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House of Representatives

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

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
September 30, 2003.

I hereby appoint the Honorable CHRIS CHOCOLA to act as Speaker pro tempore on this day.

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

MESSAGE FROM THE SENATE

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

H.R. 2691. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 2691) ''An Act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes,'' requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BURNS, Mr. STEVENS, Mr. COCHRAN, Mr. DOMENICI, Mr. BENNETT, Mr. GREGG, Mr. CAMPBELL, Mr. BROWNBACK, Mr. DORGAN, Mr. BYRD, Mr. LEAHY, Mr. HOLLINGS, Mr. REID, Mrs. FEINSTEIN, and Ms. MIKULSKI, to be the conferees on the part of the Senate.

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

S. 1244. An act to authorize appropriations for the Federal Maritime Commission for fiscal years 2004 through 2008.

S. 1301. An act 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.

S. 1375. An act to provide for the reauthorization of programs administered by the Small Business Administration, and for other purposes.

S. 1451. An act to reauthorize programs under the Runaway and Homeless Youth Act and the Missing Children's Assistance Act, and for other purposes.

S. 1591. An act to redesignate the facility of the United States Postal Service located at 48 South Broadway, Nyack, New York, as the ''Edward O'Grady, Waverly Brown, Peter Paige Post Office Building''.

MORNING HOUR DEBATES

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

The Chair recognizes the gentleman from North Carolina (Mr. JONES) for 5 minutes.

TRIBUTE TO LOU ROTTERMAN

Mr. JONES of North Carolina. Mr. Speaker, I rise today to honor a man who was part of our Nation's Greatest Generation, Lou Rotterman, who was called home by his Maker in July of this year.

Lou was a fixture on the Hill and in Washington for over 30 years. He was an old-school press secretary and speech writer who worked behind the scenes to put the people he believed in into the spotlight.

Like former President Reagan, he believed that much could be done when you did not worry about who got the credit.

Indeed, Lou Rotterman worked as an executive assistant and press secretary for Jack Kemp from 1972 until 1981, a period in which the New Yorker went from being a freshman Congressman, best known from his days as a Buffalo Bills football great, to one of the conservative intellectual powerhouses of the modern Republican Party. Kemp, as we all know, championed the Kemp-Roth across-the-board tax cuts signed into law by Ronald Reagan in 1981. Lou Rotterman, along with his counterpart Jim Brady, who worked with then-Senator Bill Roth's office, helped mobilize support for that historic measure.

As David King of the American Conservative Union wrote in The Hill newspaper, ''Kemp would not have succeeded without Lou Rotterman, and Reagan would not have been the President he was without the ideas that the two promoted.''

As respected as Rotterman was among Congressional press secretaries, he was far more than a Capitol Hill fixture.

Like many in his generation, he volunteered to fight in World War II. At the Battle of Leyete Gulf, Rotterman was a tail gunner on a crew that had to ditch in the ocean. For his bravery in that battle, Lou Rotterman was awarded the Distinguished Flying Cross for what was called a valiant attack on a large task force of Japanese. In the citation, Rotterman was hailed for his bravery, coolness, and determination displayed. His superior magnificent teamwork was also noted, a hallmark of Lou Rotterman's professional life.

Recently a journalist friend of Rotterman's said, ''You can judge the measure of a man by how he treats those who aren't in a position to help him.'' The journalist said, ''Lou was that way towards me.''

Printed on recycled paper.

Prior to working on Capitol Hill, Rotterman had a distinguished career in journalism with the Dayton Daily News. During that time, he interviewed both Richard Nixon and John Kennedy during the 1960 Presidential campaign.

Rotterman never ducked a challenge. In the beginning of his career as a beat reporter, he once posed as a minister and walked out on a rain-soaked edge of an office building with a policeman to lure a suicidal man back to safety.

Lou Rotterman was the product of an earlier generation. He went to war, served his country, and raised a family.

Lou Rotterman is gone, but his successors are out there today working just as hard as he did. We do not read their names in the paper, because they are not in it for the glory. But they do their part to make the world a better place for all of us.

Simply put, Lou Rotterman was part of the Greatest Generation that understood sacrifice, duty, honor, and country. He will be missed by all that knew him.

