent local soil and water conservation districts.

(2) DATE OF APPOINTMENT.—The appointment of each member of the Council shall be made not later than 120 days after the date of enactment of this Act.

(c) TERM; VACANCIES.—

(1) TERM.—

(A) IN GENERAL.—Except as provided in subparagraph (B), a member of the Council shall serve for the life of the Council.

(B) EXCEPTION.—A member of the Council appointed under subparagraphs (G) through (K) of subsection (b)(1) shall be appointed for a term of 2 years.

(2) VACANCIES.—

(A) IN GENERAL.—A vacancy on the Council—

(i) shall not affect the powers of the Council; and

(ii) shall be filled in the same manner as the original appointment was made.

(B) DURATION OF APPOINTMENT.—A member appointed to fill a vacancy occurring before the expiration of the term for which the predecessor was appointed shall be appointed only for the remainder of the term.

(d) MEETINGS.—

(1) IN GENERAL.—The Council shall meet at the call of the co-chairs.

(2) FREQUENCY.—The Council shall meet at least semiannually.

(e) QUORUM.—A majority of the members of the Council shall constitute a quorum, but a lesser number may hold hearings or conduct other business.

(f) CO-CHAIRS.—

(1) IN GENERAL.—There shall be a Federal co-chair and non-Federal co-chair of the Council.

(2) APPOINTMENT.—

(A) FEDERAL CO-CHAIR.—The Secretary shall be Federal co-chair.

(B) NON-FEDERAL CO-CHAIR.—Every 2 years, the Council members appointed under subparagraphs (G) through (K) of subsection (b)(1) shall select a non-Federal co-chair from among the members appointed under those subparagraphs.

(g) DIRECTOR.—

(1) IN GENERAL.—The Director shall serve as Director of the Council.

(2) DUTIES.—The Director shall serve the interests of all members of the Council.

SEC. 102. DUTIES OF THE COUNCIL.

(a) IN GENERAL.—The Council shall—

(1) not later than 1 year after the date of the first meeting of the Council, develop a comprehensive National Drought Policy Action Plan that—

(A)(i) delineates and integrates responsibilities for activities relating to drought (including drought preparedness, mitigation, research, risk management, training, and emergency relief) among Federal agencies; and

(ii) ensures that those activities are coordinated with the activities of the States, local governments, Indian tribes, and neighboring countries;

(B) is consistent with—

(i) this Act and other applicable Federal laws; and

(ii) the laws and policies of the States for water management;

(C) is integrated with drought management programs of the States, Indian tribes, local governments, watershed groups, and private entities; and

(D) avoids duplicating Federal, State, tribal, local, watershed, and private drought preparedness and monitoring programs in existence on the date of enactment of this Act;

(2) evaluate Federal drought-related programs in existence on the date of enactment of this Act and make recommendations to Congress and the President on means of eliminating—

(A) discrepancies between the goals of the programs and actual service delivery;

(B) duplication among programs; and

(C) any other circumstances that interfere with the effective operation of the programs;

(3) make recommendations to the President, Congress, and appropriate Federal Agencies on—

(A) the establishment of common interagency triggers for authorizing Federal drought mitigation programs; and

(B) improving the consistency and fairness of assistance among Federal drought relief programs;

(4) coordinate and prioritize specific activities that will improve the National Integrated Drought System by—

(A) taking into consideration the limited resources for—

(i) drought monitoring, prediction, and research activities; and

(ii) water supply forecasting; and

(B) providing for the development of an effective drought information delivery system that—

(i) communicates drought conditions and impacts to—

(I) decisionmakers at the Federal, regional, State, tribal, and local levels of government;

(II) the private sector; and

(III) the public; and

(ii) includes near-real-time data, information, and products developed at the Federal, regional, State, tribal, and local levels of government that reflect regional and State differences in drought conditions;

(5) encourage and facilitate the development of drought preparedness plans under subtitle C, including establishing the guidelines under sections 121(c) and 122(a);

(6) based on a review of drought preparedness plans, develop and make available to the public drought planning models to reduce water resource conflicts relating to water conservation and droughts;

(7) develop and coordinate public awareness activities to provide the public with access to understandable, and informative materials on drought, including—

(A) explanations of the causes of drought, the impacts of drought, and the damages from drought;

(B) descriptions of the value and benefits of land stewardship to reduce the impacts of drought and to protect the environment;

(C) clear instructions for appropriate responses to drought, including water conservation, water reuse, and detection and elimination of water leaks;

(D) information on State and local laws applicable to drought; and

(E) information on the assistance available to resource-dependent businesses and industries during a drought; and

(8) establish operating procedures for the Council.

(b) CONSULTATION.—In carrying out this section, the Council shall consult with groups affected by drought emergencies, including groups that represent—

(1) agricultural production, wildlife, and fishery interests;

(2) forestry and fire management interests;

(3) the credit community;

(4) rural and urban water associations;

(5) environmental interests;

(6) engineering and construction interests;

(7) the portion of the science community that is concerned with drought and climatology;

(8) resource-dependent businesses and other private entities (including the recreation and tourism industries); and

(9) watershed groups.

(c) AGENCY ROLES AND RESPONSIBILITIES.—

(1) DESIGNATION OF LEAD AGENCIES.—

(A) DEPARTMENT OF COMMERCE.—The Department of Commerce shall be the lead agency for purposes of implementing subsection (a)(4).

(B) DEPARTMENTS OF THE ARMY AND THE INTERIOR.—The Department of the Army and the Department of the Interior shall jointly be the lead agency for purposes of implementing—

(i) paragraphs (5) and (6) of section subsection (a); and

(ii) section 122.

(C) DEPARTMENT OF AGRICULTURE.—The Department of Agriculture, in cooperation with the lead agencies designated under subparagraphs (A) and (B), shall be the lead agency for purposes of implementing section 121.

(2) COOPERATION FROM OTHER FEDERAL AGENCIES.—The head of each Federal agency shall cooperate as appropriate with the lead agencies in carrying out any duties under this Act.

(d) REPORTS TO CONGRESS.—

(1) ANNUAL REPORT.—

(A) IN GENERAL.—Not later than 1 year after the date of the first meeting of the Council, and annually thereafter, the Council shall submit to Congress a report on the activities carried out under this title.

(B) INCLUSIONS.—

(i) IN GENERAL.—The annual report shall include a summary of drought preparedness plans completed under sections 123 through 125.

(ii) INITIAL REPORT.—The initial report submitted under subparagraph (A) shall include any recommendations of the Council under paragraph (2) or (3) of subsection (a).

(2) FINAL REPORT.—Not later than 7 years after the date of enactment of this Act, the Council shall submit to Congress a report that recommends—

(A) amendments to this Act; and

(B) whether the Council should continue.

SEC. 103. POWERS OF THE COUNCIL.

(a) HEARINGS.—The Council may hold hearings, meet and act at any time and place, take any testimony and receive any evidence that the Council considers advisable to carry out this title.

(b) INFORMATION FROM FEDERAL AGENCIES.—

(1) IN GENERAL.—The Council may obtain directly from any Federal agency any information that the Council considers necessary to carry out this title.

(2) PROVISION OF INFORMATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), on request of the Secretary or the non-Federal co-chair, the head of a Federal agency may provide information to the Council.

(B) LIMITATION.—The head of a Federal agency shall not provide any information to the Council that the Federal agency head determines the disclosure of which may cause harm to national security interests.

(c) POSTAL SERVICES.—The Council may use the United States mail in the same manner and under the same conditions as other agencies of the Federal Government.

(d) GIFTS.—The Council may accept, use, and dispose of gifts or donations of services or property.

(e) FEDERAL FACILITIES.—If the Council proposes the use of a Federal facility for the purposes of carrying out this title, the Council shall solicit and consider the input of the Federal agency with jurisdiction over the facility.

SEC. 104. COUNCIL PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—

(1) NON-FEDERAL EMPLOYEES.—A member of the Council who is not an officer or employee of the Federal Government shall serve without compensation.

(2) FEDERAL EMPLOYEES.—A member of the Council who is an officer or employee of the United States shall serve without compensation in addition to the compensation received for services of the member as an officer or employee of the Federal Government.

(b) TRAVEL EXPENSES.—A member of the Council shall be allowed travel expenses at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Council.

SEC. 105. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this title $2,000,000 for each of fiscal years 2004 through 2011.

SEC. 106. TERMINATION OF COUNCIL.

The Council shall terminate 8 years after the date of enactment of this Act.

Subtitle B—National Office of Drought Preparedness

SEC. 111. ESTABLISHMENT.

The Secretary shall establish an office to be known as the ''National Office of Drought Preparedness'', which shall be under the jurisdiction of the Under Secretary, to provide assistance to the Council in carrying out this title.

SEC. 112. DIRECTOR OF THE OFFICE.

(a) APPOINTMENT.—

(1) IN GENERAL.—The Under Secretary shall appoint a Director of the Office under sections 3371 through 3375 of title 5, United States Code.

(2) QUALIFICATIONS.—The Director shall be a person who has experience in—

(A) public administration; and

(B) drought mitigation or drought management.

(b) POWERS.—The Director may hire such other additional personnel or contract for services with other entities as necessary to carry out the duties of the Office.

SEC. 113. OFFICE STAFF.

(a) IN GENERAL.—The Office shall have at least 5 full-time staff, including the detailees detailed under subsection (b)(1).

(b) DETAILEES.—

(1) REQUIRED DETAILEES.—There shall be detailed to the Office, on a nonreimbursable basis—

(A) by the Director of the Federal Emergency Management Agency, 1 employee of the Federal Emergency Management Agency with expertise in emergency planning;

(B) by the Secretary of Commerce, 1 employee of the Department of Commerce with experience in drought monitoring;

(C) by the Secretary of the Interior, 1 employee of the Bureau of Reclamation with experience in water planning; and

(D) by the Secretary of the Army, 1 employee of the Army Corps of Engineers with experience in water planning.

(2) ADDITIONAL DETAILEES.—

(A) IN GENERAL.—In addition to any employees detailed under paragraph (1), any other employees of the Federal Government may be detailed to the Office.

(B) REIMBURSEMENT.—An employee detailed under subparagraph (A) shall be detailed without reimbursement, unless the Secretary, on the recommendation of the Director, determines that reimbursement is appropriate.

(3) CIVIL SERVICE STATUS.—The detail of an employee under paragraph (1) or (2) shall be without interruption or loss of civil service status or privilege.

Subtitle C—Drought Preparedness Plans

SEC. 121. DROUGHT ASSISTANCE FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the ''Drought Assistance Fund''.

(b) PURPOSE.—The Fund shall be used to pay the costs of—

(1) providing technical and financial assistance (including grants and cooperative assistance) to States, Indian tribes, local governments, watershed groups, and critical service providers for the development and implementation of drought preparedness plans under sections 123 through 125;

(2) providing to States, Indian tribes, local governments, watershed groups, and critical service providers the Federal share, as determined by the Secretary, in consultation with the other members of the Council, of the cost of mitigating the overall risk and impacts of droughts;

(3) assisting States, Indian tribes, local governments, watershed groups, and critical service providers in the development of mitigation measures to address environmental, economic, and human health and safety issues relating to drought;

(4) expanding the technology transfer of drought and water conservation strategies and innovative water supply techniques;

(5) developing post-drought evaluations and recommendations; and

(6) supplementing, if necessary, the costs of implementing actions under section 102(a)(4).

(c) GUIDELINES.—

(1) IN GENERAL.—The Secretary, in consultation with the non-Federal co-chair and with the concurrence of the Council, shall promulgate guidelines to implement this section.

(2) GENERAL REQUIREMENTS.—The guidelines shall—

(A) ensure the distribution of amounts from the Fund within a reasonable period of time;

(B) take into consideration regional differences;

(C) take into consideration all impacts of drought in a balanced manner;

(D) prohibit the use of amounts from the Fund for Federal salaries that are not directly related to the provision of drought assistance;

(E) require that amounts from the Fund provided to States, local governments, watershed groups, and critical service providers under subsection (b)(1) be coordinated with and managed by the State in which the local governments, watershed groups, or critical service providers are located, consistent with the drought preparedness priorities and relevant water management plans in the State;

(F) require that amounts from the Fund provided to Indian tribes under subsection (b)(1) be used to implement plans that are, to the maximum extent practicable—

(i) coordinated with any State in which land of the Indian tribe is located; and

(ii) consistent with existing drought preparedness and water management plans of the State; and

(G) require that a State, Indian tribe, local government, watershed group, or critical service provider that receives Federal funds under paragraph (2) or (3) of subsection (b) pay, using amounts made available through non-Federal grants, cash donations made by non-Federal persons or entities, or any other non-Federal funds, not less than 25 percent of the total cost of carrying out a project for which Federal funds are provided under this Act.

(3) SPECIAL REQUIREMENTS APPLICABLE TO INTERSTATE WATERSHEDS.—

(A) DEVELOPMENT OF DROUGHT PREPAREDNESS PLANS.—The guidelines promulgated under paragraph (1) shall require that, to receive financial assistance under subsection (b)(1) for the development of drought preparedness plans for interstate watersheds, the States or Indian tribes in which the interstate watershed is located shall—

(i) cooperate in the development of the plan; and

(ii) in developing the plan—

(I) ensure that the plan is consistent with any applicable State and tribal water laws, policies, and agreements;

(II) ensure that the plan is consistent and coordinated with any interstate stream compacts;

(III) include the participation of any appropriate watershed groups; and

(IV) recognize that while implementation of the plan will involve further coordination among the appropriate States and Indian tribes, each State and Indian tribe has sole jurisdiction over implementation of the portion of the watershed within the State or tribal boundaries.

(B) IMPLEMENTATION OF DROUGHT PREPAREDNESS PLANS.—The guidelines promulgated under paragraph (1) shall require that, to receive financial assistance under subsection (b)(1) for the implementation of drought preparedness plans for interstate watersheds, the States or Indian tribes in which the interstate watershed is located shall, to the maximum extent practicable—

(i) cooperate in implementing the plan;

(ii) in implementing the plan—

(I) provide that the distribution of funds to all States and Indian tribes in which the watershed is located is not required; and

(II) consider the level of impact within the watershed on the affected States or Indian tribes; and

(iii) ensure that implementation of the plan does not interfere with State water rights in existence on the date of enactment of this Act.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Fund such sums as are necessary to carry out subsection (b).

SEC. 122. DROUGHT PREPAREDNESS PLANS.

(a) IN GENERAL.—The Secretary of the Interior and the Secretary of the Army shall, with the concurrence of the Council, jointly promulgate guidelines for administering a national program to provide technical and financial assistance to States, Indian tribes, local governments, watershed groups, and critical service providers for the development, maintenance, and implementation of drought preparedness plans.

(b) REQUIREMENTS.—To build on the experience and avoid duplication of efforts of Federal, State, local, tribal, and regional drought plans in existence on the date of enactment of this Act, the guidelines may recognize and incorporate those plans.

SEC. 123. FEDERAL PLANS.

(a) IN GENERAL.—The Secretary, the Secretary of the Interior, the Secretary of the Army, and other appropriate Federal agency heads shall develop and implement Federal drought preparedness plans for agencies under the jurisdiction of the appropriate Federal agency head.

(b) REQUIREMENTS.—The Federal plans—

(1) shall be integrated with each other;

(2) may be included as components of other Federal planning requirements;

(3) shall be integrated with drought preparedness plans of State, tribal, and local governments that are affected by Federal projects and programs; and

(4) shall be completed not later than 2 years after the date of enactment of this Act.

SEC. 124. STATE AND TRIBAL PLANS.

States and Indian tribes may develop and implement State and tribal drought preparedness plans that—

(1) address monitoring of resource conditions that are related to drought;

(2) identify areas that are at a high risk for drought;

(3) describes mitigation strategies to address and reduce the vulnerability of an area to drought; and

(4) are integrated with State, tribal, and local water plans in existence on the date of enactment of this Act.

SEC. 125. REGIONAL AND LOCAL PLANS.

Local governments, watershed groups, and regional water providers may develop and implement drought preparedness plans that—

(1) address monitoring of resource conditions that are related to drought;

(2) identify areas that are at a high risk for drought;

(3) describe mitigation strategies to address and reduce the vulnerability of an area to drought; and

(4) are integrated with corresponding State plans.

SEC. 126. PLAN ELEMENTS.

The drought preparedness plans developed under sections 123 through 125—

(1) shall be consistent with Federal and State laws, contracts, and policies;

(2) shall allow each State to continue to manage water and wildlife in the State;

(3) shall address the health, safety, and economic interests of those persons directly affected by drought;

(4) shall address the economic impact on resource-dependent businesses and industries, including regional tourism;

(5) may include—

(A) provisions for water management strategies to be used during various drought or water shortage thresholds, consistent with State water law;

(B) provisions to address key issues relating to drought (including public health, safety, economic factors, and environmental issues such as water quality, water quantity, protection of threatened and endangered species, and fire management);

(C) provisions that allow for public participation in the development, adoption, and implementation of drought plans;

(D) provisions for periodic drought exercises, revisions, and updates;

(E) a hydrologic characterization study to determine how water is being used during times of normal water supply availability to anticipate the types of drought mitigation actions that would most effectively improve water management during a drought;

(F) drought triggers;

(G) specific implementation actions for droughts;

(H) a water shortage allocation plan, consistent with State water law; and

(I) comprehensive insurance and financial strategies to manage the risks and financial impacts of droughts; and

(6) shall take into consideration—

(A) the financial impact of the plan on the ability of the utilities to ensure rate stability and revenue stream; and

(B) economic impacts from water shortages.

TITLE II—WILDFIRE SUPPRESSION

SEC. 201. GRANTS FOR PREPOSITIONING WILDFIRE SUPPRESSION RESOURCES.

Title II of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.) is amended by adding at the end the following:

"SEC. 205. GRANTS FOR PREPOSITIONING WILDFIRE SUPPRESSION RESOURCES.

''(a) FINDINGS AND PURPOSE.—

''(1) FINDINGS.—Congress finds that—

''(A) droughts increase the risk of catastrophic wildfires that—

''(i) drastically alter and otherwise adversely affect the landscape for communities and the environment;

''(ii) because of the potential of such wildfires to overwhelm State wildfire suppression resources, require a coordinated response among States, Federal agencies, and neighboring countries; and

''(iii) result in billions of dollars in losses each year;

''(B) the Federal Government must, to the maximum extent practicable, prevent and suppress such catastrophic wildfires to protect human life and property;

''(C) not taking into account State, local, and private wildfire suppression costs, during the period of 1996 through 2000, the Federal Government expended over $630,000,000 per year for wildfire suppression costs;

''(D) in 2002, the Federal Government expended $1,600,000,000 for wildfire suppression;

''(E) it is more cost-effective to prevent wildfires by prepositioning wildfire fighting resources to catch flare-ups than to commit millions of dollars to respond to large uncontrollable fires; and

''(F) it is in the best interest of the United States to invest in catastrophic wildfire prevention and mitigation by easing the financial burden of prepositioning wildfire suppression resources.

''(2) PURPOSE.—The purpose of this section is to encourage the mitigation and prevention of wildfires by providing financial assistance to States for prepositioning of wildfire suppression resources.

''(b) AUTHORIZATION.—Subject to the availability of funds, the Director of the Federal Emergency Management Agency (referred to in this section as the 'Director') shall reimburse a State for the cost of prepositioning wildfire suppression resources on potential multiple and large fire complexes when the Director determines, in accordance with national and regional severity indices of the Forest Service, that a wildfire event poses a threat to life and property in the area.

''(c) ELIGIBILITY.—Wildfire suppression resources of the Federal Government, neighboring countries, and any State other than the State requesting assistance are eligible for reimbursement under this section.

''(d) REIMBURSEMENT.—

''(1) IN GENERAL.—The Director may reimburse a State for the costs of prepositioning

of wildfire suppression resources of the entities specified in subsection (c), including mobilization to, and demobilization from, the staging or prepositioning area.

''(2) REQUIREMENTS.—For a State to receive reimbursement under paragraph (1)—

''(A) any resource provided by an entity specified in subsection (c) shall have been specifically requested by the State seeking reimbursement; and

''(B) staging or prepositioning costs—

''(i) shall be expended during the approved prepositioning period; and

''(ii) shall be reasonable.''.

Mr. BAUCUS. Mr. President, this year will mark the 7th year of drought for some parts of Montana

The current drought has been disastrous, not only to agriculture producers, but also to the surrounding rural communities. When producers are hurting, everyone in that region huts. Main streets, die, schools close, and rural towns dry up.

The economic costs are immeasurable, but the social costs are also substantial. Domestic abuse increases; suicide rates rise; People's lives are turned upside down. Drought is not something we can ignore.

In Montana, agriculture accounts for over half of our economy. It's our backbone—both economically and socially. We can not ignore the drought.

According to the National Drought Monitor, nearly one-third of the United States is currently experiencing ''moderate'' to ''exceptional' drought. Nearly one-third of the United States is experiencing the devastating effects of drought.

Yet despite the colossal economic and social costs of drought, we do not have a national drought policy.

The last prolonged drought of substantial magnitude in the United States was during the 1930s. While not all of us were around during this time, we have all heard about the dust bowl years. The drought coincided with an economic downturn and rural areas were devastated. Banks closed, schools closed, main streets disappeared. Millions of people migrated to urban areas.

The effects of the current drought are frighteningly similar. We are experiencing an economic downturn, schools are closing, main streets are disappearing.

Following the dustbowl years, the Federal Government enacted the first proactive response to drought with the creation of the Soil Conservation Service—now the Natural Resources Conservation Service—to stress soil conservation measures. It's time to expand this proactive approach and create a national drought policy.

We need a national drought policy and we need it now.

I am pleased to introduce the National Drought Preparedness Act with my colleague Senator DOMENICI of New Mexico.

The National Drought Preparedness Act accomplishes four main objectives. This bill: (1) creates a national policy for drought, (2) improves the delivery of Federal drought programs, (3) provides new tools for drought preparedness planning, and (4) improves drought forecasting and monitoring.

We have waited too long for this bill. Drought is occurring now and it will occur again. It's time to create a proactive, preparedness approach to drought and this bill will do just that.

SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 58—EXPRESSING THE SENSE OF CONGRESS WITH RESPECT TO RAISING AWARENESS AND ENCOURAGING PREVENTION OF STALKING IN THE UNITED STATES AND SUPPORTING THE GOALS AND IDEALS OF NATIONAL STALKING AWARENESS MONTH

Mr. DEWINE (for himself and Mr. BIDEN) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 58

Whereas an estimated 1,006,970 women and 370,990 men are stalked annually in the United States and, in the majority of such cases, the person is stalked by someone who is not a stranger;

Whereas 81 percent of women who are stalked by an intimate partner are also physically assaulted by that partner, and 76 percent of women who are killed by an intimate partner were also stalked by that intimate partner;

Whereas 26 percent of stalking victims lose time from work as a result of their victimization and 7 percent never return to work;

Whereas stalking victims are forced to take drastic measures to protect themselves, such as relocating, changing their address, changing their identities, changing jobs, and obtaining protection orders;

Whereas stalking is a crime that cuts across race, culture, gender, age, sexual orientation, physical and mental ability, and economic status;

Whereas stalking is a crime under Federal law and under the laws of all 50 States and the District of Columbia;

Whereas there are national organizations, local victim service organizations, prosecutors' offices, and police departments who stand ready to assist stalking victims and who are working diligently to craft competent, thorough, and innovative responses to stalking; and

Whereas there is a need to enhance the criminal justice system's response to stalking and stalking victims, including aggressive investigation and prosecution: Now, therefore, be it

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

(1) it is the sense of Congress that—

(A) National Stalking Awareness Month provides an opportunity to educate the people of the United States about stalking;

(B) all Americans should applaud the efforts of the many victim service providers, police, prosecutors, national and community organizations, and private sector supporters for their efforts in promoting awareness about stalking; and

(C) policymakers, criminal justice officials, victim service and human service agencies, nonprofits, and others should recognize the need to increase awareness of stalking and availability of services for stalking victims;

(2) Congress urges national and community organizations, businesses in the private sector, and the media to promote, through National Stalking Awareness Month, awareness of the crime of stalking; and

(3) Congress supports the goals and ideals of National Stalking Awareness Month.

Mr. DEWINE. Mr. President, I rise today to submit a resolution supporting the establishment of a National Stalking Awareness Month. Each year, approximately 1.4 million Americans—over 1 million women and about 400,000 men—are stalked. This statistic is truly staggering. Yet given the prevalence of stalking, this crime surprisingly goes largely unrecognized.

Stalking is an issue that affects 1 in 12 women and 1 in 45 men during their lifetime. It cuts across all lines of race, age, and gender. Women and men from all walks of life across the United States have struggled emotionally and financially to rebuild their lives after being victimized by stalking.

Stalking is a tremendous problem, and it is one that we need to do more to address. A National Stalking Awareness Month would help to educate and increase awareness about stalking. This resolution applauds the efforts of policymakers, law enforcement officers, victim service agencies, and nonprofit organizations that currently promote awareness of stalking.

This resolution also encourages these groups to examine new and innovative ways to promote prevention and prosecution of stalking crimes. By increasing awareness and devising practical, effectual methods for handling stalkers, we can help the police, we can help prosecutors, and most importantly, we can help victims to confront this horrible crime.

I encourage my colleagues to support this resolution. We can—and we should—do more to ensure that stalkers are brought to justice and that their victims are not forced to live in fear.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1362. 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.

SA 1363. Mr. DODD (for himself, Ms. STABENOW, Mr. LIEBERMAN, and Mr. CORZINE) proposed an amendment to the bill H.R. 2555, supra.

SA 1364. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 2555, supra.

SA 1365. Mrs. FEINSTEIN (for herself and Mr. KYL) proposed an amendment to the bill H.R. 2555, supra.

SA 1366. Mr. BAYH (for himself, Mr. NELSON of Nebraska, Mr. AKAKA, Mrs. FEINSTEIN, and Ms. MIKULSKI) 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 1367. Mr. BYRD proposed an amendment to the bill H.R. 2555, supra.

SA 1368. Mr. SPECTER (for himself, Mr. SCHUMER, Mr. WARNER, Mrs. CLINTON, Ms. MIKULSKI, Mr. CORZINE, Mr. KENNEDY, Mrs.

MURRAY, Mr. LAUTENBERG, Mr. DURBIN, and Mr. SARBANES) proposed an amendment to the bill H.R. 2555, supra.

SA 1369. Mr. GRAHAM of South Carolina submitted an amendment intended to be proposed by him to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table.

SA 1370. Mr. SPECTER (for Mr. SCHUMER (for himself, Mr. SPECTER, Mr. WARNER, and 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 1371. Mr. BAYH 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 1372. Mr. REED (for himself, Mr. SARBANES, Mr. CORZINE, and Mrs. CLINTON) proposed an amendment to the bill H.R. 2555, supra.

SA 1373. Mr. BYRD (for himself, Mr. LIEBERMAN, Mr. LEVIN, and Mrs. CLINTON) proposed an amendment to the bill H.R. 2555, supra.

SA 1374. Mr. BYRD (for Mr. DURBIN (for himself, Mrs. CLINTON, and Mr. CORZINE)) proposed an amendment to the bill H.R. 2555, supra.

SA 1375. Mr. BYRD (for Mr. FEINGOLD) proposed an amendment to the bill H.R. 2555, supra.

SA 1376. Mr. LEVIN (for himself and Mr. REID) proposed an amendment to the bill H.R. 2555, supra.

SA 1377. Mr. BAYH (for himself, Mr. AKAKA, Mr. NELSON of Nebraska, Mr. MCCAIN, Mrs. FEINSTEIN, Ms. MIKULSKI, and Mrs. CLINTON) 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 1378. Mr. COCHRAN (for Ms. LANDRIEU) proposed an amendment to the bill H.R. 2555, supra.

SA 1379. Mr. COCHRAN (for Mr. BAYH (for himself, Mr. AKAKA, Mr. NELSON of Nebraska, Mr. MCCAIN, Mrs. FEINSTEIN, Ms. MIKULSKI, and Mrs. CLINTON)) proposed an amendment to the bill H.R. 2555, supra.

SA 1380. Mr. BYRD (for Mr. FEINGOLD) proposed an amendment to the bill H.R. 2555, supra.

SA 1381. Mr. BYRD (for Mr. AKAKA (for himself and Mr. STEVENS)) proposed an amendment to the bill H.R. 2555, supra.

SA 1382. Mr. BYRD (for Ms. LANDRIEU) proposed an amendment to the bill H.R. 2555, supra.

SA 1383. Mr. BYRD proposed an amendment to the bill H.R. 2555, supra.

SA 1384. Mr. DURBIN (for himself, Mr. NELSON of Florida, Mrs. BOXER, Mr. REID, Mr. LAUTENBERG, Ms. CANTWELL, Mr. REED, and Mr. KENNEDY) proposed an amendment to the bill S. 14, to enhance the energy security of the United States, and for other purposes.

SA 1385. Mr. DURBIN proposed an amendment to the bill S. 14, supra.

SA 1386. Mr. BOND (for himself, Mr. LEVIN, Mr. DOMENICI, and Ms. STABENOW) proposed an amendment to the bill S. 14, supra.

TEXT OF AMENDMENTS

SA 1362. 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:

Insert after section 615 the following:

SEC. . Not later than 60 days after the date of the enactment of this Act, the Secretary of Homeland Security, in consultation with the Secretary of State and the Attorney General, shall report to the Committee on Appropriations of the Senate and the House of Representatives on the feasibility of providing access to State and local law enforcement agencies to the database of the Department of State on potential terrorists known as the ''Tipoff'' database, including the process by which classified information shall be secured from unauthorized disclosure.

SA 1363. Mr. BOND (for himself, Ms. STABENOW, Mr. LIEBERMAN, 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 56, line 2, strike ''$172,736,000'' and insert ''$690,944,000''.

On page 58, line 6, strike ''$2,888,000,000'' and insert ''$11,552,000,000''.

On page 60, line 1, strike ''$750,000,000'' and insert ''$3,000,000,000''.

On page 60, line 15, strike ''$826,801,000'' and insert ''$3,307,204,000''.

On page 65, line 9, strike ''$165,000,000'' and insert ''$660,000,000''.

SA 1364. Mrs. HUTCHISON 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; as follows:

SA 1365. Mrs. FEINSTEIN (for herself and Mr. KYL) 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 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 1366. Mr. BAYH (for himself, Mr. NELSON of Nebraska, Mr. AKAKA, Mrs. FEINSTEIN, and Ms. MIKULSKI) 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:

Insert after section 615 the following:

SEC. 616. (a) PLAN FOR ENHANCEMENT OF OPERATIONS OF OFFICE OF INFORMATION ANALYSIS AND INFRASTRUCTURE PROTECTION.—Not later than 120 after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to Congress a plan for enhancements of the operations of the Office of Information Analysis and Infrastructure Protection (IAIP) in order to—

(1) meet the personnel requirements of the Office;

(2) improve communications between the Office and the intelligence community; and

(3) improve coordination between the Office and State and local counterterrorism and law enforcement officials.

(b) ADDITIONAL ELEMENTS.—In addition to the matters specified in subsection (a) the report shall include the following:

(1) A description of the current assets and capabilities of the Office of Information Analysis and Infrastructure Protection.

(2) A strategy for the Office for the coordination and dissemination of intelligence and other information.

(3) A schedule for the implementation of the plan required under subsection (a).

(c) ANNUAL REPORTS ON CERTAIN EFFORTS.—(1) Not later than one year after the date of the enactment of this Act, and annually thereafter, the Secretary shall submit to Congress a report on the efforts of the Office of Information Analysis and Infrastructure Protection during the one-year period ending on the date of such report to coordinate with other Federal agencies, State and local governments, and the private sector on the collection, analysis, and dissemination of information on threats to the United States and its infrastructure.

(2) Each report shall include, for the period covered by such report—

(A) a description of the efforts described in paragraph (1), including any capabilities developed or enhanced as a result of such efforts; and

(B) an assessment of the success of such efforts.

SA 1367. 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 6, insert the following:

TITLE VII—FULFILLING HOMELAND SECURITY PROMISES

OFFICE OF THE UNDER SECRETARY FOR BORDER AND TRANSPORTATION SECURITY

TRANSPORTATION SECURITY ADMINISTRATION

MARITIME AND LAND SECURITY

For an additional amount for ''Maritime and Land Security'', $100,000,000, to remain available until September 30, 2005, for port security grants, which shall be distributed under the same terms and conditions as provided under Public Law 107–117.

UNITED STATES COAST GUARD

OPERATING EXPENSES

For an additional amount for ''Operating Expenses'', $42,000,000, to remain available until December 31, 2004, shall be for costs pursuant to Public Law 107–295 for implementing the Maritime Transportation Security Act including those costs associated with the review of vessel and facility security plans and the development of area security plans.

OFFICE FOR DOMESTIC PREPAREDNESS

For an additional amount for ''Firefighter Assistance Grants,'' $100,000,000, to remain available through September 30, 2005, for programs authorized by section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.).

OFFICE OF THE UNDER SECRETARY FOR INFORMATION ANALYSIS AND INFRASTRUCTURE PROTECTION

Of the amounts made available for the ''Office of the Under Secretary for Information Analysis and Infrastructure Protection'', $50,000,000, to remain available until September 30, 2005, shall be for chemical facility security assessments.

OFFICE OF THE UNDER SECRETARY FOR INFORMATION ANALYSIS AND INFRASTRUCTURE PROTECTION

On page 66, line 9, strike ''$823,700,000,'' and insert ''$581,700,000,''.

SA 1368. Mr. SPECTER (for himself, Mr. SCHUMER, Mr. WARNER, Mrs. CLINTON, Ms. MIKULSKI, Mr. CORZINE, Mr. KENNEDY, Mrs. MURRAY, Mr. LAUTENBERG, Mr. DURBIN, and Mr. SARBANES) 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 58, line 6, strike ''$2,888,000,000'' and insert ''$3,138,000,000''.

On page 59, line 1, strike ''$750,000,000'' and insert ''$1,000,000,000''.

SA 1369. Mr. GRAHAM of South Carolina submitted an amendment intended to be proposed by him to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30 2004, and for other purposes; which was ordered to lie on the table, as follows:

On page 51, line 18, strike ''$285,000,000'' and insert ''$451,000,000''.

SA 1370. Mr. SPECTER (for Mr. SCHUMER (for himself, Mr. SPECTER, Mr. WARNER, and 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 58, line 6, strike ''$2,888,000,000'' and insert ''$3,138,000,000''.

On page 59, line 1, strike ''$750,000,000'' and insert ''$1,000,000,000''.

On page 66, line 9, strike ''$823,700,000'' and insert ''$636,340,000''.

On page 66, line 23, strike ''$866,000,000'' and insert ''$803,360,000''.

SA 1371. Mr. BAYH 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:

Insert after section 615 the following:

SEC. 616. (a) PLAN FOR ENHANCEMENT OF OPERATIONS OF OFFICE OF INFORMATION ANALYSIS AND INFRASTRUCTURE PROTECTION.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to Congress a plan for enhancements of the operations of the Office of Information Analysis and Infrastructure Protection (IAIP) in order to—

(1) meet the personnel requirements of the Office;

(2) improve communications between the Office and the intelligence community; and

(3) improve coordination between the Office and State and local counterterrorism and law enforcement officials.

(b) ADDITIONAL ELEMENTS.—In addition to the matters specified in subsection (a) the report shall include the following:

(1) A description of the current assets and capabilities of the Office of Information Analysis and Infrastructure Protection.

(2) A strategy for the Office for the coordination and dissemination of intelligence and other information.

(3) A schedule for the implementation of the plan required under subsection (a).

SA 1372. Mr. REED (for himself, Mr. SARBANES, Mr. CORZINE, and Mrs. CLINTON) proposed and 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;

which was ordered to lie on the table; as follows:

On page 49, between lines 7 and 8, insert the following:

TRANSIT SECURITY

For necessary expenses of the Transportation Security Administration related to land transportation security services pursuant to the Aviation and Transportation Security Act (49 U.S.C. 40101 note) and for other purposes, $100,000,000, to remain available until December 31, 2004, which shall be available for grants to public transit agencies for enhancing the security of transit facilities against chemical, biological and other terrorist threats: *Provided,* That the Secretary of Homeland Security shall make such grants pursuant to threat assessments previously conducted by the Transportation Security Administration and the Federal Transit Administration: *Provided further,* That the Secretary of Homeland Security and the Secretary of Transportation shall enter into a memorandum of understanding regarding transit security. *Provided further,* That not later than 60 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit a report to Congress that includes—

(1) the amount of funds appropriated to the Transportation Security Administration (TSA) that have been allocated for activities designed to improve public transportation security;

(2) the number of full-time TSA personnel engaged in activities designed to improve public transportation security;

(3) the strategic plan of the TSA for improving the security of our Nation's public transportation systems; and

(4) recommendations from the TSA for any policy changes needed to ensure that the TSA, in coordination with other agencies within the Department of Homeland Security, will effectively improve public transportation security for our Nation's transit riders.

SA 1373. Mr. BYRD (for himself, Mr. LIEBERMAN, Mr. LEVIN, and Mrs. CLINTON) proposed an amendment intended 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 appropriate place, insert the following:

SEC. 616. None of the funds appropriated by this Act may be used to fund the activities of any advisory committee (as defined in section 3 of the Federal Advisory Committee Act) that has been exempted from the Federal Advisory Committee Act (5 U.S.C. App.) pursuant to section 871 of the Homeland Security Act of 2002 (6 U.S.C. 451).

SA 1374. Mr. BYRD (for Mr. DURBIN (for himself, Mrs. CLINTON, 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; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . Not later than 60 days after the date of enactment of this Act, the Secretary of Homeland Security, in collaboration with the Director of the Office of Management and Budget, shall submit a report to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, the Committee on Governmental Affairs of the Senate, the Committee on Government Reform of the House of Representatives, and the Select Committee on Homeland Security of the House of Representatives on the status of the Department's efforts to—

(1) complete an inventory of the Department's entire information technology infrastructure;

(2) devise and deploy a secure comprehensive enterprise architecture that—

(A) promotes interoperability of homeland security information systems, including communications systems, for agencies within and outside the Department;

(B) avoids unnecessary duplication; and

(C) aids rapid and appropriate information exchange, retrieval, and collaboration at all levels of government;

(3) consolidate multiple overlapping and inconsistent terrorist watch lists, reconcile different policies and procedures governing whether and how terrorist watch list data are shared with other agencies and organizations, and resolve fundamental differences in the design of the systems that house the watch lists so as to achieve consistency and expeditious access to accurate, complete, and current information;

(4) ensure that the Department's enterprise architecture and the information systems leveraged, developed, managed, and acquired under such enterprise architecture are capable of rapid deployment, limit data access only to authorized users in a highly secure environment, and are capable of continuous system upgrades to benefit from advances in technology while preserving the integrity of stored data; and

(5) align common information technology investments within the Department and between the Department and other Federal, State, and local agencies responsible for homeland security to minimize inconsistent and duplicate acquisitions and expenditures.

SA 1375. Mr. BYRD (for Mr. FEINGOLD) 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 59, at the end of line 23, after ''heading'' insert the following:

Provided further, That not later than January 1, 2004, the Office of Domestic Preparedness shall submit to the Committees on Appropriations of the Senate and House of Representatives a report detailing efforts to assess and disseminate best practices to emergency responders which, at a minimum, shall discuss (1) efforts to coordinate and share information with state and local officials and emergency preparedness organizations; and (2) steps the Department proposes to improve the coordination and sharing of such information, if any.

SA 1376. Mr. LEVIN (for himself and Mr. REID) 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 end, add the following:

SEC. ___. PROHIBITION ON APPROPRIATIONS AVAILABILITY TO CORPORATE EXPATRIATES.

No funds in this Act shall be available for any contract entered into after the date of enactment of this Act by the Department of Homeland Security with—

(1) an inverted domestic corporation (as defined in section 835 of the Homeland Security Act of 2002 (Public Law 107–296; 6 U.S.C. 395)),

(2) any corporation which completed a plan (or series of transactions) described in such section before, on, or after the date of enactment of the Homeland Security Act of 2002 (Public Law 107–296; 6 U.S.C. 395), or

(3) any subsidiary of a corporation described in paragraph (1) or (2).

SA 1377. Mr. BAYH (for himself, Mr. AKAKA, Mr. NELSON of Nebraska, Mr. MCCAIN, Mrs. FEINSTEIN, Ms. MIKULSKI, and Mrs. CLINTON) 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 appropriate place, insert the following:

SEC. ____. (a) Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Appropriations of the Senate and the House of Representatives a plan for enhancements of the operations of the Information Analysis and Infrastructure Protection Directorate in order to—

(1) meet the personnel requirements of the Directorate;

(2) improve communications between the Directorate and the intelligence community; and

(3) improve coordination between the Directorate and State and local counterterrorism and law enforcement officials.

(b) In addition to the matters specified in subsection (a), the plan shall include a description of the current assets and capabilities of the Information Analysis and Infrastructure Protection Directorate, a strategy for the Directorate for the coordination and dissemination of intelligence and other information, and a schedule for the implementation of the plan required under subsection (a).

SA 1378. Mr. COCHRAN (for Ms. LANDRIEU) 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 insert the following:

SEC. ____. It is the sense of the Senate that the Department of Homeland Security's Undersecretary for Science and Technology should take all appropriate steps to ensure the active participation of historically black colleges and universities, tribal colleges, Hispanic-serving institutions, and Alaskan Native serving institutions in Department sponsored university research.