Mr. Speaker, I close by asking God to please bless America, and bless our men and women in uniform.

DOWNED ANIMALS POSE THREAT TO FOOD SUPPLY

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from Oregon (Mr. BLUMENAUER) is recognized during morning hour debates for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, to make our communities livable, to make our families safe, healthy and economically secure, we must deal with the issues of food safety. 76 million Americans are ill every year from unsafe food, 325,000 are hospitalized, 5,000 die.

A century ago, Upton Sinclair's epic novel ''The Jungle'' exposed the scandal in America's meatpacking industry; and yet a century later, we still do not have it right.

Despite telling journalism and concerns from experts in food safety and animal welfare, the cattle industry and some of their key Congressional allies fight to continue allowing almost 200,000 unhealthy animals a year into our food supply. These animals are called ''downers'' because they are so sick they are unable to stand or walk. They are dragged to slaughter facilities around the country, and most of these sick animals end up in our food supply.

What difference does it make? Downed animals are often afflicted with many, sometimes fatal, illnesses. Sending these sick animals to slaughter facilities where they will mix with healthy animals is exceedingly dangerous.

Many afflicted animals that should have been euthanized at the farm were sent to auction markets and slaughter facilities where they could contaminate healthy animals.

A study of USDA slaughterhouse facilities in almost 1,000 packing plants in the northeast United States found that 73 percent of downed animals ended up passing inspection and entering the food chain. These animals had afflictions such as gangrene, lymphoma, hepatitis, and pneumonia.

A study by the Livestock Conservation Institute revealed that 14 percent of the downed cows were salmonella positive. One cow even tested positive for a variant of salmonella that kills almost 1,000 Americans each year. This animal passed inspection and entered the food supply.

Another area of concern is mad cow disease, not just because of the dangers to humans, but because of the devastating effect that it can have on the cattle industry itself. Recently, a single infected animal in Canada shut down their entire industry. Perhaps the reason we have not found mad cow disease in the United States is because the American consumer is eating the evidence.

The Federal Government has started to react. The USDA recently added regulations, which Congress would not, to protect the ground beef that goes into school lunches from containing meat from downed animals.

Earlier this year, the USDA began circulating a proposed rule that specifically notes the health hazard for downed animals for consumers. Some fast-food leaders like Jack in the Box, and Burger King and Wendy's have responded to past tragic incidents by raising their standards.

But Congress has not just been ''missing in action'' to protect the American consumer from tainted beef; some have actually been leading the charge to keep those animals on your table. Some people put the convenience and profit of the cattle industry ahead of public safety.

Last year's agricultural bill passed both bodies of Congress with language to keep the downed animals out, yet in conference the conferees stripped away the language. They led a battle in this year's agriculture appropriations bill against an amendment that would have kept downed animals out of the food supply.

This is serious business. All independent experts know that downed animals are dangerous. Responsible producers understand the problem. Some State regulators have stepped up to deal with protecting their facilities. They are sending the right message, but they only deal with a small part of the overall food chain.

Congress and the Federal Government must act. The downed animals end up as hamburger in America's grocery stores because they are processed in just a few huge centers where the animals are ground up, they disappear into the food chain. The same child that is now safer in school goes home to the family dinner table, where the entire family is at risk.

It is time for Congress to withstand the pressures of the huge packers and their apologists and allies in Congress. Until the agriculture appropriations bill has finally passed both Chambers, it is possible for the conferees to include provisions protecting the food supply, provisions, as I said, that have passed both Chambers last Congress.

Every single Member of Congress should sign on the critical bipartisan legislation led by the gentleman from New Jersey (Mr. SMITH), the gentleman from New York (Mr. HOUGHTON), the gentleman from New York (Mr. ACKERMAN), and the gentlewoman from Ohio (Ms. KAPTUR) that would prohibit downed animals from entering the food supply. This legislation already has the support of 119 Democrats and Republicans in Congress.

It is supported by people who care about animal welfare, food safety, to join with the State health officials and responsible members of the cattle industry. All these people know that our Nation needs to produce meat in a humane and safe manner. Continuing to process downed animals for human consumption is not part of the recipe.