SA 1379. Mr. COCHRAN (for Mr. BAYH (for himself, Mr. AKAKA, Mr. NELSON of Nebraska, Mr. MCCAIN, Mrs. FEINSTEIN, Ms. MIKULSKI, and 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:

At the appropriate place, insert the following:

SEC. ____. (a) Not later than 120 days after the date of the enactment of this Act, the

Secretary shall submit to the Committees on Appropriations of the Senate and the House of Representatives a plan for enhancements of the operations of the Information Analysis and Infrastructure Protection Directorate in order to—

(1) meet the personnel requirements of the Directorate;

(2) improve communications between the Directorate and the intelligence community; and

(3) improve coordination between the Directorate and State and local counterterrorism and law enforcement officials.

(b) In addition to the matters specified in subsection (a), the plan shall include a description of the current assets and capabilities of the Information Analysis and Infrastructure Protection Directorate, a strategy for the Directorate for the coordination and dissemination of intelligence and other information, and a schedule for the implementation of the plan required under subsection (a).

SA 1380. Mr. BYRD (for Mr. FEINGOLD) 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, insert the following:

SEC. ___. Not later than 90 days after the date of enactment of this Act, the Comptroller General shall conduct a review and report to Congress on all of the data-mining programs relating to law enforcement and terrorism currently under development and in use in the Department of Homeland Security.

SA 1381. Mr. BYRD (for Mr. AKAKA (for himself and Mr. STEVENS)) 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 insert the following:

SEC. 6. When establishing priorities for firefighting vehicles in the Firefighter Assistance Grant program, the Secretary shall take into consideration the unique geographical needs of individual fire departments.

SA. 1382. Mr. BYRD (for Ms. LANDRIEU) 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 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall conduct a study and submit a report with recommendations to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate regarding the status of the air traffic control communications voids and gaps in tethered aerostat coverage around the United States, such as those existing in the central Gulf of Mexico.

SA 1383. 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:

At the appropriate place, insert the following:

SEC. ___. RESTRICTION OF FUNDING.

None of the funds made available under this Act or any other Act may be used to pay the salary of an individual who is employed by the Department of Homeland Security or the Office of Homeland Security within the Executive Office of the President at a rate of pay that is equal to or greater than 75 percent of level II of the Executive Schedule, unless that individual signs a contract with the applicable employing department or office under which—

(1) the individual agrees to the restrictions described under section 207(c)(1) of title 18, United States Code; and

(2) in the event that the individual violates such restrictions, the individual agrees to pay a civil penalty equal to 100 percent of all gross receipts received by the individual from conduct that violated the restrictions.

SA 1384. Mr. DURBIN (for himself, Mr. NELSON of Florida, Mrs. BOXER, Mr. REID, Mr. LAUTENBERG, Ms. CANTWELL, Mr. REED, and Mr. KENNEDY) proposed an amendment to the bill S. 14, to enhance the energy security of the United States, and for other purposes; as follows:

At the end of subtitle B of title VII, add the following:

SEC. 716. PHASED INCREASES IN FUEL ECONOMY STANDARDS.

(a) PASSENGER AUTOMOBILES.—

(1) MINIMUM STANDARDS.—Subsection (b) of section 32902 of title 49, United States Code, is amended to read as follows:

''(b) PASSENGER AUTOMOBILES.—Except as otherwise provided under this section, the average fuel economy standard for passenger automobiles manufactured by a manufacturer in a model year—

''(1) after model year 1984 and before model year 2006 shall be 25 miles per gallon;

''(2) after model year 2005 and before model year 2009 shall be 28 miles per gallon;

''(3) after model year 2008 and before model year 2012 shall be 32 miles per gallon;

''(4) after model year 2011 and before model year 2015 shall be 36 miles per gallon; and

''(5) after model year 2014 shall be 40 miles per gallon.''.

(2) HIGHER STANDARDS SET BY REGULATION.—Subsection (c) of such section is amended—

(A) in the first sentence of paragraph (1)—

(i) by striking ''Subject to paragraph (2) of this subsection, the'' and inserting ''The''; and

(ii) by striking ''amending the standard'' and inserting ''increasing the standard otherwise applicable'';

(B) by striking paragraph (2); and

(C) by designating the text composed of the second and third sentences of paragraph (1) as paragraph (2) and realigning such paragraph, as so designated, flush with the left margin.

(b) NON-PASSENGER AUTOMOBILES.—Subsection (a) of such section is amended—

(1) by striking ''At least 18 months before each model year,'' and inserting the following:

''(1) The average fuel economy standard applicable for automobiles (except passenger automobiles) manufactured by a manufacturer in a model year—

''(A) after model year 1984 and before model year 2006 shall be 17 miles per gallon;

''(B) after model year 2005 and before model year 2009 shall be 19 miles per gallon;

''(C) after model year 2008 and before model year 2012 shall be 21.5 miles per gallon;

''(D) after model year 2011 and before model year 2015 shall be 24.5 miles per gallon; and

''(E) after model year 2014 shall be 27.5 miles per gallon, except as provided under paragraph (2).

''(2) At least 18 months before the beginning of each model year after model year 2015,''; and

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

''(3) If the Secretary does not increase the average fuel economy standard applicable under paragraph (1)(E) or (2), or applicable to any class under paragraph (2), within 24 months after the latest increase in the standard applicable under paragraph (1)(E) or (2), the Secretary shall submit to Congress a report containing an explanation of the reasons for not increasing the standard. The report shall be submitted not later than 90 days after the expiration of the 24-month period.''.

SEC. 717. INCREASED INCLUSIVENESS OF DEFINITIONS OF AUTOMOBILE AND PASSENGER AUTOMOBILE.

(a) AUTOMOBILE.—

(1) IN GENERAL.—Paragraph (3) of section 32901(a) of title 49, United States Code, is amended—

(A) by striking ''6,000 pounds'' each place it appears in subparagraphs (A) and (B) and inserting ''12,000 pounds''; and

(B) in subparagraph (B)—

(i) by striking ''10,000 pounds'' and inserting ''14,000 pounds''; and

(ii) in clause (ii), by striking ''an average fuel economy standard'' and all that follows through ''conservation or''.

(2) SPECIAL RULE.—Section 32908(a)(1) of such title is amended by striking ''8,500 pounds'' and inserting ''14,000 pounds''.

(b) PASSENGER AUTOMOBILE.—Paragraph (16) of section 32901(a) of such title is amended to read as follows:

''(16) 'passenger automobile'—

''(A) means, except as provided in subparagraph (B), an automobile having a gross vehicle weight of 12,000 pounds or less that is designed to be used principally for the transportation of persons; but

''(B) does not include—

''(i) a vehicle that has a primary load carrying device or container attached;

''(ii) a vehicle that has a seating capacity of more than 12 persons;

''(iii) a vehicle that has a seating capacity of more than 9 persons behind the driver's seat; or

''(iv) a vehicle that is equipped with a cargo area of at least 6 feet in interior length that does not extend beyond the frame of the vehicle and is an open area or is designed for use as an open area but is enclosed by a cap and is not readily accessible directly from the passenger compartment.''.

(c) APPLICABILITY.—The amendments made by this section shall apply with respect to automobiles manufactured for model years after the automobile model year in which this Act is enacted.

SEC. 718. CIVIL PENALTIES.

(a) INCREASED PENALTY FOR VIOLATIONS OF FUEL ECONOMY STANDARDS.—Subsection (b) of section 32912 of title 49, United States Code, is amended—

(1) by inserting ''(1)'' after ''STANDARDS.—'';

(2) by striking ''$5'' and inserting ''the dollar amount applicable under paragraph (2)'';

(3) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively; and

(4) by adding at the end the following new paragraph:

''(2)(A) The dollar amount referred to in paragraph (1) is $10, as increased from time to time under subparagraph (B).

''(B) Effective on October 1 of each year, the dollar amount applicable under subparagraph (A) shall be increased by the percentage (rounded to the nearest one-tenth of one percent) by which the price index for July of such year exceeds the price index for July of the preceding year. The amount calculated under the preceding sentence shall be rounded to the nearest $0.10.

''(C) In this paragraph, the term 'price index' means the Consumer Price Index for all-urban consumers published monthly by the Department of Labor.''.

(b) CONFORMING AMENDMENT.—Subsection (c)(1) of such section is amended—

(1) by striking subparagraph (B); and

(2) by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively.

(c) APPLICABILITY.—The amendments made by subsection (a) shall apply with respect to automobiles manufactured for model years after the automobile model year in which this Act is enacted.

SEC. 719. ACCURATE FUEL ECONOMY TESTING.

(a) BIENNIAL REPORT ON TESTING QUALITY.—

(1) REQUIREMENT FOR REPORT.—

(A) IN GENERAL.—Chapter 329 of title 49, United States Code, is amended by adding at the end the following new section:

''§ 32920. Biennial report on testing quality

''(a) REQUIREMENT FOR REPORT.—Not later than October 1 of each odd-numbered year, the Secretary of Transportation shall submit to Congress a report on the quality of the testing for determining automobile fuel economy under this chapter.

''(b) CONTENT OF REPORT.—The report shall include the following information:

''(1) An assessment of the accuracy of the fuel economy determined for automobiles in relation to actual highway and road vehicle fuel economy.

''(2) A discussion of changes in testing methodology that are planned to be made, together with an assessment of the effects that such changes are expected to have on the accuracy of the measures of automobile fuel economy resulting from the use of the testing methodology as changed.

''(c) CONSULTATION REQUIREMENT.—The Secretary of Transportation and the Administrator of the Environmental Protection Agency shall consult on the preparation of the biennial report under this section.''.

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''32920. Biennial report on testing quality.''.

(2) FIRST REPORT.—The first report under section 32920 of title 49, United States Code, as added by paragraph (1), shall be submitted to Congress in 2005.

(b) IMPROVEMENT OF PROCESS FOR MEASURING FUEL ECONOMY.—

(1) STUDY.—

(A) REQUIREMENT FOR STUDY.—The Secretary of Transportation shall provide for the John A. Volpe National Transportation Systems Center to carry out a study—

(i) to determine what practicable automobile fuel economy testing process provides the most accurate measures of actual automobile fuel economy in highway use, in urban use, and in combined highway and in urban use; and

(ii) to compare the average automobile fuel economy ratings calculated under the testing process determined under clause (i) for each category of automobile use described in that clause with the corresponding automobile fuel economy ratings calculated under the testing process in use under chapter 329 of title 49, United States Code, on the date of the enactment of this Act.

(B) REPORT.—Not later than two years after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the results of the study under subparagraph (A). The report shall include the following:

(i) DETERMINATIONS.—The determination and comparisons made under clauses (i) and (ii) of subparagraph (A).

(ii) ESTIMATE OF EQUIVALENT FUEL ECONOMY.—An estimate of the average adjustment to automobile fuel economy ratings calculated under the testing process used for the purposes of chapter 329 of title 49, United States Code, as of the date of enactment of this Act that is needed to conform those ratings closely to the automobile fuel economy ratings calculated under the testing process determined most accurate under subparagraph (A)(i).

(2) TESTING PROCEDURE REVISION.—

(A) REQUIREMENT FOR REVISED PROCEDURE.—Not later than 180 days after the report required under paragraph (1)(B) is submitted to Congress, the Secretary of Transportation shall prescribe in regulations—

(i) a revised testing procedure for accurately measuring the actual automobile fuel economy of each model of automobile; and

(ii) a requirement that the revised testing procedure be applied for the purposes of chapter 329 of title 49, United States Code, to determine the average fuel economy of the automobiles manufactured in model years after model year 2006.

(B) MODEL FOR REVISED PROCEDURE.—The testing procedure prescribed under subparagraph (A) shall be based on the testing process identified in the report required under paragraph (1)(B) as providing the most accurate measures of actual automobile fuel economy.

(3) COMPARABLE ADJUSTMENT IN AVERAGE FUEL ECONOMY STANDARDS.—

(A) REQUIREMENT FOR ADJUSTMENT.—For automobiles manufactured in model years after model year 2006, the Secretary of Transportation shall amend each average fuel economy standard prescribed under section 32902 of title 49, United States Code, to take into account improved accuracy in the calculation of automobile fuel economy that results from use of the revised testing procedure applied as required under paragraph (2).

(B) CONDITION.—The Secretary shall ensure that each average fuel economy standard applied as amended under subparagraph (A) is at least as stringent as the corresponding average fuel economy standard that the Secretary would have applied under section 32902 of title 49, United States Code, if the fuel economy testing procedure had not been revised as required under paragraph (2).

SEC. 720. STANDARDS FOR EXECUTIVE AGENCY AUTOMOBILES.

(a) PREVIOUS AMENDMENT NOT TO TAKE EFFECT.—Section 713 shall not take effect.

(b) SUPERSEDING AMENDMENTS.—Section 32917 of title 49, United States Code, is amended—

(1) in paragraph (1) of subsection (b)—

(A) in the matter preceding subparagraph (A)—

(i) by striking ''passenger''; and

(ii) by striking ''to achieve'' and all that follows and inserting ''to achieve—''; and

(B) by striking subparagraphs (A) and (B) and inserting the following:

''(A) in the case of non-passenger automobiles, a fleet average fuel economy for that year of at least the average fuel economy standard applicable under subsection (a) of section 32902 of this title for the model year that includes January 1 of that fiscal year; and

''(B) in the case of passenger automobiles, a fleet average fuel economy for that year of at least the average fuel economy standard applicable under subsection (b) or (c) of such section for such model year.'';

(2) in paragraph (2) of subsection (b)—

(A) by striking ''Fleet average fuel economy is—'' and inserting ''For the purposes of paragraph (1), the fleet average fuel economy of non-passenger or passenger automobiles in a fiscal year is—'';

(B) in subparagraph (A)—

(i) by striking ''passenger automobiles'' and inserting ''the non-passenger automobiles or passenger automobiles, respectively, that are''; and

(ii) by striking ''in a fiscal year'' and inserting ''in such fiscal year''; and

(C) in subparagraph (B), by inserting ''such'' after ''the number of''; and

(3) by adding at the end the following new subsection:

''(c) MINIMUM NUMBER OF EXCEPTIONALLY FUEL-EFFICIENT VEHICLES.—The President shall prescribe regulations that require that—

''(1) at least 20 percent of the passenger automobiles leased for at least 60 consecutive days or bought by executive agencies in a fiscal year have a vehicle fuel economy rating that is at least 5 miles per gallon higher than the average fuel economy standard applicable to the automobile under subsection (b) or (c) of section 32902 of this title for the model year that includes January 1 of that fiscal year; and

''(2) beginning in fiscal year 2009, at least 10,000 vehicles in the fleet of automobiles used by executive agencies in a fiscal year have a vehicle fuel economy at least 5 miles per gallon higher than the average fuel economy standards applicable to such automobiles under section 32902 of this title for the model year that includes January 1 of that fiscal year.''.

SA 1385. Mr. DURBIN proposed an amendment to the bill S. 14, to enhance the energy security of the United States, and for other purposes; as follows:

At the appropriate place insert the following:

SEC. ___. MODIFICATIONS TO GAS GUZZLERS TAX TO ENCOURAGE GREATER AUTO FUEL EFFICIENCY.

(a) INCREASE IN TAX RATE.—Subsection (a) of section 4064 (relating to gas guzzlers tax) is amended to read as follows:

''(a) IMPOSITION OF TAX.—

''(1) IN GENERAL.—There is hereby imposed on the sale by the manufacturer of each automobile a tax determined in accordance with the following table:

If the fuel economy for the model year of the model type in which the automobile falls is:	The tax is:
Less than 5 mpg below the applicable fuel economy standard	$0
At least 5 but less than 6 mpg below such standard	1,000
At least 6 but less than 7 mpg below such standard	1,500
At least 7 but less than 8 mpg below such standard	2,000
At least 8 but less than 9 mpg below such standard	2,500
At least 9 but less than 10 mpg below such standard	3,100
At least 10 but less than 11 mpg below such standard	3,800

If the fuel economy for the model year of the model type in which the automobile falls is:	The tax is:
At least 11 but less than 12 mpg below such standard	4,600
At least 12 but less than 13 mpg below such standard	5,500
At least 13 but less than 14 mpg below such standard	6,500
At least 14 mpg below such standard	7,700.

''(2) INFLATION ADJUSTMENT.—

''(A) IN GENERAL.—In the case of any taxable year beginning after 2005, each dollar amount referred to in paragraph (1) shall be increased by an amount equal to—

''(i) such dollar amount, multiplied by

''(ii) the cost-of-living adjustment determined under section (1)(f)(3) for the calendar year in which the taxable year begins, by substituting '2004' for '1992'.

''(B) ROUNDING.—If any amount as adjusted under subparagraph (A) is not a multiple of $100, such amount shall be rounded to the next lowest multiple of $50.''.

(b) EXPANSION OF DEFINITION OF AUTOMOBILE.—

(1) INCREASE IN WEIGHT.—Section 4064(b)(1)(A)(ii) (defining automobile) is amended by striking ''6,000 pounds'' and inserting ''12,000 pounds''.

(2) EXCEPTION FOR CERTAIN VEHICLES.—Subparagraph (B) of section 4064(b)(1) is amended to read as follows:

''(B) EXCEPTION FOR CERTAIN VEHICLES.—The term 'automobile' does not include—

''(i) a vehicle which has a primary load carrying device or container attached,

''(ii) a vehicle which has a seating capacity of more than 12 persons,

''(iii) a vehicle which has a seating capacity of more than 9 persons behind the driver's seat, or

''(iv) a vehicle which is equipped with a cargo area of at least 6 feet in interior length which is an open area or is designed for use as an open area but is enclosed by a cap and is not readily accessible directly from the passenger compartment.''.

(c) ADDITIONAL DEFINITIONS.—Section 4064(b) (relating to definitions) is amended by adding at the end the following new paragraphs:

''(8) APPLICABLE FUEL ECONOMY STANDARD.—The term 'applicable fuel economy standard' means, with respect to any model year, the average fuel economy standard as defined in section 32902 of title 49, United States Code, for passenger automobiles for such model year.

''(9) MPG.—The term 'mpg' means miles per gallon.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to sales after October 31, 2005.

SEC. ___. HIGHLY FUEL-EFFICIENT AUTOMOBILE CREDIT.

(a) IN GENERAL.—Subpart C of part IV of subchapter A of chapter 1 (relating to refundable credits) is amended by redesignating section 36 as section 37 and by inserting after section 35 the following new section:

''SEC. 36. HIGHLY FUEL-EFFICIENT AUTOMOBILE CREDIT.

''(a) ALLOWANCE OF CREDIT.—There shall be allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to the new highly fuel-efficient automobile credit determined under subsection (b).

''(b) NEW HIGHLY FUEL-EFFICIENT AUTOMOBILE CREDIT.—For purposes of subsection (a), the new highly fuel-efficient automobile credit with respect to any new automobile placed in service by the taxpayer during the taxable year is determined in accordance with the following tables:

If the fuel economy for the model year of the model type in which thepassenger automobile falls is:	The credit is:
Less than 5 mpg above the applicable fuel economy standard	$0
At least 5 but less than 6 mpg above such standard	770
At least 6 but less than 7 mpg above such standard	1,540
At least 7 but less than 8 mpg above such standard	2,310
At least 8 but less than 9 mpg above such standard	3,080
At least 9 but less than 10 mpg above such standard	3,850
At least 10 but less than 11 mpg above such standard	4,620
At least 11 but less than 12 mpg above such standard	5,390
At least 12 but less than 13 mpg above such standard	6,160
At least 13 but less than 14 mpg above such standard	6,930
At least 14 mpg above such standard	7,700.

If the fuel economy for the model year of the model type in which the non-passenger automobile falls is:	The credit is:
Less than 5 mpg above the applicable fuel economy standard	$0
At least 5 but less than 6 mpg above such standard	770
At least 6 but less than 7 mpg above such standard	1,540
At least 7 but less than 8 mpg above such standard	2,310
At least 8 but less than 9 mpg above such standard	3,080
At least 9 but less than 10 mpg above such standard	3,850
At least 10 but less than 11 mpg above such standard	4,620
At least 11 but less than 12 mpg above such standard	5,390
At least 12 but less than 13 mpg above such standard	6,160
At least 13 but less than 14 mpg above such standard	6,930
At least 14 mpg above such standard	7,700.

''(c) NEW AUTOMOBILE.—For purposes of this section, the term 'new automobile' means a passenger automobile or non-passenger automobile—

''(1) the original use of which commences with the taxpayer,

''(2) which is acquired for use or lease by the taxpayer and not for resale, and

''(3) which is made by a manufacturer.

''(d) PASSENGER AUTOMOBILE; NON-PASSENGER AUTOMOBILE.—For purposes of this section—

''(1) PASSENGER AUTOMOBILE.—The term 'passenger automobile' has the meaning given the term 'automobile' by section 4064(b)(1).