COMPREHENSIVE SECURITY

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from Texas (Mr. DELAY) is recognized.

Mr. DELAY. Mr. Speaker, it is another week of major activity in the war on terror. The President will sign the first annual Department of Homeland Security spending bill in American history. The House will continue our consideration of the President's spending request for military and democracy-building operations in Iraq and Afghanistan. American and Coalition Forces will continue their work around the globe to ensure the security of our people and the success of our cause.

None of these actions would be relevant or even possible without the others, because without bolstering our civil defense here at home, our anti-terror activities around the world would be useless; without our aggressive actions to root out and destroy terrorist cells where they live and plan, all of the Homeland Security spending in the world would be useless; and, finally, without an intense commitment to build viable and tolerant democracies in former terrorist states, neither our national nor domestic security goals could be met.

The results speak for themselves. Since 9/11, no terrorist attack has scarred our soil. Two tyrannical regimes have been replaced by fledgling democracies. And threats, be they terrorist states, networks or individuals, have been captured or destroyed, no longer to threaten innocent Americans.

The comprehensive security strategy of the Bush Doctrine that folds in homeland, national and international security priorities is working. Because of that comprehensive strategy, the United States has successfully combatted terrorism abroad and repelled it at home for more than 2 years.

The lesson of the Bush Doctrine is very clear: You cannot separate homeland and national defense. They are one and the same comprehensive and indivisible security policy.

Critics can complain about one application of this policy or another, but given its overwhelming success and the absence of an alternative, these critics do so to the detriment of their own credibility. Without an alternative policy, these critics must be supporting the weak and indecisive foreign policy of the past.

This week, America's war on terror will move forward with strength and confidence, as always, with one objective in mind, and that is victory.

I commend the President for his leadership and urge him to stay bold in his defense of American lives and human freedom.

COMMENTS FROM THE HOME FRONT

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from Ohio (Mr. BROWN) is recognized during morning hour debates for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, in 1838 a former President, John Quincy Adams, was a Member of this House of Representatives. Congress in those days, conservatives in Congress, had passed a House rule saying that slavery, believe it or not, could not be debated or discussed on the floor of the House of Representatives.

John Quincy Adams decided that he wanted the people of his district and other districts in Massachusetts to be heard, so he brought to the floor, every day or a couple of times a week, letters from his constituents protesting that slavery could not be discussed on the floor and supporting the ending of slavery in the United States.

Today, we are faced with a serious issue, perhaps not the seriousness quite of slavery in our country, the biggest blot in our history, but we are faced with the issues of what we do in Iraq and what we do with Iraq.

Debate in this House has not been particularly open or forthcoming, so I have chosen today, as John Quincy Adams did, to bring letters from constituents about Iraq to the House floor. I have received literally hundreds of them, as have my colleagues, questioning our intentions and the President's intentions, questioning the veracity of the administration, whether the administration has been straightforward with the American people. I would like to share some of those letters with you.

Patty from North Royalton, Ohio, said, ''All of the worst case possibilities with Iraq, with the exception of the weapons of mass destruction, of course, and the truth of the administration, have proven true, and the American public is being asked to foot the bill.

''I suggest a proposal to break apart the military spending from the rebuilding. Focus this administration on the bare necessities for now. We are trying to do way too much at one time.''

Mary Lu wrote, ''U.S. out, UN in. We should pull our soldiers out and turn the rebuilding process over the United Nations. Congress should vote no on the $87 billion until the President works it out with the United Nations. Roll back the tax cuts to pay for the war. The only way we could responsibly pay for Iraq's reconstruction is by rolling back President Bush's tax cuts for the wealthy. If we roll back the tax cuts on the top 1 percent, we could pay for the $87 billion and have money left over for other programs, like prescription drugs for the elderly.''

Jay of Richfield, Ohio, writes, ''If we assume there are 290 million men, women and children in the U.S., that means that every man, woman and child in America will be contributing $300 to the reconstruction of a country we will never visit, and whose welfare would have never affected us but for the lies of the Bush administration.''

Janet from Norton, Ohio, writes, ''Please do not vote for one more cent to be spent on this losing proposition in Iraq. Enough is enough.''

Judith writes, ''Our President has arrogantly put us into a position where we stand, in many ways, alone, and we are making a huge mess of things. We do have an obligation to the Iraqis, but they aren't happy with our presence there and are crippling our ability to help them. The most effective thing we can do is turn over control of the operation to the United Nations.''

Helen writes, ''Wealthy Republicans who voted for Bush do not send their kids to die in Iraq, and wealthy Republicans made sure their tax money was given to them before presenting the bill in Iraq. The rest of the tax money isn't theirs to spend on defense contracts. It is ours.

''The U.S. kleptocrats want to profit from Iraq,'' talking about Halliburton and many of the President's friends who are getting the unbid contracts. ''They can only do it by keeping the UN out.''

I found in these letters, Mr. Speaker, literally dozens of them questioning the fact we are spending $1 billion a week right now, before the President asked for $87 billion more. A third of that money is going to private contractors, many of them contributors to the President, most of those contracts unbid, and many of them going to a company called Halliburton, from which Vice President CHENEY is still drawing a $13,000 a month benefit check.

Andrew writes, ''I believe the Bush administration should be required by law to submit to the following conditions before his request for $87 billion is approved. The $87 billion should be funded by the immediate cancellation of the recently-passed tax cut for the wealthy, where 43 percent of the tax benefit goes to the richest 1 percent of Americans.''

It is clear there is a theme here. The American people in this mail, and in the mail that literally every Member of this Congress is getting, the people of this country are concerned that this $87 billion is only a start, that it is going to be a lot more in the future. There is no plan. The American people need to continue to speak out.

IRAQI SUPPLEMENTAL SHOULD INCLUDE LOANS, NOT JUST GRANTS

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from Florida (Mr. STEARNS) is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Mr. Speaker, we will soon be asked to provide an additional $87 billion in order to continue our efforts abroad in Iraq and Afghanistan.

Now, many, as you just heard, are complaining about the costs in Iraq and the billions that will be needed to maintain a stable Iraq into the future. One question I ask for my colleagues and the American people to consider is, what is the cost if we do not act? In reality, very few Members of Congress will vote against the President's supplemental request, but we do not need to blindly cast our vote without providing options on how to at least partially offset the cost for this reconstruction.

I recently had town meetings in my Congressional District. Some of the questions that some of the constituents asked centered on why the American taxpayer has to foot the entire bill for Iraq reconstruction? Why can Iraq not provide funding for reconstruction and security themselves? I think all of my colleagues would agree this is a valid question.

However, with the decrepit state of Iraq's infrastructure and economy, such a contribution from a people just emerging from decades of oppression and neglect, it is impossible to expect Iraq to provide much in the way of reconstruction funding in the near future.

The American people are generous people. They understand that it is for the greater good to help someone help themselves. But they also recognize we cannot continue to provide open-ended monetary assistance if we do not receive something in return. It is a meet-us-halfway approach, if you will.

Why not provide loans for reconstruction, or at least for rebuilding some of the infrastructure, to include electric and water, et cetera? I think that we should consider this as an alternative to the grantmaking that the administration is requesting.

Specifically, these loans should be linked to potential future Iraqi oil revenues. As we know, Iraq has the world's second largest oil reserve, 11 percent of the world's total. However, only 17 of 80 oil fields have been developed. In addition, Iraq has a sizable amount of natural gas reserves that have yet to be

developed. Given the substantial amount of revenues that Iraq could generate into the future, there exists a means to repay some of the costs of this reconstruction.

Now, the Coalition Provisional Authority is working on an Oil Trust Fund, a plan hoping to begin operation in early 2004. It would appear sensible to use such a fund in concert with a loan program to allow Iraq to repay some of these construction costs.

Of course, Iraq has already been saddled with billions in debt. However, Mr. Speaker, as we have learned in recent hearings on Iraq's future, much of the debt is owed to countries that refused to lift a finger to help the Iraqi people free themselves from oppression and a destitute existence. Instead, these countries thought it better to put Americans at risk to bring freedom to these oppressed people. So why should the United States and those countries that have allied with us remain concerned with those countries, that they get repaid first?