''(2) NON-PASSENGER AUTOMOBILE.—

''(A) IN GENERAL.—The term 'non-passenger automobile' means any automobile (as defined in section 4064(b)(1)(A)), but only if such automobile is described in subparagraph (B).

''(B) NON-PASSENGER AUTOMOBILES DESCRIBED.—An automobile is described in this subparagraph if such automobile is—

''(i) a vehicle which has a primary load carrying device or container attached,

''(ii) a vehicle which has a seating capacity of more than 12 persons,

''(iii) a vehicle which has a seating capacity of more than 9 persons behind the driver's seat, or

''(iv) a vehicle which is equipped with a cargo area of at least 6 feet in interior length which does not extend beyond the frame of the vehicle and which is an open area or is designed for use as an open area but is enclosed by a cap and is not readily accessible directly from the passenger compartment.

''(e) OTHER DEFINITIONS.—Except as provided in subsection (d), for purposes of this section, any term used in this section and also in section 4064 shall have the meaning given such term by section 4064.

''(f) SPECIAL RULES.—For purposes of this section—

''(1) REDUCTION IN BASIS.—For purposes of this subtitle, the basis of any property for which a credit is allowable under subsection (a) shall be reduced by the amount of such credit so allowed.

''(2) NO DOUBLE BENEFIT.—The amount of any deduction or other credit allowable under this chapter with respect to an automobile described under subsection (b), shall be reduced by the amount of credit allowed under subsection (a) for such automobile for the taxable year.

''(3) PROPERTY USED BY TAX-EXEMPT ENTITIES.—In the case of a credit amount which is allowable with respect to an automobile which is acquired by an entity exempt from tax under this chapter, the person which sells or leases such automobile to the entity shall be treated as the taxpayer with respect to the automobile for purposes of this section and the credit shall be allowed to such person, but only if the person clearly discloses to the entity at the time of any sale or lease the specific amount of any credit otherwise allowable to the entity under this section.

''(4) RECAPTURE.—The Secretary shall, by regulations, provide for recapturing the benefit of any credit allowable under subsection (a) with respect to any property which ceases to be property eligible for such credit (including recapture in the case of a lease period of less than the economic life of an automobile).

''(5) PROPERTY USED OUTSIDE UNITED STATES, ETC., NOT QUALIFIED.—No credit shall be allowed under subsection (a) with respect to any property referred to in section 50(b) or with respect to the portion of the cost of any property taken into account under section 179.

''(6) ELECTION TO NOT TAKE CREDIT.—No credit shall be allowed under subsection (a) for any automobile if the taxpayer elects to not have this section apply to such automobile.

''(7) INTERACTION WITH AIR QUALITY AND MOTOR VEHICLE SAFETY STANDARDS.—Unless otherwise provided in this section, an automobile shall not be considered eligible for a credit under this section unless such automobile is in compliance with—

''(A) the applicable provisions of the Clean Air Act for the applicable make and model year of the automobile (or applicable air quality provisions of State law in the case of a State which has adopted such provision under a waiver under section 209(b) of the Clean Air Act), and

''(B) the motor vehicle safety provisions of sections 30101 through 30169 of title 49, United States Code.

''(g) REGULATIONS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall promulgate such regulations as necessary to carry out the provisions of this section.

''(2) COORDINATION IN PRESCRIPTION OF CERTAIN REGULATIONS.—The Secretary of the Treasury, in coordination with the Secretary of Transportation and the Administrator of

the Environmental Protection Agency, shall prescribe such regulations as necessary to determine whether an automobile meets the requirements to be eligible for a credit under this section.''.

SA 1386. Mr. BOND (for himself, Mr. LEVIN, Mr. DOMENICI, and Ms. STABENOW) proposed an amendment to the bill S. 14, to enhance the energy security of the United States, and for other purposes; as follows:

On page 264, after line 21, add the following:

SEC. 716. PROVISION NOT TO TAKE EFFECT.

Section 711 shall not take effect.

SEC. 717. REVISED CONSIDERATIONS FOR DECISIONS ON MAXIMUM FEASIBLE AVERAGE FUEL ECONOMY.

Section 32902(f) of title 49, United States Code, is amended to read as follows:

''(f) CONSIDERATIONS FOR DECISIONS ON MAXIMUM FEASIBLE AVERAGE FUEL ECONOMY.—When deciding maximum feasible average fuel economy under this section, the Secretary of Transportation shall consider the following matters:

''(1) Technological feasibility.

''(2) Economic practicability.

''(3) The effect of other motor vehicle standards of the Government on fuel economy.

''(4) The need of the United States to conserve energy.

''(5) The desirability of reducing United States dependence on imported oil.

''(6) The effects of the average fuel economy standards on motor vehicle and passenger safety.

''(7) The effects of increased fuel economy on air quality.

''(8) The adverse effects of average fuel economy standards on the relative competitiveness of manufacturers.

''(9) The effects of compliance with average fuel economy standards on levels of employment in the United States.

''(10) The cost and lead time necessary for the introduction of the necessary new technologies.

''(11) The potential for advanced technology vehicles, such as hybrid and fuel cell vehicles, to contribute to the achievement of significant reductions in fuel consumption.

''(12) The extent to which the necessity for vehicle manufacturers to incur near-term costs to comply with the average fuel economy standards adversely affects the availability of resources for the development of advanced technology for the propulsion of motor vehicles.

''(13) The report of the National Research Council that is entitled 'Effectiveness and Impact of Corporate Average Fuel Economy Standards', issued in January 2002.''.

SEC. 718. INCREASED FUEL ECONOMY STANDARDS.

(a) NEW REGULATIONS REQUIRED.—

(1) NON-PASSENGER AUTOMOBILES.—

(A) REQUIREMENT FOR NEW REGULATIONS.—The Secretary of Transportation shall issue, under section 32902 of title 49, United States Code, new regulations setting forth increased average fuel economy standards for non-passenger automobiles. The regulations shall be determined on the basis of the maximum feasible average fuel economy levels for the non-passenger automobiles, taking into consideration the matters set forth in subsection (f) of such section. The new regulations under this paragraph shall apply for model years after the 2007 model year, subject to subsection (b).

(B) TIME FOR ISSUING REGULATIONS.—The Secretary of Transportation shall issue the final regulations under subparagraph (A) not later than April 1, 2006.

(2) PASSENGER AUTOMOBILES.—

(A) REQUIREMENT FOR NEW REGULATIONS.—The Secretary of Transportation shall issue, under section 32902 of title 49, United States Code, new regulations setting forth increased average fuel economy standards for passenger automobiles, taking into consideration the matters set forth in subsection (f) of such section.

(B) TIME FOR ISSUING REGULATIONS.—The Secretary of Transportation shall issue the final regulations under subparagraph (A) not later than 2½ years after the date of the enactment of this Act.

(b) PHASED INCREASES.—The regulations issued pursuant to subsection (a) shall specify standards that take effect successively over several vehicle model years not exceeding 15 vehicle model years.

(c) CLARIFICATION OF AUTHORITY TO AMEND PASSENGER AUTOMOBILE STANDARD.—Section 32902(b) of title 49, United States Code, is amended by inserting before the period at the end the following: ''or such other number as the Secretary prescribes under subsection (c)''.

(d) ENVIRONMENTAL ASSESSMENT.—When issuing final regulations setting forth increased average fuel economy standards under section 32902(a) or section 32902(c) of title 49, United States Code, the Secretary of Transportation shall also issue an environmental assessment of the effects of the increased standards on the environment under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation $5,000,000 for each of fiscal years 2004 through 2008 for carrying out this section and for administering the regulations issued pursuant to this section.

SEC. 719. EXPEDITED PROCEDURES FOR CONGRESSIONAL INCREASE IN FUEL ECONOMY STANDARDS.

(a) CONDITION FOR APPLICABILITY.—If the Secretary of Transportation fails to issue final regulations with respect to non-passenger automobiles under section 719, or fails to issue final regulations with respect to passenger automobiles under such section, on or before the date by which such final regulations are required by such section to be issued, respectively, then this section shall apply with respect to a bill described in subsection (b).

(b) BILL.—A bill referred to in this subsection is a bill that satisfies the following requirements:

(1) INTRODUCTION.—The bill is introduced by one or more Members of Congress not later than 60 days after the date referred to in subsection (a).

(2) TITLE.—The title of the bill is as follows: ''A bill to establish new average fuel economy standards for certain motor vehicles.''.

(3) TEXT.—The bill provides after the enacting clause only the text specified in subparagraph (A) or (B) or any provision described in subparagraph (C), as follows:

(A) NON-PASSENGER AUTOMOBILES.—In the case of a bill relating to a failure timely to issue final regulations relating to non-passenger automobiles, the following text:

''That, section 32902 of title 49, United States Code, is amended by adding at the end the following new subsection:

'''(__) NON-PASSENGER AUTOMOBILES.—The average fuel economy standard for non-passenger automobiles manufactured by a manufacturer in a model year after model year ____ shall be ____ miles per gallon.''', the first blank space being filled in with a subsection designation, the second blank space being filled in with the number of a year, and the third blank space being filled in with a number.

(B) PASSENGER AUTOMOBILES.—In the case of a bill relating to a failure timely to issue final regulations relating to passenger automobiles, the following text:

''That, section 32902(b) of title 49, United States Code, is amended to read as follows:

'''(b) PASSENGER AUTOMOBILES.—Except as provided in this section, the average fuel economy standard for passenger automobiles manufactured by a manufacturer in a model year after model year ____ shall be ____ miles per gallon.''', the first blank space being filled in with the number of a year and the second blank space being filled in with a number.

(C) SUBSTITUTE TEXT.—Any text substituted by an amendment that is in order under subsection (c)(3).

(c) EXPEDITED PROCEDURES.—A bill described in subsection (b) shall be considered in a House of Congress in accordance with the procedures provided for the consideration of joint resolutions in paragraphs (3) through (8) of section 8066(c) of the Department of Defense Appropriations Act, 1985 (as contained in section 101(h) of Public Law 98–473; 98 Stat. 1936), with the following exceptions:

(1) REFERENCES TO RESOLUTION.—The references in such paragraphs to a resolution shall be deemed to refer to the bill described in subsection (b).

(2) COMMITTEES OF JURISDICTION.—The committees to which the bill is referred under this subsection shall—

(A) in the Senate, be the Committee on Commerce, Science, and Transportation; and

(B) in the House of Representatives, be the Committee on Energy and Commerce.

(3) AMENDMENTS.—

(A) AMENDMENTS IN ORDER.—Only four amendments to the bill are in order in each House, as follows:

(i) Two amendments proposed by the majority leader of that House.

(ii) Two amendments proposed by the minority leader of that House.

(B) FORM AND CONTENT.—To be in order under subparagraph (A), an amendment shall propose to strike all after the enacting clause and substitute text that only includes the same text as is proposed to be stricken except for one or more different numbers in the text.

(C) DEBATE, ET CETERA.—Subparagraph (B) of section 8066(c)(5) of the Department of Defense Appropriations Act, 1985 (98 Stat. 1936) shall apply to the consideration of each amendment proposed under this paragraph in the same manner as such subparagraph (B) applies to debatable motions.

Subtitle C—Advanced Clean Vehicles

SEC. 731. HYBRID VEHICLES RESEARCH AND DEVELOPMENT.

(a) RECHARGEABLE ENERGY STORAGE SYSTEMS AND OTHER TECHNOLOGIES.—The Secretary of Energy shall accelerate research and development directed toward the improvement of batteries and other rechargeable energy storage systems, power electronics, hybrid systems integration, and other technologies for use in hybrid vehicles.

(b) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for each of fiscal years 2004, 2005, and 2006 in the amount $50,000,000 for research and development activities under this section.

SEC. 732. DIESEL FUELED VEHICLES RESEARCH AND DEVELOPMENT.

(a) DIESEL COMBUSTION AND AFTER TREATMENT TECHNOLOGIES.—The Secretary of Energy shall accelerate research and development directed toward the improvement of diesel combustion and after treatment technologies for use in diesel fueled motor vehicles.

(b) GOALS.—The Secretary shall carry out subsection (a) with a view to achieving the following goals:

(1) COMPLIANCE WITH CERTAIN EMISSION STANDARDS BY 2010.—Developing and demonstrating diesel technologies that, not later than 2010, meet the following standards:

(A) TIER-2 EMISSION STANDARDS.—The tier 2 emission standards.

(B) HEAVY-DUTY EMISSION STANDARDS OF 2007.—The heavy-duty emission standards of 2007.

(2) POST-2010 HIGHLY EFFICIENT TECHNOLOGIES.—Developing the next generation of low emissions, high efficiency diesel engine technologies, including homogeneous charge compression ignition technology.

(c) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for each of fiscal years 2004, 2005, and 2006 in the amount of $75,000,000 for research and development of advanced combustion engines and advanced fuels.

SEC. 733. PROCUREMENT OF ALTERNATIVE FUELED PASSENGER AUTOMOBILES.

(a) VEHICLE FLEETS NOT COVERED BY REQUIREMENT IN ENERGY POLICY ACT OF 1992.—The head of each agency of the executive branch shall coordinate with the Administrator of General Services to ensure that only alternative fueled vehicles are procured by or for each agency fleet of passenger automobiles that is not in a fleet of vehicles to which section 303 of the Energy Policy Act of 1992 (42 U.S.C. 13212) applies.

(b) WAIVER AUTHORITY.—The head of an agency, in consultation with the Administrator, may waive the applicability of the policy regarding the procurement of alternative fueled vehicles in subsection (a) to—

(1) the procurement for such agency of any vehicles described in subparagraphs (A) through (F) of section 303(b)(3) of the Energy Policy Act of 1992 (42 U.S.C. 13212(b)(3)); or

(2) a procurement of vehicles for such agency if the procurement of alternative fueled vehicles cannot meet the requirements of the agency for vehicles due to insufficient availability of the alternative fuel used to power such vehicles.

(c) APPLICABILITY TO PROCUREMENTS AFTER FISCAL YEAR 2004.—This subsection applies with respect to procurements of alternative fueled vehicles in fiscal year 2005 and subsequent fiscal years.

SEC. 734. PROCUREMENT OF HYBRID LIGHT DUTY TRUCKS.

(a) VEHICLE FLEETS NOT COVERED BY REQUIREMENT IN ENERGY POLICY ACT OF 1992.—

(1) HYBRID VEHICLES.—The head of each agency of the executive branch shall coordinate with the Administrator of General Services to ensure that only hybrid vehicles are procured by or for each agency fleet of light duty trucks that is not in a fleet of vehicles to which section 303 of the Energy Policy Act of 1992 (42 U.S.C. 13212) applies.

(2) WAIVER AUTHORITY.—The head of an agency, in consultation with the Administrator, may waive the applicability of the policy regarding the procurement of hybrid vehicles in paragraph (1) to that agency to the extent that the head of that agency determines necessary—

(A) to meet specific requirements of the agency for capabilities of light duty trucks;

(B) to procure vehicles consistent with the standards applicable to the procurement of fleet vehicles for the Federal Government;

(C) to adjust to limitations on the commercial availability of light duty trucks that are hybrid vehicles; or

(D) to avoid the necessity of procuring a hybrid vehicle for the agency when each of the hybrid vehicles available for meeting the requirements of the agency has a cost to the United States that exceeds the costs of comparable nonhybrid vehicles by a factor that is significantly higher than the difference between—

(i) the real cost of the hybrid vehicle to retail purchasers, taking into account the benefit of any tax incentives available to retail purchasers for the purchase of the hybrid vehicle; and

(ii) the costs of the comparable nonhybrid vehicles to retail purchasers.

(3) APPLICABILITY TO PROCUREMENTS AFTER FISCAL YEAR 2004.—This subsection applies with respect to procurements of light duty trucks in fiscal year 2005 and subsequent fiscal years.

(b) INAPPLICABILITY TO DEPARTMENT OF DEFENSE.—This section does not apply to the Department of Defense, which is subject to comparable requirements under section 318 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1055; 10 U.S.C. 2302 note).

SEC. 735. DEFINITIONS.

In this subtitle:

(1) ALTERNATIVE FUELED VEHICLE.—The term ''alternative fueled vehicle'' means—

(A) an alternative fueled vehicle, as defined in section 301(3) of the Energy Policy Act of 1992 (42 U.S.C. 13211(3));

(B) a motor vehicle that operates on a blend of fuel that is at least 20 percent (by volume) biodiesel, as defined in section 312(f) of the Energy Policy Act of 1992 (42 U.S.C. 13220(f)); and

(C) a motor vehicle that operates on a blend of fuel that is at least 20 percent (by volume) bioderived hydrocarbons (including aliphatic compounds) produced from agricultural and animal waste.

(2) HEAVY-DUTY EMISSION STANDARDS OF 2007.—The term ''heavy-duty emission standards of 2007'' means the motor vehicle emission standards promulgated by the Administrator of the Environmental Protection Agency on January 18, 2001, under section 202 of the Clean Air Act to apply to heavy-duty vehicles of model years beginning with the 2007 vehicle model year.

(3) HYBRID VEHICLE.—The term ''hybrid vehicle'' means—

(A) a motor vehicle that draws propulsion energy from on board sources of stored energy that are both—

(i) an internal combustion or heat engine using combustible fuel; and

(ii) a rechargeable energy storage system; and

(B) any other vehicle that is defined as a hybrid vehicle in regulations prescribed by the Secretary of Energy for the administration of title III of the Energy Policy Act of 1992.

(4) MOTOR VEHICLE.—The term ''motor vehicle'' means any vehicle that is manufactured primarily for use on public streets, roads, and highways (not including a vehicle operated exclusively on a rail or rails) and that has at least four wheels.

(5) TIER 2 EMISSION STANDARDS DEFINED.—The term ''tier 2 emission standards'' means the motor vehicle emission standards promulgated by the Administrator of the Environmental Protection Agency on February 10, 2000, under section 202 of the Clean Air Act (42 U.S.C. 7521) to apply to passenger automobiles, light trucks, and larger passenger vehicles of model years after the 2003 vehicle model year.

(6) TERMS DEFINED IN EPA REGULATIONS.—The terms ''passenger automobile'' and ''light truck'' have the meanings given such terms in regulations prescribed by the Administrator of the Environmental Protection Agency for purposes of the administration of title II of the Clean Air Act (42 U.S.C. 7521 et seq.).

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to conduct a business meeting during the session of the Senate on Thursday, July 24, 2003. The purpose of this meeting will be to mark up H.R. 1904, the Healthy Forests Restoration Act of 2003.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, July 24, 2003, at 9:30 a.m., in open session to consider the nominations of General Richard B. Myers, 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.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, July 24, 2003, at 9:30 a.m. to hold a Africa Subcommittee Hearing on the Congo Basin Forest Partnership.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on Federal Biodefense Readiness during the session of the Senate on Thursday, July 24, 2003 at 10:00 a.m. in SD–430.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, July 24, 2003, at 9:30 a.m. in Dirksen Room 226.

I. Nominations:

James O. Browning to be United States District Judge for the District of New Mexico;

Steven M. Colloton to be United States District 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;

Rene Alexander Acosta to be Assistant Attorney General, Civil Rights Division, United States Department of Justice;

Daniel J. Bryant to be Assistant Attorney General, Office of Legal Policy, United States Department of Justice.

II. Bills:

S. J. Res. 1, A joint resolution proposing an amendment to the constitution of the United States to protect the rights of crime victims [Kyl, Chambliss, Cornyn, Craig, DeWine, Feinstein, Graham, Grassley];

S. 1301, The Video of Voyeurism Prevention Act of 2003 [DeWine, Schumer];

S. 1177, Prevent All Cigarette Trafficking Act [Hatch, Grassley, Kohl];

S. Con. Res. 40, Designating August 7, 2003, as ''National Purple Heart Recognition Day'' [Clinton, Biden, Chambliss, Durbin, Edwards, Feingold, Feinstein, Hatch, Kennedy, Kohl, Leahy, Schumer, Specter];

S. Res. 124, Designating September 28, 2003, as ''National Good Neighbor Day'' [Burns, Hatch, Kohl];

S. Res. 167, Recognizing the 100th anniversary of the founding of the Harley-Davidson Motor Company [Campbell, DeWine, Feingold, Kohl].

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. STEVENS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, July 24, 2003 at 2:30 p.m. to hold a closed hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NATIONAL PARKS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Subcommittee on National Parks of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, July 24, 2003 at 3:00 p.m. The purpose of the hearing is to conduct oversight of the competitive sourcing effort within the National Park Service.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE AND THE DISTRICT OF COLUMBIA

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs Subcommittee on Oversight of Government Management, the Federal Workforce and the District of Columbia be authorized to meet on Thursday, July 24, at 10:00 a.m. for a hearing entitled, ''Then and Now: An update on the Administration's Competitive Sourcing Initiative.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY, AND SPACE

Mr. STEVENS. Mr. President, I ask unanimous consent that the Subcommittee on Science, Technology, and Space and the House Subcommittee on Science and Space be authorized to meet on Thursday, July 24, 2003, at 10 a.m. on Space Commercialism.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. 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. BOND. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT

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 99–151, appoints the Senator from Minnesota, Mr. COLEMAN, as a member of the United States Senate Caucus on International Narcotics Control.