The American people have been asked to sacrifice much. Three thousand innocent lives were lost in 2001. We have lost more Americans in the ensuing war on terrorism, and families continue to endure the separation of loved ones and the economic hardships of Guard and Reserve members leaving their civilian jobs to serve in Operation Iraqi Freedom.

Are we asking too much for the administration to provide an opportunities for American generosity, persistence, patience and sacrifice to be acknowledged, appreciated and repaid? I think not. Americans will not shy away from the mission it has been tasked to complete. We are making progress every day, and our troops, while facing danger, are at the same time offering their time, money, and supplies to assist the local Iraqi people.

Once this supplemental is passed, we must support the seven necessary steps towards a new Iraq.

One, the appointment of the Iraqi Governing Council in July.

Two, in August the Governing Council named a Preparatory Committee for writing Iraq's new, permanent constitution.

Three, this month, the Governing Council appointed ministers to run the day-to-day affairs of Iraq.

Four, writing the Constitution.

Five, popular vote on ratifying Iraq's Constitution.

Six, finally electing a new government.

Seven, transferring sovereignty from the coalition to the new government.

Mr. Speaker, we will give the President the funds our country needs to protect and sustain our troops and rebuild a country whose people want to live proud and free again. All we are seeking is some measure to ensure that the American people aren't permanently footing this bill.

PAST COMMENTS ABOUT COST OF IRAQ

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from Oregon (Mr. DEFAZIO) is recognized during morning hour debates for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, during the lead-up to the war in Iraq, we had great assurances from the President and his staff that in the aftermath the United States would not be tagged with the bill.

Press Secretary Ari Fleischer: ''It is a rather wealthy country. Iraq has to be able to shoulder much of the burden of their own reconstruction.''

Deputy Defense Secretary Paul Wolfowitz, arguably the godfather of this policy: ''There is a lot of money to pay for this that doesn't have to be U.S. taxpayer money, and it starts with the assets of the Iraqi people. The oil revenues of that country could bring between $50 billion and $100 billion over the course of the next 2 or 3 years. We are dealing with a country that can really finance its own reconstruction, and relatively soon.''

Then, of course, the wonderful Defense Secretary, Donald Rumsfeld: ''I do not believe the United States has responsibility for reconstruction. In a sense, funds can come from those various sources I mentioned: frozen assets, oil revenues and a variety of others things, including the Oil for Food program.''

Well, what a difference a few months makes. The President has presented the second bill for Iraq, $70 billion last April, and now another $87 billion that he wants this Congress to borrow on behalf of the American people to spend for the ongoing conflict and to rebuild that country.

That is right, borrow. We are going to obligate Americans for the next 30 years to pay for the rebuilding of Iraq. Apparently, it is necessary when creating a democratic and civil society that there be massive investment in public works, public infrastructure, schools, hospitals, universal health care, telecommunications, ports, rail, water, all those things; and the American people should borrow the money, according to the President, to do those things so that the Iraqi people can move toward a democratic and civil society.

But, unfortunately, according to the President, it is not necessary to do those things and pay for those things and not advisable to borrow the money to do those things to pay for the continuance of a democratic and civil society here in the United States of America.

Yes, he says we can borrow $20.3 billion to do all those things in Iraq, but we cannot afford it here. We are borrowing money to pay tens of thousands of Iraqis to have no-show, no-work jobs, to provide stability, but the President says we cannot draw on the Unemployment Trust Fund, the $16 billion balance on taxes we have paid, to give extended unemployment benefits to Americans.

On a per capita basis, the United States is going to spend ten times as much per citizen in Iraq on drinking water as it will in the United States, despite the D-minus grade that our water infrastructure has, despite the unfunded mandates on rural communities that cannot afford to meet those Federal requirements. Two times as much for water resource projects, ten times as much for sewer and drinking water.

Iraqis will receive 300 times as much to put together a reliable electricity system in their country. Did the President not notice, I guess they have generators at the White House and Camp David, he did not notice that the lights went out in the eastern United States, but they did because of a crumbling and underinvested infrastructure. We are going to spend 300 times as much per citizen in Iraq. Thirteen times as much for medical infrastructure.

In the little port of Umm Qasr over there, we are about to borrow from the American people another $45 million to further upgrade that port, at the same time that the President cannot find $8 million to dredge ports in Southern Oregon. We just do not have the money to keep those ports open, he says, but we can borrow $45 million to further improve Umm Qasr, into which we have already dumped $50 million.

Then there is the Mawizeh marsh. The President wants to borrow on behalf of the American people $50 million to restore a marsh. Well, we have big huge controversy over the Klamath marsh and that area in Oregon, and we need $25 million to move toward resolving that controversy. But the President says that money is not here in the United States of America, but he will borrow $50 million to restore a marsh in Iraq.

Then there is the horrible problem of Basra and Umm Qasr. Their water supply comes through an open ditch, only half of which is lined. Of course, my city of Albany gets its water through an open ditch, none of which is lined. So it is an emergency that the American people borrow $200 million for Umm Qasr and Basra so they can have a modern water supply system, but, sorry, there is no money for Albany, Oregon, and hundreds of other communities across this country.

Apparently it is necessary, the President says, to borrow these funds on behalf of this generation and future generations of Americans so that Iraqis can live a better life, but we cannot afford to do similar projects here in the United States of America, to put Americans to work. If that money were spent here in the United States of America, it would put 1 million people to work, but that is not on the President's radar screen.

SAVING SOCIAL SECURITY

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from Michigan (Mr. SMITH) is recognized during morning hour debates for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, I am going to talk for 5 minutes on the challenge that faces this Congress and America in terms of the growing debt and the growing unfunded liabilities. ''Unfunded liabilities'' means the promises that government has made, but it needs money to come from someplace to keep the promises we have made, and Social Security is one of those promises.

We started Social Security in 1934, and Congress in effect said that instead of people going over the hill to the poorhouse, like they did after the Great Depression money should be saved for retirement, Franklin Delano Roosevelt said let us have a program where we have forced savings during your working years, and that will give you more security, ''social security,'' in your retirement years.

So we started the program in 1935, and it was based on current workers paying in their taxes to pay for benefits for current retirees, sort of a pay-as-you-go program. I like the cartoon where Uncle Sam was explaining this to a young worker how Social Security worked, and said, ''Well, now, here is a list of names. You put your name on the bottom of the list. You pay everybody on the top of the list, and eventually your name will be on the top of the list and everybody below you will be sending you a check in your retirement.''

It is a pay-as-you-go program, sort of like a chain letter. But the problem is, there are fewer and fewer names under that top name on the list as we are looking at a declining birth rate and a longer lifespan.

The number of people working, for example, in 1940 was 47 people working, paying in their Social Security tax, for every one retiree. Today we are down to three people working paying in their Social Security tax for every one retiree.

So what we have done of course, is over the years every time we hit a problem of not having enough money, we do one of two things, or sometimes both. We either reduce benefits or increase taxes or a combination. That is what we did in 1983. We reduced benefits and increased taxes, so temporarily we have a little surplus coming in for Social Security.

This chart shows what I think should be everybody's goal as we look at saving Social Security. Number one, continue to provide retirement security for the elderly; number two, give young people an opportunity to improve their retirement prospects; number three, benefit the economy instead of burdening it. That is what my bill does.

It seems like every Member of Congress, the House, the Senate and White House, should be willing to agree to this kind of a change, because what we are heading for is insolvency of Social Security. In fact, in 4 years that part of Social Security, the trust fund that pays disability benefits, if you get hurt on the job, is going to be broke. There is not enough money coming in. Just 4 years. In 12 years, we are going to not have insufficient money coming in from the payroll tax to pay promised retirement benefits.

Now, people give complicated explanations of what we might do to save the program, but really there is, again, one of two choices, or a combination. You either increase the money coming in, or you decrease the money going out, or a combination.

That is what I am doing in my Social Security bill that I just introduced. It reduces the money going out, number one, by changing wage inflation for calculating future retiree benefits to a CPI, normal inflation. It slows down the increase in benefits for high-income retirees. For income, instead of the average 2.7 percent return that the average retiree is going to get on Social Security, we increased that to a minimum of 3.7 percent.

I think probably the challenge that we have ahead of us is somehow convincing Americans that there is a real problem. It is a problem that is demagogued over the years. We have got to deal with it. We have to stand up to the issue. I am disappointed that there are only 26 Members of the House and Senate that have ever signed on to a Social Security bill that keeps Social Security solvent. It is an important program.