ORDERS FOR FRIDAY, JULY 25, 2003

Mr. BOND. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m., Friday, July 25. I further ask 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 resume consideration of S. 14, the Energy bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BOND. Mr. President, for the information of all Senators, tomorrow the Senate will resume consideration of S. 14, the Energy bill. Three fuel standards amendments were offered tonight. Senators are encouraged to come to the floor during tomorrow's session to debate the merits of these important amendments.

There will be no rollcall votes tomorrow. The next rollcall vote will occur on Monday at 5 p.m. That vote will be on the nomination of Earl Yeakel to be a U.S. District Judge for the Western District of Texas. Following the 5 p.m. vote on Monday, the Senate may also vote in relation to any available amendments to the Energy bill.

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. BOND. If there is no further business to come before the Senate I ask unanimous consent that the Senate recess under the previous order.

There being no objection, the Senate, at 9:52 p.m. recessed until Friday, July 25, 2003, at 9:30 a.m.

EXTENSIONS OF REMARKS

TRIBUTE TO JAMES MCNEIL

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2003

Mr. MCINNIS. Mr. Speaker, I rise before this body of Congress today to recognize James McNeil for the courageous act that led to his untimely passing. James displayed extraordinary bravery in an attempt to save his father from drowning in a fishing accident. It is with a solemn heart that I join my colleagues in paying tribute to his heroism and sacrifice.

James McNeil and his father, Kelly McNeil, were fishing on San Luis Lake when Kelly suddenly fell from his boat into the water. Without hesitation, James dove into the 55-degree water and began swimming toward his father in a rescue attempt. Unfortunately, James did not survive the frigid, treacherous waters and passed away before reaching his father. The Carnegie Hero Fund has awarded James a Bronze Medal in recognition of his brave act.

Mr. Speaker, I am honored to recognize James before this body of Congress today. His brave act serves as a reminder to all Americans of the courage upon which our nation is founded. While James will be dearly missed, his family can take solace in the knowledge that his spirit will live on through those whom he has touched. I extend my deepest sympathies to James' loved ones during this difficult time.

EXPRESSING THE SENSE OF CONGRESS THAT JOHN WOODEN SHOULD BE HONORED FOR HIS CONTRIBUTIONS TO SPORTS AND EDUCATION.

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2003

Mr. LEWIS of California. Mr. Speaker, I have submitted the following concurrent resolution; which was referred to the Committee on Government Reform:

CONCURRENT RESOLUTION

Expressing the sense of Congress that John Wooden should be honored for his contributions to sports and education.

Whereas John Wooden was one of the greatest basketball coaches and players;

Whereas John Wooden nurtured and inspired many of the greatest basketball players of all time who would go on to fame in their own right;

Whereas John Wooden is one of only two men enshrined in the Basketball Hall of Fame as both a player and a coach;

Whereas John Wooden coached the UCLA Bruins to 10 NCAA Mens' Basketball Championships in 12 years;

Whereas John Wooden led the Bruins to 88 consecutive victories;

Whereas John Wooden, during 40 years of coaching, compiled a 885–203 (.813) record;

Whereas John Wooden developed the ''Pyramid of Success,'' a graphic representation of the ideals that form the basis of Wooden's outlook on life and explain much of his success on and off the court;

Whereas John Wooden was a successful amateur basketball player who led Martinsville High School of Martinsville, Indiana to 1927 Indiana State Championship and led Purdue University to the 1932 NCAA Mens' Basketball Championship;

Whereas John Wooden is a best selling author, public servant, holder of numerous honorary degrees, and recipient of many awards honoring his lifetime dedication to improving the lives of others;

Whereas John Wooden has been honored with the Presidential Medal of Freedom, the nation's highest civilian award;

Now, therefore, be it

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

(1) congratulates John Wooden for receiving the Presidential Medal of Freedom, the nation's highest civilian award;

(2) recognizes the achievements and contributions of John Wooden in the fields of sports and education.

COLE A. LEWIS WILL BE MISSED BY MANY

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2003

Mr. PAYNE. Mr. Speaker, I am saddened to inform my colleagues of the death of Mr. Cole A. Lewis. Mr. Lewis was special to many. He was a man of conscience. His principles and ethics were impeccable. He did whatever he could. He was the true example of humanity. His life experiences shaped the man he became. He was born and raised in Baltimore, Maryland where he graduated from the country's second oldest high school, City College. After high school he went off to Brown University in Providence, Rhode Island. During World War II he enrolled in the U.S. Navy's V–12 program at Brown. He was commissioned in 1945 and served in the post-war occupation of Japan. He returned to Brown in 1946 where he graduated in 1947 with his original class. Cole Lewis and Nat Brush were married after graduation and moved to Newark, New Jersey.

Mr. Lewis was employed by the Prudential Insurance Company of America. He held many positions there including pioneer systems analyst for the installation of the company's first computer, and ending as vice president of community affairs. Mr. Lewis used his position in the community affairs department to benefit social and cultural programs in Newark and throughout the state. Although he was responsible for funding many of these programs he became personally involved. He was the founding director of the Community Food Bank of New Jersey, chairman of the New Jersey Committee for the Humanities, and an active officer and board member of Planned Parenthood, the Integrity House, The Catholic Youth Organization, the Education Law Center and many other groups.

Mr. Lewis was employed with Prudential for 37 years. Upon his retirement he became comptroller of the New Jersey Symphony Orchestra, serving nine years. His second retirement was brief, when he joined the staff of the Education Law Center, a pro bono advocacy group dedicated to bettering educational opportunities for underprivileged children in the state.

Mr. Speaker, I am sure my colleagues would have liked to meet Mr. Lewis who would have celebrated his 77th birthday this past weekend. I am also sure my colleagues would have extended their condolences to Mr. Lewis's family—his wife, Nat; and his two daughters, Susan Kenny and her husband, Thomas; and Deborah Sexton and three grandchildren; Sarah Kenny, Austin Kenny and Laura Sexton.

TRIBUTE TO MILDRED BOWLES

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2003

Mr. MCINNIS. Mr. Speaker, I rise before this body of Congress to recognize a remarkable woman that is a long time resident of Cedar Mesa, Colorado. Mildred Bowles has witnessed the evolution of her hometown in the last century and simultaneously worked to preserve its invaluable memories. I am proud to recognize Mildred's contributions to my district before my colleagues here today.

Mildred's adventurous spirit can be traced back to her ancestors, who traveled in a covered wagon from Nebraska to Colorado in 1902. Mildred's father, L.E. Dolph, played an integral role in the founding of both Cedar Mesa and Cedaredge. His responsibilities included serving as sheriff and delivering mail to local residents.

Mildred has developed a plethora of memories in Cedar Mesa during the 93 years that she has spent in the area. She notes that while children now have spring break, she remembers the days when students had ''mud breaks,'' when the spring weather inhibited any type of travel, and ''apple breaks,'' when students provided an extra hand during harvest season. Mildred also remembers the days when electricity was only available two days a week and silent movies were a popular form of entertainment. She has helped to preserve her precious memories by performing a one-person skit over the years and participating in the local historical society.

Mr. Speaker, it is my pleasure to recognize Mildred Bowles, a woman who provides her community with a priceless link to our past. We are fortunate to have her memories, which serve as a reminder of the hard work and determination that have made our nation strong. I commend Mildred for all that she does in her community and wish her all the best in her future endeavors.

SELECTION OF JOHN WOODEN FOR MEDAL OF FREEDOM IS MOST DESERVED

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2003

Mr. LEWIS of California. Mr. Speaker, I rise today to honor the incredible achievements of John Wooden, famed educator, coach, and basketball player. Coach Wooden was awarded the Presidential Medal of Freedom, the Nation's highest civilian honor, in a ceremony at the White House today.

What Coach Wooden accomplished during his 40 years of coaching will never be surpassed. He compiled an 885–203 record, leading the UCLA Bruins to 10 NCAA Men's Basketball Championships. During his time at UCLA, the Bruins had four undefeated seasons and 88 consecutive victories, including 38 straight NCAA tournament victories. Among his many honors Wooden was named NCAA College Basketball Coach of the Year six times. Coach Wooden nurtured and inspired many of the greatest basketball players of all time who would go on to fame in their own right, including Kareem Abdul-Jabbar and Bill Walton.

Wooden was also a standout athlete. Born and raised in Martinsville, Indiana, Wooden led his high school squad to the state title in 1927. Later, at Purdue University, he won letters in basketball and baseball as a freshman, and then went on to captain Purdue to the 1932 National Collegiate Championship. Wooden's accomplishments on the basketball court led to him being one of only two men enshrined in the Basketball Hall of Fame as both player and coach.

But it is his role as an educator where he has made his greatest mark. Wooden developed the ''Pyramid of Success'', a graphic representation of the ideals that form the basis of Wooden's outlook on life and explain much of his success on and off the court. Emphasizing such traits as skill, poise, and confidence, the Pyramid of Success has helped millions be their best when their best was needed.

Coach Wooden has not been content to sit back as a legend. He is a best-selling author, active on the public speaking circuit, and has devoted much of his energies to public service. Wooden was the first sports figure to be awarded the Bellarmine Medal of Excellence, whose other recipients have included Mother Teresa and Walter Cronkite. He received the 1994 Landry Medal for Inspiration to American Youth and also has a number of honorary degrees. The National Father's Day Committee has named him ''Grandfather of the Year'' and the National Urban League has honored him for his years of humanitarian service.

Mr. Speaker, John Wooden's philosophy benefits us all. Be quick, but don't hurry. It's not how tall you are, but how tall you play. Make each day your masterpiece. Character is what you really are; reputation is what you are perceived to be. Through his life's work and his great accomplishments, Coach John Wooden has earned every award he has received. More importantly, he has earned our respect and admiration. Please join me in congratulating this legendary coach and educator on his latest award, the Presidential Medal of Freedom.

EXPRESSING APPRECIATION TO JONITA WHITAKER

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2003

Mr. PAYNE. Mr. Speaker, I rise today to express my appreciation to an outstanding professional, Ms. Jonita Whitaker, who has served as a State Department Pearson Fellow in my Washington Congressional Office for the past year. Under this excellent program, Foreign Service Officers work on Capitol Hill, learning the legislative process and sharing their expertise in international relations. I believe the program provides tremendous benefits to both members of Congress and to the State Department professionals who participate.

Over the past year, Jonita has proven to be a shining star on my staff. As a member of the House International Relations Committee, I have benefited tremendously from her extensive knowledge, her expertise in foreign affairs and immigration law, her foreign language skills, and most of all, her passionate dedication to public service. Jonita quickly mastered the many complex global issues we deal with on a daily basis.

Jonita has played a leading role as an advisor on a number of key issues, including developments in Iraq, the movement to return the Parthenon Marbles to Greece, efforts to reach a political settlement in Cyprus, the peace process in Northern Ireland, daily updates on developments in Africa, and the eradication of polio world-wide, among her many other contributions. Reports she provided to me when she traveled to Northern Ireland to witness the Orange Order parades were enormously helpful.

Mr. Speaker, I am pleased to have this opportunity to thank Jonita Whitaker for all of her hard work and to wish her continued success as she moves forward in her career.

TRIBUTE TO LARRY KISLING

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2003

Mr. McINNIS. Mr. Speaker, I am honored to stand before this body of Congress and this nation today to pay tribute to Larry Kisling of Grand Junction, Colorado. Through hard work and dedication, Larry has received national attention for the quality of his competitive racing engines, which he builds and maintains for racing teams across the country. Larry's work provides him with the ability to be involved in the sport he loves, and I am proud to speak of his accomplishments here today.

Moving to Grand Junction in 1990, Larry set up his shop and began business. Larry's hard work is evident in his high quality products, which is why his customers keep coming back. Larry's business expanded so much that he recently moved into a new location and a brand new 3,400 square foot facility. Today he works on all kinds of engines, from forklifts to boats.

Larry's passion, however, will always be high-performance racing engines, despite the fact that they are the least profitable part of the company. Larry does the work because he loves it, noting the personal satisfaction he gets when he sees one of his engines on the track. Larry gets the most fulfillment when a driver returns to his shop and lets him know his race car has never gone faster.

Mr. Speaker, I join with my colleagues here today in applauding the hard work of Larry Kisling. I commend Larry on his successful business endeavors and the respect he has gained from his peers. I wish him all the best in the years to come.

50TH ANNIVERSARY OF APSA SCHOLARS PROGRAM

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2003

Mr. OXLEY. Mr. Speaker, the American Political Science Association (APSA) is commemorating the 50th anniversary of its Congressional Fellowship Program this year. I join my colleagues in commending APSA for the service that it has provided to the U.S. Congress.

APSA fellows have made a valuable contribution to the work of personal and committee offices in both the House and Senate. The program draws on the talents of a variety of professionals who are interested in learning about and contributing to the legislative process. The APSA program is held in high regard by Members for the quality of the fellows it makes available to offices at no charge. Among its distinguished alumni is Vice President DICK CHENEY.

My office has been pleased to host two fellows in recent years. Tim Johnson, a 1994 journalism fellow, remained on my staff and currently serves as my Legislative Director and Press Secretary. Ben Brown, a 2001 fellow from the FDIC, brought valuable banking expertise to the House Financial Services Committee during its formative first months.

The APSA Congressional Fellows Program merits our recognition for the ongoing contributions that it makes to the legislative process.

FREEDOM FIESTA WEEK

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2003

Mr. REYES. Mr. Speaker, in my home district of El Paso, Texas, Operation Iraqi Freedom will always be remembered for the tragic ambush of the 507th Maintenance Company. In a city that is home to nearly 60,000 veterans and thousands of troops and their family members stationed at Fort Bliss, we felt for these soldiers as if they were members of our own families. We mourned for those who had lost their lives, and prayed for the safe and speedy return of those who had been captured. The losses suffered by the 507th Maintenance Company were the first combat casualties to be experienced by Fort Bliss in at least a quarter century. These soldiers are heroes, and they are more than deserving of all of the honor and respect they have received.

The soldiers of the 507th Maintenance Company, while exceptional, are not the only heroes who call Fort Bliss home. Each and every one of the more than 3,600 other United States Army soldiers who were deployed to Iraq from Fort Bliss is also a hero, and all of their sacrifices should be remembered. The thousands of soldiers who contributed to the war effort from home and the family members who offered their unwavering support must also be recognized. El Paso is a city full of soldiers—they and their families deserve our respect and gratitude.

El Paso is proud to be the home of so many of our nation's soldiers. During the week of August 3–10, 2003, El Paso will celebrate ''Freedom Fiesta Week,'' a series of events to welcome home and honor the region's armed services personnel. The celebration will kick off on August 3rd with the ''Freedom Fiesta Picnic,'' featuring free food and drinks and live music and entertainment. Throughout the week, active duty and reserve military personnel and their families will have free or reduced admission on selected days to Wet n' Wild Water Park, Western Playland Amusement Park, the El Paso Diablos, the El Paso Zoo, and various clubs and restaurants in Downtown El Paso. The week will culminate in Saturday's parade, featuring more than 6,000 of our Fort Bliss soldiers.

The organization of Freedom Fiesta Week was a collaborative effort, and I would like to commend the Greater El Paso Chamber of Commerce, the El Paso Hispanic Chamber of Commerce, the El Paso Black Chamber of Commerce, the City of El Paso, the County of El Paso and the Association of the U.S. Army for their hard work in planning what promises to be an exciting week. I must also thank all the organizations participating in Freedom Fiesta Week for their generosity. I do not have the words to express my thanks to our troops, but Mr. Speaker, it is with events like Freedom Fiesta Week that we can begin to show them how grateful we are for their hard work and dedication during Operation Iraqi Freedom.

HONORING JAMES DOUGLAS THOMAS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2003

Mr. McINNIS. Mr. Speaker, I rise before this body of Congress and this nation today to pay tribute to a selfless community servant and dedicated veteran from my district, Doug Thomas of Craig, Colorado. An active member of the Craig community, Doug is the newly elected Chaplain for the American Legion in the State of Colorado. I would like to join the Craig community and American Legion in honoring Doug's commitment and recognizing this distinct honor.

When members of American Legion had the opportunity to select their new Chaplain, Doug was an obvious choice. His reputation as a dedicated Chaplain had preceded him; Doug had done great work as both the District Chaplain and Chaplain of Post 2700. He made it clear at the state conference that he would work harder than any other nominee, an attribute that is essential to the position.

Doug's commitment to the American Legion is evident in his plans as Chaplain. He hopes to visit all 164 American Legion Posts throughout the state during his one-year term, sponsor workshops at state conventions, and start a Prayer Program that will be mailed to families around the state. Doug enjoys all aspects of the Chaplain position, but he particularly enjoys having an impact on families across the state.

Mr. Speaker, I join with my colleagues here today in applauding Doug's civic-mindedness and in recognizing this prestigious honor. This recognition to Doug for the work he does in his community is long overdue, and I am proud to bring his achievements to the attention of this body of Congress today. Congratulations and thanks again, Doug, for your many years of hard work on behalf of Craig and the State of Colorado. May you have many more to come!

INTRODUCTION OF THE STEVE GRISSOM RELIEF FUND ACT

HON. DAVID E. PRICE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2003

Mr. PRICE of North Carolina. Mr. Speaker, today my colleague NATHAN DEAL and I have introduced the Steve Grissom Relief Fund Act.

This legislation would compensate individuals who contracted AIDS through HIV-contaminated blood products and transplants. It is modeled on the bipartisan Ricky Ray Hemophilia Relief Act of 1998, and honors the late Steve Grissom, a North Carolina resident who was infected with HIV while undergoing treatment for leukemia.

A study conducted by the Institute of Medicine at the request of Congress found that ''blood became a vector for HIV infection in the early and mid-1980s and caused more than half of the 16,000 hemophiliacs and over 12,000 blood transfusion recipients to contract AIDS.'' The Food and Drug Administration, the report claimed, failed to protect the blood supply when it chose not to implement screening options recommended by the Centers for Disease Control in 1983. In addition, the report recommended that a fund be established to compensate people who have become infected with HIV from contaminated blood products.

In 1995, legislation was introduced to help hemophiliacs who contracted HIV through such transfusions. The Ricky Ray Act established a trust fund for making one-time payments of $100,000 to persons with hemophilia who contacted HIV through tainted blood products. The bill passed with overwhelming support, and was fully funded in 2001. However, the bill did not address the problem of people like Steve Grissom, who received blood transfusions or transplants for other reasons. Our bill would resolve the current inequity and extend the same benefits to non-hemophiliacs, their secondarily infected spouses, and children infected perinatally.

Steve Grissom was a resident of North Carolina's 4th District and my constituent. An Army veteran, Steve was an avid pilot and outdoorsman, a loyal husband, a loving father, and a tireless advocate for others. He advanced legislation for terminally ill parents at the state level, and founded the National Association for Victims of Transfusion-Acquired AIDS (NAVTA) organization. In 1998, he tried very hard to get individuals like himself included in the Ricky Ray Act. However, rather than contribute to the demise of this legislation, Steve pulled back so that at least some would be compensated for the horrors that occurred during the early 1980s.

Americans who have contracted AIDS through HIV-contaminated products deserve the same consideration regardless of whether they are hemophiliacs. We owe it to people like Steve Grissom, and their survivors, to try and compensate for this terrible tragedy.

I invite my colleagues to join us in completing the work begun with the Ricky Ray Act by cosponsoring the Steve Grissom Relief Fund Act.

HONORING THE 40TH ANNIVERSARY OF THE MARCH ON WASHINGTON

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2003

Mr. DINGELL. Mr. Speaker, I rise today to celebrate the 40th anniversary of the March on Washington, the most significant civil rights demonstration in United States history. The march was a watershed event that led to the passage of the Civil Rights Act of 1964.

On August 28, 1963, more than 250,000 people of all ages, races and religions traveled from every corner of America to Washington on ''freedom'' buses and trains. Some participants walked as far as 230 miles to reach our nation's capital. The march was by far the largest and most peaceful of its time and its volume greatly exceeded the expected 100,000 participants. The purpose of the March for Jobs and Freedom was to encourage passage of the Civil Rights Act presented to Congress by President John F. Kennedy. The United Auto Workers union, one of the march's biggest sponsors, printed hundreds of signs with slogans such as ''UAW Says Jobs and Freedom for Every American.''

My dear friend, colleague and genuine American hero JOHN LEWIS, had the honor of speaking alongside Reverend Dr. Martin Luther King, Jr., who concluded the event with his renowned ''I Have A Dream'' speech. Dr. King's eloquent words should be remembered today: ''When we allow freedom to ring, when we let it ring from every village and every hamlet, from every state and every city, we will be able to speed up that day when all God's children, black men and white men, Jews and Gentiles, Protestants and Catholics, will be able to join hands and sing in the words of the old Negro spiritual: ''Free at last! Free at last! Thank God Almighty, we are free at last!''

Reverend King's powerful words did not fall on deaf ears. After President Kennedy's tragic death, his successor President Lyndon Johnson, in his first address to Congress and the nation, called for the passage of the Civil Rights Act. ''Let us continue,'' he declared, promising that ''the ideas and the ideals which [Kennedy] so nobly represented must and will be translated into effective action.'' Finally, on July 2, 1964, President Johnson signed into law the Civil Rights Act of 1964, the most important piece of civil rights legislation in United States history.

Mr. Speaker, I am proud to say that I voted for that historic civil rights bill. I am proud of the work Congress and the Administration has done in the past 40 years to guarantee equal rights to all Americans. I ask that you and all of my colleagues rise to join me in commemorating the anniversary of this remarkable event.

HONORING WEY AND SUE CHEN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2003

Mr. McINNIS. Mr. Speaker, I rise before this body of Congress and this nation today to pay tribute to a pair of selfless community servants and dedicated parents, Wey and Sue Chen of Greeley, Colorado. As active members of the Colorado community, they are this year's recipients of the Excellence in Parenting Award presented by the National Parents Day Council. I would like to join with the Colorado community in honoring the Chens and their commitment.

The Excellence in Parenting Award is a unique tribute, honoring immigrants who, as parents, demonstrate exemplary leadership and parenting skills. The Chens are deserving recipients; after arriving in the U.S. from China, they have worked hard to create new lives for their children in America. They frequently volunteer at their children's schools, and have become involved in a variety of Chinese-American organizations. The couple has raised two wonderful children, Elisa and Davis, who are a testament to their hard work and dedication as parents. Davis is currently enrolled at the University of Colorado at Boulder, and Elisa is enrolled at the University of Northern Colorado. They serve as examples to their fellow classmates by practicing the lessons that were passed on to them by their parents.

Mr. Speaker, I join with my colleagues here today in applauding the Chen's civic-mindedness, family values, and in recognizing this prestigious honor. This recognition to the Chen's for the work they do in their community is long overdue, and I am proud to bring their achievements to the attention of this body of Congress today. Congratulations and thanks again for your many years of hard work and your inspiring dedication to your two children.

HEAD START, H.R. 2210

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2003

Mr. ORTIZ. Mr. Speaker, I join my colleagues from the Congressional Hispanic Caucus and the Congressional Black Caucus to oppose H.R. 2210, which the leadership in the House of Representatives will bring to the floor this week.

Since the beginning of the program, Head Start has provided the foundation for low-income working families. Upon this foundation, thousands of adults throughout South Texas have overcome tremendous obstacles to break the cycle of family poverty and become productive citizens. Without the solid base provided by Head Start, the children and families in the 21st Century will have a much harder time trying to get a start on education, nutrition habits, and other simple health care and educational needs.

In South Texas, we have a long and successful relationship with Head Start. In my district alone, Head Start serves nearly 4,000 kids from birth to 5 years old.

Tonight, I want to share with you stories from people who have used this program so our colleagues will understand precisely what we will be taking away from the children of Texas and other states around the nation if the House passes H.R. 2210.

Cynthia del Angelo—She and her twin sister attended Head Start in 1973. They both own their own daycare centers now. Her mother received all of her education through Head Start, and is now an Education Coordinator. Her father is currently an area manager of a Head Start center. Her husband is a restaurant manager. They both feel that Head Start contributed to their success by instilling in them the confidence that they could achieve anything.

Jose Carrizales—Attended Head Start in 1965 in a small, rural community. Changed him from a shy, skeptical boy into a secure, loving kid with self-confidence. Later, having become a parent of a Head Start child, he was elected President of the Parent Committee, where the leadership skills he gained led him to a 6-year employment as the District Office Manager for Congressman SOLOMON ORTIZ. He now is the Director of Family Services for Head Start in South Texas.

Maricela Vasquez Vitt—Former Head Start student now teaches elementary school in Los Fresnos, Texas. Head Start allowed her to learn English before she started school, and form a strong educational foundation.

Jo Ann Garcia—She and her sister are both Head Start students and are now Registered Nurses. Jo Ann has worked with cancer patients in a major hospital and as Director for a Home Health Provider, and says that neither one is as rewarding for her as working with Head Start kids.

These are the everyday people who have been profoundly affected by the good works of Head Start. These are the sorts of people in the future who will be without similar services and without the foundation now provided by Head Start.

TRIBUTE TO TONY MOREY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2003

Mr. McINNIS. Mr. Speaker, I am honored to stand before this body of Congress and this nation today to pay tribute to a truly talented artist from my district, Tony Morey of Grand Junction, Colorado. Tony has painted a variety of murals throughout the community, helping businesses gain notoriety while brightening up our buildings and streets. Tony's murals are more then just advertisements for local businesses; they are works of art that I am proud to speak about today.

Tony began his art career early in life and began working for a sign company after high school graduation. He shortly realized he wanted to expand his art career, so he began to paint murals. Eventually finding his way to Grand Junction, Tony has continued with his murals, decorating buildings with advertisements for local businesses. Tony will soon begin work on his second mural at the Bottle Shop, where his work has been credited with an increase in business. Some of Tony's most recognizable work includes murals for Mesa Pawn and the Eagle Lodge.

Tony's ambitions are leading him to experimenting with work on traditional canvas. He hopes to someday display his art in a show, exhibiting the hard work and dedication he puts into every painting. I have no doubt that, with Tony's diligence, we will soon see his paintings on display across the country.

Mr. Speaker, it is my honor to pay tribute to the accomplishments of Tony Morey. His artwork brings happiness to the streets of Grand Junction while providing businesses with a cheap, effective advertising technique. I look forward to the advancement of Tony's career and I wish him the best with his future endeavors.

CONGRATULATING MAUI ECONOMIC OPPORTUNITY, INC., ON BEING AWARDED THE AWARD FOR EXCELLENCE BY THE NATIONAL COMMUNITY ACTION PARTNERSHIP

HON. ED CASE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2003

Mr. CASE. Mr. Speaker, I rise to offer my heartiest congratulations to Maui Economic Opportunity, Inc. (MEO) on being one of the four agencies nationwide to be awarded the ''Award for Excellence in Community Action'' by the National Community Action Partnership.

This prestigious and coveted award is given to Community Action Agencies that demonstrate their excellence through many programs that improve communities and help people change their lives. I have long known that MEO is one of the best Community Action Agencies in the nation and this award at long last recognizes this fact. MEO's innovative efforts have transformed Maui County residents' lives and have had a lasting impact on the entire community.

I would like to especially recognize MEO's Executive Director, Gladys Baisa, for her commitment to excellence and to the people of Maui County. This award is indicative of Gladys' leadership and also a testament to the staff she has surrounded herself with. I am proud to work closely with Gladys and MEO to make Maui County and the State of Hawaii a better place.

Mahalo nui loa to the MEO board and all of its great staff. Keep up the good work and always know that it is truly appreciated.

TRIBUTE TO DEAN GRAY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2003

Mr. McINNIS. Mr. Speaker, it is with a solemn heart that I stand before you today to pay

tribute to the life and passing of Dean Gray, a resident of Grand Junction, Colorado. For three years Dean volunteered at KAFM radio, a station that showcased his musical passion, jazz. Dean's hard work and dedication to KAFM made him a popular presence at the station, as he provided exemplary leadership and friendship to the other employees. I am honored to speak of the accomplishments of Dean before this body of Congress and this nation here today.

Dean and his wife Jean moved to the Grand Junction area 10 years ago, relocating from the jazz-rich city of Chicago. Chicago provided an ideal atmosphere for jazz connoisseurs, offering a variety of clubs, concerts, and musicians that are based in that area. The couple's passion for jazz grew, and when they arrived in Grand Junction, they immediately tuned to KAFM Community Radio. As a retired member of the community, Dean wanted to expand his involvement in the jazz world. This passion for music led Dean to volunteer as a programmer for KAFM, and his hard work and dedication landed him his own show on Sunday mornings. Dean was an instant hit; he was happiest when listeners called in, telling him how much they enjoyed the show. The station appreciated Dean's dedication so much that he was recently honored with a party and plaque thanking him for his hard work at the station.

Mr. Speaker, I am saddened by the loss of such a kind and caring individual. Dean's commitment, compassion, and hard work garnered him respect at KAFM, and it is for those very qualities that I bring his life to the attention of my colleagues here today. My thoughts and prayers go out to the family and friends of Dean Gray.

HONORING ROBERT AND MARGUERITE STEELE AS ''PARENTS OF THE YEAR''

HON. DAVID L. HOBSON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2003

Mr. HOBSON. Mr. Speaker, I rise today to pay tribute to Robert and Marguerite Steele who reside in Xenia, Ohio in the 7th Congressional District, who have received the ''Parents of the Year'' Award for 2003 by the National Parents' Day Council.

Mr. and Mrs. Steele have worked very hard to be both responsible parents to their children, while helping the larger ''family'' of the local community.

Robert Steele has served in the military and is active with the local American Legion. Through his work with the Legion, the couple has instituted community programs for the less fortunate, where area children can participate in life-enhancing and educational activities. The Steeles' outreach efforts have helped bring about better cooperation and understanding between racial groups in the community.

This honor exemplifies Robert and Marguerite's commitment to strengthening the concept of family, which we Americans value above virtually all other things. Their community work and involvement in the lives their own children are ample justification for this award.

As the Congressman who represents Xenia, Ohio in the U.S. House of Representatives, I offer my sincere congratulations to Robert and Marguerite Steele for this achievement. It is an honor to recognize their outstanding leadership and the exemplary character they have shown as parents.

TRIBUTE TO GLADYS McBEE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2003

Mr. McINNIS. Mr. Speaker, I rise before this body of Congress and this nation today to pay tribute to the passing of a woman from my district who spent a lifetime in the service of others. Gladys McBee of Durango, Colorado recently passed away, and as her friends and loved ones mourn their loss, I would like to recognize a few of her many achievements here today.

Born in La Plata in 1917, Gladys settled in Durango where she became well known in the community for her enthusiastic involvement in numerous causes. She helped establish the Durango and LaPlata Senior Center and spent 20 years working with seniors at the San Juan Area Agency on Aging. As a member of the Daughters of the American Revolution and the League of Women Voters, Gladys helped foster patriotism and educate others of our nation's unique heritage. She continued these efforts through numerous articles about the Constitution and Bill of Rights for her local newspaper, the Durango Herald. Many people in Durango also knew Gladys for her extensive involvement in water issues and the Animas Museum, Durango's only history museum.

Mr. Speaker, Gladys McBee continually worked to improve the lives of others, and she is certainly deserving of praise before this body today. She is survived by her sister Aileen, son Douglas, grandson Teddy and other extended family members. Our thoughts are with them during their time of bereavement. To her family, friends, and the many people in the community who knew her, Gladys McBee will be deeply missed.

RAUL RIVERO MUST NOT DIE IN CASTRO'S PRISONS

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2003

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, Raul Rivero is the dean of independent journalism in Cuba, having founded in 1995 Cuba Press, a news agency for independent journalists in Cuba. Mr. Rivero is also a world acclaimed poet and writer. His articles have appeared in publications such as The Chicago Tribune and The Washington Post. He has been recognized by such prestigious organizations as Reporters Without Borders. However, in totalitarian Cuba, Mr. Rivero is banned from publishing. In fact, the Castro regime is so threatened by Mr. Rivero's writing that in March Castro sent his thugs to his home to arrest him and 75 other dissidents and subsequently sentenced Mr. Rivero to 20 years in prison.

In 1991 Mr. Rivero, along with 10 other intellectuals, signed a petition to the Castro regime calling for the liberation of all prisoners of conscience. Of the 10 signatories Mr. Rivero is the only one still living in Cuba and now finds himself in Castro's gulag for simply daring to write in his own country. Mr. Rivero must not die in Castro's prisons. Mr. Rivero and all political prisoners must be liberated now!

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

SPEECH OF

HON. JAMES P. MORAN

OF VIRGINIA

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. MORAN of Virginia. Mr. Chairman, I rise in support of this amendment offered by my friend from Colorado, MARK UDALL.

My colleagues, the reason we have so many funding limitation amendments to this bill is not because of the actions of Chairman TAYLOR and the Appropriations Committee in general. It's because the congressional leadership has abdicated its institutional obligations to carry out its oversight responsibilities. And, nowhere is this abdication of responsibility more prominent than in the arena of the environment.

I can understand from some in the west that the federal government owns too much land and that these states should have the first right of refusal. But let's redefine who exactly the federal government is. It's the people of the United States and it's their land. The stewardship responsibilities for these lands, these national parks, wildlife refuges, national forests, monuments and wilderness areas are the federal government's in accordance with the laws this institution has adopted in the name of all Americans and with their support. But when an administration disregards a moratorium directed by Congress and proceeds to use an obscure reinterpretation of an arcane mining law to carve up by roads some of America's great treasured landscapes and scenic lands, it has gone too far.

Earlier this year, the Department of Interior amended an existing rule to facilitate right-of-way claims under Revised Statute 2477 (RS 2477), a long ago repealed provision of the Mining Law of 1866. The new regulation will allow any entity to file claims against federal lands, yet the new rule lacks any standard for determining the legitimacy of these claims. As a result of this and other changes, the amended disclaimer rule is being used to establish thousands of new roads potentially through National Parks, Refuges, Forests and Monuments or candidate wilderness sites without even proving any actual need.

You've seen the pictures. Find a footpath, a donkey trail and you can undermine the people's and this nation's expressed desire to protect this land from development and the extraction industry. You say it is not happening, or maybe it is just limited to Utah. Think again.

San Bernardino County in California has actively begun surveying specific routes and mapping claims. This process is 80 percent complete and the county has thus far claimed 4,986 miles, 2,567 of which are in the Mojave National Preserve. The county has requested the Department of Interior waive the $100 filing fee because they have so many RS 2477 claims the cost to the county to file all of these claims would be prohibitive. I am puzzled how they may lack the money to file these claims, but will somehow find the money to build all these roads?

I doubt more than a fraction of these claims will ever give rise to a road, but the claims will prove sufficient to block federal, state and local efforts to protect the land these road claims bisect. Mr. Chairman, what the public would never support through legislation, the administration is doing by stealth. And, while these actions may succeed at removing these lands from federal protection, they will create a host of new liabilities and unfunded costs.

In some states, including California and New Mexico, state law makes the local jurisdictions liable for failure to maintain a roadway. I wonder what future lawsuits we may be inviting when these localities will be sued for injuries caused by hazardous conditions on roads that were never built?

Given the tens of thousands of claims that have been received, I fail to see corresponding increases in the Bureau of Land Management's budget to process them. Will the granting of rights-of-way, create any new financial obligations for the federal government? What costs, including environmental assessments and litigation might be involved?

Mr. Chairman, this policy is an abomination. The administration needs to be reigned in and the purse strings are all that we have available. Support the Udall amendment.

IN HONOR OF THE AMERICAN MERCHANT MARINE FOR A JOB WELL DONE DURING OPERATION IRAQI FREEDOM

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2003

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise to congratulate the members of the American Merchant Marine for exemplary service to our country during Operation Iraqi Freedom. Our nation owes them a debt of gratitude for delivering goods and keeping our troops supplied during a very trying time. Without the Merchant Marines, our armed forces would have faced insurmountable obstacles during their mission in the Persian Gulf.

Our maritime industry accounted for more than 80 percent of the supplies that were moved into Kuwait and Qatar for use in Operation Iraqi Freedom. Over 5000 mariners, from midshipmen to seasoned licensed marine officers, took part in the massive effort. They braved the seas in unarmed vessels full of explosive cargoes, and even volunteered to take anthrax and smallpox vaccinations to protect against biological attack. They moved nearly 21 million square feet of cargo in four months—the equivalent, as Chairman of the Joint Chiefs of Staff General Richard Myers stated, of shipping everything in the Pentagon three times.

On May 22, 2003, Secretary of Transportation Norman Mineta said, ''There is no more devoted a community of professionals than those who serve our nation's marine transportation system.'' I wholeheartedly agree with this statement. Since the founding of our great nation, the men and women of our maritime industry have shown great dedication to the ideals on which America was founded.

In peacetime, and in wartime, our maritime industry provides the vital lines of communications that keep our manufacturers producing, our farmers growing, and our consumers buying. Without the Merchant Marines, the American economy would grind to a screeching halt.

I ask my colleagues to join me in recognizing the important contributions made by our Merchant Mariners and their unwavering commitment to America's freedom and prosperity. Participation in the most recent war in Iraq is just another example of our Merchant Marine's dedication to our nation.

RECOGNIZING THE DISTINGUISHED CAREER OF GENE VERDU, EXECUTIVE DIRECTOR OF THE SOUTHWESTERN ILLINOIS COLLEGE PROGRAMS AND SERVICES FOR OLDER PERSONS

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2003

Mr. COSTELLO. Mr. Speaker, I rise today to ask my colleagues to join me in recognizing the distinguished career and retirement of Gene Verdu, Executive Director of the Southwestern Illinois College Programs and Services for Older Persons (PSOP).

August 31, 2003, will mark the end of an era of dedicated service as Eugene ''Gene'' Verdu retires from his position as the Executive Director of PSOP. Gene has dedicated his life to helping others. Throughout his 30-year career, he has touched the lives of thousands of people as he built and developed one of the finest social service agencies in the State of Illinois. From Belleville to Belize, Gene's generosity, passion and spirit have had a positive impact on family, friends, colleagues and constituents. His visionary leadership and tireless efforts to constantly improve the lives of others will be missed.

Throughout his career, Gene has served people, first as a teacher from 1963–1968. Moving from teaching young people to serving the needs of the elderly, Gene became the Director of the local Foster Grandparent Program in 1968 and served in that position until 1973. In 1973, Gene became the Director of the Retired and Senior Volunteer Program and served in that position until he was named the Director of the PSOP in 1975.

While serving our area's senior citizen population, Gene developed one of the first comprehensive ''Preparation for Retirement'' courses and educational materials. He organized and administered local Foster Grandparent programs, the Senior Companion Program, Senior Nutrition and Development programs, as well as Senior Transportation programs. Gene also developed, organized and taught several statewide training seminars related to the subject of aging and established one of the first electronic telephone reassurance programs for the homebound elderly.

Gene served as a delegate to the 1971, 1981, and 1995 White House Conferences on Aging and served on national committees for the American Association of Retired Persons, the National Council on Aging and the National Council of Senior Citizens. He assisted the State of Illinois by organizing the Illinois State Council of Senior Citizens and lobbying the state to create the Department on Aging. Gene also helped establish the Illinois Gerontology Consortium.

Gene has been the recipient of many community awards, among them the Medal of Merit by the Belleville Rotary Club, the Studs Terkel Humanitarian Award, the Martin Luther King, Jr. Humanitarian Award and the Outstanding Administrator Award from Belleville Area College. He has also received the Distinguished Community Service Award from St. Clair County and the Liberty Bell Award from the St. Clair County Bar Association.

Through Gene's work as the Director of PSOP, the elderly of the community are treated with respect and dignity. Their needs are met by the services PSOP offers: congregate meals, meals delivered to homebound elderly, transportation, employment, companionship, workshops and activities, travel opportunities, wellness clinic, volunteer opportunities, advocacy, counseling, outreach programs, and more. Recently, I was happy to work with Gene to secure more than $900,000 to help finance the construction of an addition to the PSOP building at 201 North Church Street.

In addition to his work with the elderly, Gene still has a place in his heart for children. He continues to touch the lives of young handicapped children through the Belize Crippled Children's Program. He spends much of his spare time promoting this program, recruiting host families for the children who receive medical treatment at Shriner's Hospital in St. Louis, arranging travel to and from Belize for the children, and often escorting them himself, and traveling to Belize to assist with the medical clinics which are held to select the children for the program.

As a result of his many years of dedication to the Belize Crippled Children's Program, he was appointed Honorary Consul of Belize for the Greater St. Louis/Southern Illinois Area and serves as Secretary-Treasurer to the St. Louis Consular Corps.

If a person, no matter what age, race, or religion, is in need, Gene will lend a helping hand. If there is a situation that needs correcting to benefit others, he will fight to correct it.

The PSOP program helps approximately 12,000 seniors every year and he has helped hundreds of children through the Belize Crippled Children's Program. His life has made a definite impact on thousands of people, thus making the world a better place. Gene Verdu is a true humanitarian.

Mr. Speaker, I ask my colleagues to join me in recognizing the contributions of Gene Verdu and wish him the best in the future.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

SPEECH OF

HON. JAMES P. MORAN

OF VIRGINIA

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. MORAN of Virginia. Mr. Chairman, I rise in strong opposition to the amendment by my colleague from Colorado (Mr. TANCREDO). Wildfires are a serious problem but we should not be undercutting an investment in our future. Build fewer roads in our national forests and I'll bet you'll have more money to fight forest fires and maybe even have fewer forest fires to fight.

Mr. Chairman, this is a cynical amendment. Why target just the NEA? What has NEA done to deserve such spitefulness? Since its creation in 1965, the NEA has issued more than tens of thousands of grants. Of this total, fewer than 20 have been considered controversial. Match that 20 against grant recipients who received 35 of the past 46 National Book Awards, National Book Critics Circle Awards and Pulitzer Prizes in fiction and poetry since 1990.

Match it against the grant recipients of PBS's Great Performances who were nominated for 121 Emmys and won 51 Emmys. The arts are vitally important to the intellectual and cultural growth of our nation. The contributions that the National Endowment for the Arts have made to such efforts are significant and should be permitted to continue at an even higher funding level. It has worked to enrich American life and culture by promoting knowledge of artistic endeavor, thought and culture throughout the nation. The endowment accomplishes this mission by providing grants for high-quality artistic projects.

Great performances or small, NEA has supported hundreds of professional orchestras, dance companies, and nonprofit theaters, where before NEA's support there were none. As a member of the Subcommittee on Interior Appropriations, I have been privileged to learn more about the NEA through congressional hearings and outside witnesses. Federal funding for music, dance, theater, literature and visual arts is not just about quality of life; it's about investments to fulfill our human and economic potential.

By directing funds toward culturally diverse, educational, community-oriented programs, for example, we provide places where at-risk youth can express themselves creatively rather than destructively. The small seed money NEA provides is an investments in communities across the country that will pay us back many fold in rich dividends. Today, we have a chance to increase our investment funding for this worthwhile program, not retreat from it.

I urge my colleagues to oppose this amendment.

TRIBUTE TO MR. PETER SMITH

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2003

Mr. LEWIS of Georgia. Mr. Speaker, I rise today to recognize a great contributor to civil rights and to the empowerment of people in this country. Peter Smith has worked for almost forty years to promote civil rights and to provide legal services to those who have traditionally been denied such access—African Americans and other minorities, the poor, juveniles, and those with disabilities.

In his Cornell Law School graduating class, he was one of the very few who chose to turn their backs on the prestige and financial rewards that would come to those who entered private law practice. In a period of our history where the fashion was ''me first'', Mr. Smith has without exception put ''you first.'' And for four decades, the ''you'' was individuals who for reasons of race, poverty, age or disability were denied equal access.

In 1964, having worked there earlier during law school, Mr. Smith joined the staff of the Civil Rights Division of the US Department of Justice. As a member of the small and elite Appeals and Research Section, he wrote and argued appeals in some of the most significant cases in the civil rights struggle of the 1960s and played a role in drafting the landmark Civil Rights Act of 1964 and the Voting Rights Act of 1965.

In 1966, again breaking new ground, Peter Smith joined the first legal services appellate section in the nation. He argued before the Supreme Court of the United States the landmark case that brought an end to welfare residence requirements. The work that he did in public housing and welfare reform continues to this day to promote the quality of lives of those people who are dependent upon government policy for their very survival.

After five years of working to deliver legal services to those who, because they were poor or minorities, were denied access to such services, Mr. Smith concluded that the problems would never be solved unless the private bar was brought into the struggle. After much effort, he convinced an establishment Baltimore law firm to open a branch office in Baltimore's inner city that would deliver legal services to the underserved the same way the rest of the firm delivered legal services to the privileged. That office, under Smith's leadership, became a model for a number of other law firms in the country.

In 1972, Mr. Smith joined the faculty of the University of Maryland School of Law and, almost immediately, created one of the first clinical legal education programs in the nation—a program with two parallel goals. The first goal was to change the way that law students were educated, by creating an opportunity for students to practice law, representing clients, while under very close supervision—a model that the medical community had long used. The second, and equally important goal was to deliver legal services to a class of people who ordinarily did not have access to such services—juveniles. Smith operated the Juvenile Law Clinic until 1979, representing many clients in administrative and judicial proceedings including before the Supreme Court of the United States where he helped to guarantee key legal rights for juveniles.

Almost without exception, the students who went through his clinic consider that experience to be the most significant of their law school education. In 1979 he spent a sabbatical in England helping to develop clinical legal education there.

In 1991, Smith returned to his childhood home in New Hampshire where he assumed a new challenge—to provide legal services to yet another segment of American society that traditionally had been denied that access—individuals with disabilities whose legal problems were related to their disability. For the last few years Mr. Smith has narrowed that focus even more, representing parents of children with disabilities in cases where the school district was not complying with federal law.

Mr. Speaker, on April 27th, Peter Smith celebrated his 65th birthday. While he continues to actively practice law, delivering legal services to those who have so long been denied that access, I did not want this occasion to pass without acknowledging his long service promoting civil rights for minorities, the poor and the disabled.

TRIBUTE TO JOE MARTIN

HON. JOHN M. SPRATT, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2003

Mr. SPRATT. Mr. Speaker, I would like to enter in the CONGRESSIONAL RECORD a story from The Charlotte Observer about Joe Martin, a friend since college days, who was diagnosed nine years ago with ALS, amyotrophic lateral sclerosis. Today, Joe says, ''I do not have ALS. I had it.'' Joe wants to change the ''doomsday'' mentality about ALS, and show that people can survive, as he has for the last nine years. Joe, in fact, has not only survived but has published two books, an autobiography and a novel, and is at work on a third.

Many members will remember Rep. Jim Martin, who left Congress to serve as Governor of North Carolina. Joe is Jim Martin's brother. As you will see from the article, Joe Martin and his wife, Joan, are establishing a web page which may be of interest to Members with constituents who have ALS.

[From The Charlotte Observer, July 23, 2003]

JOE MARTIN TACKLES HIS NEXT CAUSE

(By David Perlmutt)

He can't talk, he can't walk, he can't move a single body part except for a finger, eyes and a few facial muscles, but Joe Martin is on yet another crusade.

Nine years after he was diagnosed with ALS, amyotrophic lateral sclerosis, the former bank executive and now novelist wants to change the thinking about the disease that paralyzed him and, according to that doomsday thinking, should have killed him.

These days, he discusses his illness in the past tense. Martin, 63, is living proof, he says, that people can live—and don't have to die—with ALS.

''For any practical purpose, I do not have ALS. I had it,'' Martin responded by e-mail. ''* * * My survival is just a fact, almost a foregone conclusion.''

Soon, he and wife Joan plan to post a new Web site that takes ''positive'' messages to ALS patients—despite doctors telling them they will die within two to five years.

''Joe wants people to get information that is positive, instead of the sad news,'' Joan Martin said. ''It will talk about living, never about dying. Joe tells people diagnosed with ALS, 'If you have a doctor who talks about dying, get another doctor.' ''

Martin also plans to go after investment money for technology he says makes survival an option—for example, the ventilator, a little larger than a laptop computer, that helps him breathe and a feeding tube that prevents him from choking on food. Both have given him renewed hope that he will live to be an old man.

''I knew all along we needed to change the way the world sees ALS, but to what?'' he wrote. ''If the world concluded that only someone with my money and connections could survive, people with ALS would be more depressed than ever.''

Martin, a force in the past for better race relations, is the brother of former N.C. Gov. Jim Martin and a retired bank executive. The ALS Association, he says, argues that many patients don't have his means and therefore ''we will give them only palliative care, easing them toward death, then use them to raise money.

''My passion is to save people from that deathtrap.''

Jerry Dawson, executive director of the Carolinas ALS Association, said the group's primary mission is: ''To help people live with ALS and to leave no stone unturned in the search for a cure.''

It is fighting ALS through research and lobbying Congress for research money, he said.

Martin was diagnosed in October 1994. The disease kills nerves controlling arms, legs and muscles used to breathe, swallow and talk. It has the highest mortality rate among degenerative neurological disorders.

In 1941, ALS killed baseball legend Lou Gehrig, whose name is tied to the disease. Patients generally die of respiratory failure.

Martin believes ALS can do nothing else to him, since the ventilator helps him breathe.

''He can't fall. He can't choke. He won't starve. And with a ventilator, he can't stop breathing,'' Joan Martin said. ''. . . His eyes are never affected by ALS. So nothing else can go wrong with him.''

Martin sees three barriers to survival:

Using Lou Gehrig as an icon of death: ''In the name of a true American idol, 'advocates' use false claims with impunity . . .,'' he wrote in a recent letter to U.S. Rep. Mike Bilirakis, R–Fla., who chairs a House health subcommittee. ''How many people refuse treatment, accepting that fate?'' The ALS Association's ''commitment to death as the only remedy'': ''My crusade is to put the ALS Association on a different track or put them out of business. They or somebody else can raise more money by telling the truth, without sacrificing lives.'' Dawson said the association ''regards its work with people with ALS . . . to be its most vital mission.''

Technology: ''Technology makes survival possible but not attractive. Our Web site will encourage such things as ventilators . . . and headbands that transform brain waves into words.'' The average life expectancy after diagnosis, he said, predates new therapies and ''assistive equipment.''

Though silenced, Martin has become a loud advocate for ALS patients getting the treatment and equipment they need to prolong life. In 1998, he, his brother and friends raised more than $3 million to build the Carolinas Neuromuscular/ALS Center at Carolinas Medical Center.

Dr. Jeffrey Rosenfeld, the center's director and CMC's chief of neurology, agrees that if Martin's body doesn't create a new problem—such as an infection—ALS can do little more to him.

The center, Rosenfeld said, has adopted a philosophy of aggressively treating symptoms before they become debilitating . . Martin, he added, bought into that.

''I agree with Joe that if you're aggressive with the management of the disease, you can most definitely change the course of the disease,'' he said. ''. . . Joe has opted for the benefits of every aggressive intervention available.''

Those interventions are available to everyone treated at the Charlotte center, which pays the cost if the patient can't. Rosenfeld said: ''At the center, the patients and needs come first. The financial obligations come second.''

Martin is helped by a rare determination and his support system at home, Rosenfeld said.

He's shown he can live with ALS. A year ago, he and Joan traveled overseas, and in December to New York, where they saw plays. He has written two books, one about living with the illness, the other a novel. He's writing a second novel; a computer allows him to type e-mails or faxes by focusing his eyes on letters.

''What Joe wants to show . . . you can go to the movies, you can see your grandchildren,'' his wife said. ''You can live with ALS.''

In the past, Martin has crusaded for causes such as better schools and race relations. He introduced ''Race Day,'' challenging Charlotteans to invite a person of a different race to lunch and to live tolerantly.

Martin knows there is still much to be done, but for now he is focusing on ALS.

Far from declaring victory, he became discouraged and upset last week by the ALS death of friend Glenn Mason of Charlotte.

''Glenn faced ALS with courage and thigh-slapping humor. He was important to changing attitudes about ALS and his death reminds us we have a long way to go.

''. . . I will accept victory when we make survival a viable and generally available option.''

Daily Digest

HIGHLIGHTS

Senate passed H.R. 2555, Homeland Security Appropriations.

House Committee ordered reported the Transportation, Treasury, and Independent Agencies appropriations for fiscal year 2004.

House passed H.R. 2738, to implement the United States-Chile Free Trade Agreement.

House passed H.R. 2739, to implement the United States-Singapore Free Trade Agreement.

House passed H.R. 2210, reauthorizing the Head Start Act to improve the school readiness of disadvantaged children.

House passed H.R. 2427, authorizing the Secretary of Health and Human Services to promulgate regulations for the reimportation of prescription drugs.

Senate

Chamber Action

Routine Proceedings, pages S9827–S9924

Measures Introduced: Five bills and three resolutions were introduced, as follows: S. 1450–1454, and S. Con. Res. 58–60. **Pages S9904–05**

Measures Reported:

S. 1260, to promote the development of the commercial space transportation industry, to authorize appropriations for the Office of the Associate Administrator for Commercial Space Transportation. (S. Rept. No. 108–111)

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.

S. 1301, to amend title 18, United States Code, to prohibit video voyeurism in the special maritime and territorial jurisdiction of the United States, with an amendment in the nature of a substitute.

S. Con. Res. 40, designating August 7, 2003, as "National Purple Heart Recognition Day". **Page S9904**

Measures Passed:

Homeland Security Appropriations: By 93 yeas to 1 nay (Vote No. 306), Senate passed H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, after taking action on the following amendments proposed thereto: **Pages S9830–87**

Adopted:

Dorgan Amendment No. 1362, to require a report on access by State and local law enforcement agencies to the Tipoff database on potential terrorists. **Pages S9831–32**

Byrd (for Durbin) Amendment No. 1374, to provide for a report to Congress on information systems interoperability. **Page S9866**

Byrd (for Feingold) Amendment No. 1375, to require a report on the activities of the Department of Homeland Security with respect to the development of best practices for emergency responders. **Page S9866**

Levin Amendment No. 1376, to clarify the prohibition on contracting with corporate expatriates. **Pages S9868–69**

Hutchison Amendment No. 1364, to provide for advanced funding to authorized entities performing duties under the Robert T. Stafford Disaster Relief and Emergency Assistance Act who respond to disasters declared by the President. **Page S9870**

Cochran (for Landrieu) Amendment No. 1378, to express the sense of the Senate that the Department of Homeland Security's Under Secretary for Science and Technology should take all appropriate steps to ensure the active participation of historically black colleges and universities, tribal colleges, Hispanic-serving institutions, and Alaskan Native serving institutions in Department sponsored university research. **Page S9870**

Cochran (for Bayh) Amendment No. 1379, to require a plan for the enhancement of the operations of the Information Analysis and Infrastructure Protection Directorate. **Pages S9870–71**

Byrd (for Feingold) Amendment No. 1380, to require the Comptroller General to conduct a review and to report to Congress on all of the data-mining programs relating to law enforcement and terrorism currently under development and in use in the Department of Homeland Security. **Page S9871**

Byrd (for Akaka) Amendment No. 1381, to allow the Secretary of Homeland Security flexibility in determining priorities for firefighting vehicles in the Firefighter Assistance Grants program. **Pages S9871–72**

Byrd (for Landrieu) Amendment No. 1382, to require the Secretary of Homeland Security to submit a report on the air traffic control communications void over the Gulf of Mexico. **Page S9872**

Rejected:

Byrd Amendment No. 1367, to fulfill homeland security promises. (By 51 yeas to 45 nays (Vote No. 300), Senate tabled the amendment.) **Pages S9848–51**

By 48 yeas to 48 nays (Vote No. 302), Specter (for Schumer/Specter) Amendment No. 1370, to increase the funding for discretionary grants for use in high-threat urban areas and decrease funding for information analysis and infrastructure protection, science and technology, and research and development. **Pages S9856–61**

By 46 yeas to 50 nays (Vote No. 303), Byrd Amendment No. 1373, to prohibit funds appropriated under this Act from being used by any advisory committee that has been exempted from the Federal Advisory Committee Act. **Pages S9864–66, S9866–67**

By 46 yeas to 46 nays (Vote No. 305), Byrd Amendment No. 1383, to provide post-employment lobbying restrictions on employees of the Department of Homeland Security and the Office of Homeland Security within the Executive Office of the President. **Pages S9872–74**

Withdrawn:

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. **Pages S9830–31, S9850**

During consideration of this measure today, Senate also took the following actions:

By 41 yeas to 54 nays (Vote No. 299), 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 Dodd Amendment No. 1353, to fund urgent priorities for our Nation's firefighters, law enforcement personnel, and emergency medical personnel, and all Americans by reducing the 2003 tax breaks for individuals with annual income in excess of $1,000,000. 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 S9832–47**

The Chair sustained a point of order against Feinstein/Kyl Amendment No. 1365, to prevent and respond to terrorism and crime at or through ports, as being in violation of Rule XVI of the Standing Rules of the Senate which prohibits general legislation on appropriations matters, and the amendment was ruled out of order. **Pages S9847–48**

By 50 yeas to 46 nays (Vote No. 301), 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 Specter Amendment No. 1368, to increase the funding for discretionary grants for use in high-threat urban areas. 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 S9851–56**

By 44 yeas to 50 nays (Vote No. 304), 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 Reed/Sarbanes Amendment No. 1372, to appropriate $100,000,000 for grants to public transit agencies to enhance public transportation security against terrorist threats. 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 S9861–64, S9867**

Senate insisted on its amendment, requested a conference with the House thereon, and the Chair was authorized to appoint the following conferees on the part of the Senate: Senators Cochran, Stevens, Specter, Domenici, McConnell, Shelby, Gregg,

Campbell, Craig, Byrd, Inouye, Hollings, Leahy, Harkin, Mikulski, Kohl, and Murray. **Pages S9886–87**

Energy Policy Act: Senate resumed consideration of S. 14, to enhance the energy security of the United States, taking action on the following amendments proposed thereto: **Pages S9888–95**

Pending:

Campbell Amendment No. 886, to replace ''tribal consortia'' with ''tribal energy resource development organizations''. **Page S9888**

Durbin Modified Amendment No. 1384, to amend title 49, United States Code, to improve the system for enhancing automobile fuel efficiency. **Page S9889**

Durbin Modified Amendment No. 1385, to amend the Internal Revenue Code of 1986 to provide additional tax incentives for enhancing motor vehicle fuel efficiency. **Pages S9889, S9893–95**

Bond Amendment No. 1386, to impose additional requirements for improving automobile fuel economy and reducing vehicle emissions. **Pages S8990–95**

A unanimous-consent agreement was reached providing for further consideration of the bill at 9:30 a.m., on Friday, July 25, 2003. **Page S9924**

Nomination—Agreement: A unanimous-consent agreement was reached providing that at 4:50 p.m., on Monday, July 28, 2003, Senate proceed to the nomination of Earl Leroy Yeakel III, to be United States District Judge for the Western District of Texas; that there be 5 minutes of debate equally divided between Senators Hutchison and Cornyn; that there be 5 minutes under the control of Senator Leahy; and that the Senate vote on the confirmation of the nomination at 5 p.m. **Page S9888**

Appointments:

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 Coleman of Minnesota as a member of the United States Senate Caucus on International Narcotics Control. **Page S9924**

Messages From the President: Senate received the following message from the President of the United States:

Transmitting, pursuant to law, a report relative to the national emergency with respect to terrorists who threaten to disrupt the Middle East Peace process; to the Committee on Banking, Housing, and Urban Affairs. (PM–47) **Pages S9901–02**

Messages From the House: **Page S9902**

Measures Placed on Calendar: **Page S9902**

Executive Communications: **Page S9902**

Petitions and Memorials: **Pages S9902–04**

Executive Reports of Committees: **Page S9904**

Additional Cosponsors: **Pages S9905–06**

Statements on Introduced Bills/Resolutions: **Pages S9906–12**

Additional Statements: **Page S9901**

Amendments Submitted: **Pages S9912–23**

Authority for Committees to Meet: **Pages S9923–24**

Record Votes: Eight record votes were taken today. (Total—306) **Pages S9846–47, S9851, S9856, S9861, S9866–67, S9867, S9874, S9886**

Recess: Senate met at 9:30 a.m., and recessed at 9:52 p.m., until 9:30 a.m., on Friday, July 25, 2003. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S9924.)

Committee Meetings

(Committees not listed did not meet)

BUSINESS MEETING

Committee on Agriculture, Nutrition, and Forestry: Committee ordered favorably reported 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, with an amendment in the nature of a substitute.

NOMINATIONS

Committee on Armed Services: Committee concluded 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, after the nominees testified and answered questions in their own behalf.

NATIONAL PARK SERVICE: COMPETITIVE SOURCING

Committee on Energy and Natural Resources: Subcommittee on National Parks concluded oversight hearings on competitive sourcing effort within the National Park Service, focusing on the process for determining inherently governmental positions, the

number of positions being evaluated, the time schedule and cost for evaluation, the process for keeping personnel informed during the evaluation, the progress made to date, and the effect on National Park Service management responsibilities, after receiving testimony from Fran P. Mainella, Director, National Park Service, Department of the Interior; Angela B. Styles, Administrator for Federal Procurement Policy, Office of Management and Budget; Sam Kleinman, Center for Naval Analysis Corporation, Alexandria, Virginia; Geoffrey F. Segal, Reason Foundation, Arlington, Virginia; J.W. Wade, Tuscon, Arizona, on behalf of the Campaign to Protect America's Lands, and a coalition of concerned NPS retirees; and Scot McElveen, Harpers Ferry National Historical Park, Harpers Ferry, West Virginia, on behalf of the Association of National Park Rangers, and the Association of National Park Maintenance Employees.

NOMINATION

Committee on Foreign Relations: Committee concluded hearings to examine the nomination of Donald K. Steinberg, of California, to be Ambassador to the Federal Republic of Nigeria, after the nominee testified and answered questions in his own behalf.

CONGO BASIN FOREST

Committee on Foreign Relations: Subcommittee on African Affairs concluded hearings on the Congo Basin Forest Partnership (a partnership of countries, nongovernmental organizations, and private businesses dedicated to the conservation and sustainable use and management of the forest), focusing on the logging policy, enhancing protected areas, encouraging better environmental governance, strengthening local resources management, fundamental benefits of the Partnership, and the Yaounde Summit, after receiving testimony from Walter H. Kansteiner III, Assistant Secretary for African Affairs, and John F. Turner, Assistant Secretary for Oceans, International Environmental and Scientific Affairs, both of the Department of State; Keith Brown, Senior Deputy Assistant Administrator, Bureau for Africa, U.S. Agency for International Development; J. Michael Fay, Wilderness Conservation Society, Bronx, New York; and Tony Mokombo, World Wildlife Fund, Washington, D.C.

COMPETITIVE SOURCING INITIATIVE

Committee on Governmental Affairs: Subcommittee on Oversight of Government Management, the Federal Workforce and the District of Columbia concluded hearings to examine the Administration's competitive sourcing initiative, focusing on the Office of Management and Budget's revisions of the A–76 circular outlining the guidance on public/private competitions, after receiving testimony from Angela Styles, Administrator, Office of Federal Procurement Policy, Office of Management and Budget; David M. Walker, Comptroller General of the United States, General Accounting Office; Jacques S. Gansler, University of Maryland, College Park; Paul C. Light, New York University, New York, New York; Charles Tiefer, University of Baltimore School of Law, Chevy Chase, Maryland; and Frank Camm, RAND Corporation, Santa Monica, California.

FEDERAL BIODEFENSE READINESS

Committee on Health, Education, Labor, and Pensions: Committee concluded hearings to examine federal biodefense readiness, focusing on the public health workforce, the status of Centers for Disease Control terrorism preparedness and emergency response activities, the Emergency Communication System, smallpox preparedness, the Food and Drug Administration's role in counterterrorism activities, vulnerability and threat assessments, laboratory enhancements, research, Operation Liberty Shield, and developing the research infrastructure, after receiving testimony from Julie L. Gerberding, Director, Centers for Disease Control and Prevention, Mark B. McClellan, Commissioner of Food and Drugs, and Elias A. Zerhouni, Director, National Institutes of Health, all of the Department of Health and Human Services.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the following business items:

S. 1301, to amend title 18, United States Code, to prohibit video voyeurism in the special maritime and territorial jurisdiction of the United States, with an amendment in the nature of a substitute;

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, and H. Brent McKnight, to be United States District Judge for the Western District of North Carolina.

Also, committee began consideration of S.J. Res. 1, proposing an amendment to the Constitution of the United States to protect the rights of crime victims, but did not complete action thereon and will meet again on Tuesday, July 29.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to call.

House of Representatives

Chamber Action

Measures Introduced: Measures introduced today will appear in the next issue of the Record.

Additional Cosponsors: **(See next issue.)**

Reports Filed: Reports were filed as follows:

H.R. 2443, authorizing appropriations for the Coast Guard for fiscal year 2004, to amend various laws administered by the Coast Guard, and for other purposes, amended (H. Rept. 108–233);

H.R. 49, to permanently extend the moratorium enacted by the Internet Tax Freedom Act, and for other purposes, amended (H. Rept. 108–234);

H.R. 2861, making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2004 (H. Rept. 108–235);

H. Res. 338, providing for consideration of the bill (H.R. 2861) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2004, (H. Rept. 108–236);

H. Res. 339, providing for consideration of the bill (H.R. 2859) making emergency supplemental appropriations for the fiscal year ending September 30, 2003 (H. Rept. 108–237); and

H. Res. 340. A resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (H. Rept. 108–238). **(See next issue.)**

Moment in Silence in Memory of Officer Jacob J. Chestnut and Detective John M. Gibson: The Chair announced that on July 24, 1998, at 3:40 p.m., Officer Jacob J. Chestnut and Detective John M. Gibson of the United States Capitol Police were killed in the line of duty defending the Capitol against an intruder armed with a gun. At 3:40 p.m. today, the Chair recognized the anniversary of this tragedy by observing a moment of silence in their memory. **Pages H7489, H7515–16**

United States-Chile Free Trade Agreement: The House passed H.R. 2738, to implement the United States-Chile Free Trade Agreement by a recorded vote of 270 ayes to 156 noes, Roll No. 436. **Pages H7459–89, H7514–16**

Agreed to engrossment and third reading by a yea-and-nay vote of 299 yeas and 129 nays, Roll No. 434. Agreed to table a motion to reconsider the vote by a recorded vote of 276 ayes to 152 noes, Roll No. 435. **Pages H7514–16**

House agreed to H. Res. 329, the rule that provided for consideration of the bill on July 23.

United States-Singapore Free Trade Agreement: The House passed H.R. 2739, to implement the United States-Singapore Free Trade Agreement by a recorded vote of 272 ayes to 155 noes, Roll No. 432. **Pages H7489–13**

Agreed to engrossment and third reading by a yea-and-nay vote of 309 yeas and 114 nays, Roll No. 430. Agreed to table a motion to reconsider the vote by a recorded vote of 269 ayes to 153 noes, Roll No. 431. **Pages H9511–13**

On July 23, the House agreed to H. Res. 329, the rule that provided for consideration of the bill.

School Readiness Act: The House passed H.R. 2210, reauthorizing the Head Start Act to improve the school readiness of disadvantaged children by a recorded vote of 217 ayes to 216 noes, Roll No. 444. **(See next issue.)**

Rejected the Grijalva motion that sought to recommit the bill to the Committee on Education & the Workforce with instructions to report it back forthwith with amendments that increase funding for the migrational and seasonal education program by a recorded vote of 203 ayes to 227 noes, Roll No. 443. **(See next issue.)**

Pursuant to the rule, the amendment in the nature of a substitute printed in Part A of H. Res 336 was considered as an original bill for the purpose of amendment by a voice vote. **(See next issue.)**

Rejected:

Woolsey Part B amendment No. 1 printed in H. Rept. 108–232 that sought to strike language dealing with non-discrimination provisions of religious corporations, association, education institution, or society, with respect to the employment of individuals of a particular religion to perform work connected with the carrying on by such organizations (rejected by a recorded vote of 199 ayes to 231 noes, Roll No. 441); **(See next issue.)**

George Miller of California Part B amendment in the nature of a substitute No. 2 printed in H. Rept 108–232 that sought to remove the block grant provisions (rejected by a recorded vote of 200 ayes to 229 noes, Roll No 442.). **(See next issue.)**

H. Res. 336, the rule that provided for consideration of the bill was agreed to by voice vote. **(See next issue.)**

Pharmaceutical Market Access Act: The House passed H.R. 2427, authorizing the Secretary of

Health and Human Services to promulgate regulations for the reimportation of prescription drugs, by a recorded vote of 243 ayes to 186 noes, Roll No. 445. **(See next issue.)**

Rejected the Dingell motion that sought to recommit the bill to the Committee on Energy & Commerce by voice vote. **(See next issue.)**

H. Res. 335, the rule providing for consideration of the bill by a voice vote after agreeing to a motion on ordering the previous question by a recorded vote of 417 ayes to 10 noes, Roll No. 439. **(See next issue.)**

Presidential Message—National Emergency re Middle East Peace Process: Read a message from the President wherein he transmitted a 6-month periodic report on the national emergency with respect to terrorists who threaten to disrupt the Middle East peace process that was declared in Executive Order 12947 of January 23, 1995—referred to the Committee on International Relations and ordered printed (H. Doc. 108–108). **(See next issue.)**

Congressional-Executive Commission on the People's Republic of China: The Chair announced the Speaker's appointment of Representative Wu to the Congressional-Executive Commission on the People's Republic of China.

Tax Relief, Simplification, and Equity Act Motions to Instruct Conferees: The House rejected the Ross motion to instruct conferees on H.R. 1308, Tax Relief, Simplification, and Equity Act, that was debated on July 22, by a yea-and-nay vote of 202 yeas to 214 nays, Roll No. 446. Earlier, Representative Solis announced her intention to offer a motion to instruct conferees on the bill. **(See next issue.)**

Motions to Adjourn: The House rejected the McDermott motion to adjourn by a recorded vote of 33 ayes to 383 noes, Roll No. 433 and rejected a second motion by a recorded vote of 23 ayes to 392 noes and one ''present'', Roll No. 437. Later rejected the Slaughter motion by a yea-and-nay vote of 41 yeas to 370 nays, with one voting ''present'', Roll No. 438, and rejected a second motion by a recorded vote of 35 ayes to 393 noes, Roll No. 440.

Pages H7513–14 (continued next issue)

Late Reports: The Committee on Science received permission to file late reports. **(See next issue.)**

Recess: The House recessed at 5:34 p.m. and reconvened at 6:07 p.m. **(See next issue.)**

Senate Messages: Message received from the Senate today appears on page H7457.

Referral: S. 285 was referred to the Committees on Resources and Energy and Commerce; S. 650 was referred to the Committee on Energy and Commerce. **(See next issue.)**

Amendments: Amendments ordered printed pursuant to the rule will appear in the next issue of the Record.

Quorum Calls—Votes: Four yea-and-nay votes and 13 recorded votes developed during the proceedings of the House today and appear on pages H7511–12, H7512–13, H7513, H7513–14, H7514–15, H7515, H7516 (continued next issue). There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 3:05 a.m. on Friday, July 25.

Committee Meetings

TOBACCO QUOTA BUYOUT

Committee on Agriculture: Held a hearing to review Tobacco Quota Buyout. Testimony was heard from Representatives Fletcher and Kingston; and public witnesses.

FOOD STAMP PROGRAM—REVIEW OPERATIONS

Committee on Agriculture: Subcommittee on Department Operations, Oversight, Nutrition, and Forestry held a hearing to review operations of the Food Stamp Program. Testimony was heard Eric M. Bost, Under Secretary, Food, Nutrition, and Consumer Services, USDA.

TRANSPORTATION, TREASURY, AND INDEPENDENT AGENCIES APPROPRIATIONS

Committee on Appropriations: Ordered reported the Transportation, Treasury and Independent Agencies appropriations for fiscal year 2004.

CYBER TERRORISM

Committee on Armed Services; Subcommittee on Terrorism, Unconventional Threats and Capabilities held a hearing on hearing on Cyber Terrorism: The New Asymmetric Threat. Testimony was heard from Robert Lentz, Director, Information Assurance, Department of Defense; Robert F. Dacey, Director, Information Technology Team, GAO; and public witnesses.

LONG-TERM FEDERAL OBLIGATIONS—ECONOMIC EFFECTS

Committee on the Budget: Held a hearing on Economic Effects of Long-Term Federal Obligations. Testimony was heard from Douglas J. Holtz-Eakin, Director, CBO; and a public witness.

OCCUPATIONAL SAFETY AND HEALTH LEGISLATION

Committee on Education and the Workforce: Subcommittee on Workforce Protections approved for full Committee action the following bills: 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.

"ISSUES RELATING TO EPHEDRA-CONTAINING DIETARY SUPPLEMENTS"

Committee on Energy and Commerce: Subcommittee on Commerce, Trade and Consumer Protection and the Subcommittee on Oversight and Investigations held a hearing entitled "Issues Relating to Ephedra-containing Dietary Supplements." Testimony was heard from Mark B. McClellan, M.D., Commissioner, FDA, Department of Health and Human Services; and J. Howard Beales III, Director, Bureau of Consumer Protection, FTC.

FAIR AND ACCURATE CREDIT TRANSACTIONS ACT

Committee on Financial Services: Ordered reported, as amended, H.R. 2622, Fair and Accurate Credit Transactions Act of 2003.

The Committee also approved and forwarded to the Committee on the Budget the following: "Changes in Law to Eliminate Waste, Fraud, and Abuse."

MISCELLANEOUS MEASURES

Committee on Government Reform: Ordered reported 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; 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.

OVERSIGHT—THRIFT SAVINGS PLAN—PUTTING CUSTOMERS FIRST

Committee on Government Reform: Held an oversight hearing entitled "The Thrift Savings Plan: Putting Customers First?" Testimony was heard from Andrew Saul, Chairman, Federal Retirement Thrift Investment Board; Edward P. McPherson, Chief Financial Officer, USDA; Alan Lebowitz, Deputy Assistant Secretary, Program Operations, Employee Benefits Security Administration, Department of Labor; and public witnesses.

ANTITRUST ENFORCEMENT AGENCIES

Committee on the Judiciary: Task Force on Antitrust held an 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." Testimony was heard from R. Hewitt Pate, Assistant Attorney General, Antitrust Division, Department of Justice; and Timothy J. Muris, Chairman, FTC.

OVERSIGHT—PATENT QUALITY IMPROVEMENT

Committee on the Judiciary: Subcommittee on Courts, the Internet, and Intellectual Property held an oversight hearing on "Patent Quality Improvement." Testimony was heard from public witnesses.

ABANDONED MINE LANDS PROGRAM

Committee on Resources: Subcommittee on Energy and Mineral Resources held an oversight hearing on the Abandoned Mine Lands Program. Testimony was heard from Representatives Kanjorski and Holden; Jeffrey Jarrett, Director, Office of Surface Mining Reclamation and Enforcement, Department of the Interior; and public witnesses.

MARINE MAMMAL PROTECTION ACT

Committee on Resources: Subcommittee on Fisheries Conservation, Wildlife and Oceans held a hearing on H.R. 2693, Marine Mammal Protection Act of 2003. Testimony was heard from Rebecca Lent, Deputy Assistant Administrator, Fisheries, National Marine Fisheries Service, Department of Commerce; Marshall Jones, Deputy Director, U.S. Fish and Wildlife Service, Department of the Interior; David Cottingham, Executive Director, Marine Mammal Commission; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Resources: Subcommittee on Forests and Forest Health held a 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. Testimony was heard from Representative Beauprez, Pearce and Stenholm; Elizabeth Estill, Deputy Chief, Programs, Legislation and Communications, U.S. Forest Service, USDA; the following officials of the Department of the Interior: Chris Kearney, Deputy Assistant Secretary, Policy/International Affairs; and James Tate, Science Advisor to the Secretary; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Resources: Subcommittee on Water and Power held a hearing on the following measures: H.R. 2828, Water Supply, Reliability and Environmental Improvement Act; and H.R. 2641, Calfed Bay-Delta Authorization Act. Testimony was heard from Senator Feinstein; and public witnesses.

MAKING EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR FY 2003

Committee on Rules: Granted, by voice vote a modified closed rule providing one hour of debate in the House on H.R. 2859, making emergency supplemental appropriations for the fiscal year ending September 30, 2003, equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The rule waives all point of order against consideration of the bill. The rule provides for consideration of the amendment printed in the Congressional Record, if offered by Representative Toomey or his designee, which shall be considered as read and shall separately debatable for twenty minutes equally divided and controlled by the proponent and an opponent. The rule waives all points of order against that amendment. Finally, the rule provides one motion to recommit with or without instructions.

VA/HUD AND INDEPENDENT AGENCIES APPROPRIATIONS, 2004

Committee on Rules: Granted, by a vote of 8 to 4, an open rule providing one hour of general debate on H.R. 2861, Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations, 2004, equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The rule waives all points of order against consideration of the bill. Under the rules of the House the bill shall be read for amendment by paragraph. The rule waives points of order against provisions in the bill for failure to comply with clause 2 of rule XXI (prohibiting unauthorized appropriations or legislative provisions in an appropriations bill), except as specified in the resolution. The rule authorizes the Chair to accord priority in recognition to Members who have pre-printed their amendments in the Congressional Record. Finally, the rule provides one motion to recommit with or without instructions. Representatives Smith of New Jersey, Simmons, Obey, Mollohan, Edwards, Evans, Hastings of Florida, and Rodriguez.

SAME-DAY CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED BY THE RULES COMMITTEE

Committee on Rules: Granted, by voice vote, a resolution waiving clause 6(a) of rule XIII (requiring a two-thirds vote to consider a rule on the same day it is reported from the Rules Committee) against certain resolutions reported from the Rules Committee. The resolution applies the waiver to any special rule reported on the legislative day of July 25, 2003, providing for consideration or disposition of H.R. 2861, making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2004.

SMALL BUSINESS REAUTHORIZATION AND MANUFACTURING REVITALIZATION ACT

Committee on Small Business: Ordered reported, as amended, H.R. 2802, Small Business Reauthorization and Manufacturing Revitalization Act of 2003.

OVERSIGHT

Committee on Veterans' Affairs: Subcommittee on Benefits held a 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. Testimony was heard from Susan LaChance, Manager, Selection, Evaluation, and Recognition, U.S. Postal Service; Frederico Juarbe, Jr., Assistant Secretary, Veterans' Employment and Training Service, Department of Labor; and representatives of veterans' organizations; and public witnesses.

SSA'S SERVICE DELIVERY PLAN

Committee on Ways and Means: Subcommittee on Social Security held a hearing on SSA's Service Delivery Plan. Testimony was heard from Jo Anne B. Barnhart, Commissioner, SSA; the following officials of the GAO: Robert E. Robertson, Director, Education, Workforce, and Income Security Issues; and Linda D. Koontz, Director, Information Technology; and a public witness.

IRAQ—SUFFICIENCY OF INTELLIGENCE

Permanent Select Committee on Intelligence: Held a hearing on Sufficiency of Intelligence on Iraq. Testimony was heard from the following former Directors of the CIA: John M. Deutch; and R. James Woolsey; John J. Hamre, former Deputy Secretary of Defense; and Anthony H. Cordesman, Arleigh A. Burke Chair in Strategy, Center for Strategic and International Studies.

HOMELAND SECURITY DEPARTMENT INFORMATION SHARING CAPABILITIES—IMPROVEMENTS

Select Committee on Homeland Security: Subcommittee on Intelligence and Counterterrorism held a hearing entitled ''Improvements to Department of Homeland Security Information Sharing Capabilities—Vertical and Horizontal Intelligence Communications''. Testimony was heard from Bill Parrish, Acting Assistant, Information Analysis, Department of Homeland Security; V. Phillip Lago, Deputy Executive Secretary, CIA; Steven McCraw, Assistant Director, Office of Intelligence, FBI, Department of Justice; James Kallstrom, Senior Advisor to the Governor on Counter Terrorism, State of New York; George Foresman, Deputy Assistant to the Governor for Commonwealth Preparedness, State of Virginia; and a public witness.

Joint Meetings

COMMERCIAL HUMAN SPACEFLIGHT

Joint Hearings: Committee on Commerce, Science, and Transportation Subcommittee on Science, Technology, and Space concluded joint hearings with the House Committee on Science Subcommittee on Space and Aeronautics to examine space commercialization, including orbital and suborbital flights, understanding the current demand for public space travel, and the future of space tourism, after receiving testimony from Jeff Greason, XCOR Aerospace, Mojave, California; Jon B. Kutler, Quarterdeck Investment Partners, Los Angeles, California; Philip McAlister, Futron Corporation, Bethesda, Maryland; Elon Musk, SpaceX, El Segundo, California; and Dennis A. Tito, Wilshire Associates, Incorporated, Santa Monica, California.

AVIATION ADMINISTRATION AUTHORIZATION ACT

Conferees met on the differences between the Senate and House passed versions of H.R. 2115, to amend title 49, United States Code, to reauthorize programs for the Federal Aviation Administration, but did not complete action thereon, and recessed subject to call.

COMMITTEE MEETINGS FOR FRIDAY, JULY 25, 2003

(Committee meetings are open unless otherwise indicated)

Senate

Committee on the Judiciary: Subcommittee on Crime, Corrections and Victims' Rights, to hold hearings to examine deterrence of alien smuggling and human trafficking, 10 a.m., SD–226.

House

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. 1837, Services Acquisition Reform Act of 2003, 9:30 a.m., 2141 Rayburn.

Permanent Select Committee on Intelligence, executive, briefing on Counterterrorism Update, 9 a.m., H–405 Capitol.

Next Meeting of the SENATE

9:30 a.m., Friday, July 25, 2003

Senate Chamber

Program for Friday: Senate will continue consideration of S. 14, Energy Policy Act.

Next Meeting of the HOUSE OF REPRESENTATIVES

9 a.m., Friday, July 25, 2003

House Chamber

Program for Friday:

Consideration of Solis motion to instruct conferees on H.R. 1308, All American Tax Relief Act;

Consideration of H.R. 2859, making emergency supplemental appropriations for the FY 2003 (open rule, one hour of general debate); and

Consideration of H.R.2861, VA/HUD Appropriations (modified closed rule, one hour of debate).

Extensions of Remarks, as inserted in this issue

HOUSE

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(House proceedings for today will be continued in the next issue of the Record.)

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