We have almost 80 percent of our retirees today that depend on Social Security for a majority of their retirement income. It is something that we cannot afford to let go broke.

Look, we are digging some deep holes for ourselves in terms of overspending every year. We are overspending this year $540 billion. It is going to be over $700 deficit spending next year. You add that on to approximately $11 trillion of unfunded liability for Social Security and the other promises that we have made to veterans, the other promises we have made to civil servants and people working for government, and you must agree it is time Congress stood up to the issue. It is time, Mr. Speaker, that everybody looking at a congressional candidate this next election asks them how they are going to save Social Security.

SUPPORT OUR TROOPS: $1,500 BONUS BILL

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from Michigan (Mr. STUPAK) is recognized during morning hour debates for 5 minutes.

Mr. STUPAK. Mr. Speaker, this week the other body takes up the President's request for $87 billion in supplemental aid for Iraq and Afghanistan. The supplemental appropriation should do more to support our troops who have been deployed in Iraq and Afghanistan. Specifically, to support our troops and their families who are under increasing duress, Congress should grant a $1,500 bonus to all those who serve in Iraq and Afghanistan. Not since Vietnam have such a large number of troops received such long deployments. This puts tremendous pressure on our troops and their families.

This summer, the Department of Defense upped deployments for troops serving under Operation Iraqi Freedom and Operation Enduring Freedom to one year, and not until last week did the Department of Defense offer these troops, largely living under very primitive, highly stressful conditions, a 2-week leave.

Tragically, this month, our U.S. casualties in Iraq surpassed the number of those killed in the first Gulf War, Desert Storm. We have lost more than 308 people in Iraq.

Recognizing the increasing gravity of U.S. military involvement along, my legislation, H.R. 3051, qualifies all active duty military personnel deployed for any length of time under Operation Iraqi Freedom or Operation Enduring Freedom for a $1,500 bonus. This bonus should be made part of the supplemental appropriations for Iraq.

Although as Members of Congress we may have different ideas about U.S. policy in Iraq, we can all agree that our servicemen and women deserve our sincere commendation for their courageous efforts. $1,500 will not only help boost morale but will send a strong bipartisan message to our troops that Congress is unified behind them.

The present administration wants to talk about its proposed $21 billion in direct grants to support infrastructure development in Iraq. In this $87 billion supplemental appropriation, there is another part, $66 billion for military operations. I see no reason why these two parts, the $21 billion and the $61 billion, cannot be separated out and why we cannot require the use of Iraqi oil to be used as collateral for international loans to at least pay for the $21 billion for the infrastructure improvements in Iraq and ensure the reconstruction contracts are competitively bid to all companies internationally.

We should also consider using Iraqi oil reserves to pay down Iraq's $200 billion international debt. Either way, American citizens should not be expected to support Iraqi development, while many Americans here at home face shortfalls in funding for health care needs, prescription drugs, school construction and critical infrastructure needs we find throughout this country.

Congress must continue to work to restore Iraq to a stable and self-governing state but not at the expense of the American people here at home and our troops abroad.

I also question several items contained in the administration's supplemental appropriation for Iraq, like $4

million to develop a set of telephone numbers, $100 million to build seven planned communities with 3,258 houses, $10 million to finance 100 prison building experts, $50,000 for garbage trucks. How about $850 million for health construction and medical equipment, $20 million for Afghanistan consultants, whatever they are, and $900 million to import petroleum products such as kerosene and diesel to a country with the world's second largest oil reserves?

Some of these requests do not make sense. Instead of again dipping into the pockets of working Americans and risking veteran benefits for our troops when they return home, I support proposals to suspend the tax cuts for the top 1 percent of income earners to pay for the President's $87 billion request for Iraq; and I urge Congress to consider my bill, H.R. 3051, to include support for our troops in this supplemental package on Iraq.

Again, my bill provides for a $1,500 bonus to military personnel who served under the Army, Navy, Air Force, Marine Corps, Coast Guard, National Guard or Reserves in a combat zone under Operation Iraqi Freedom or Operation Enduring Freedom.

In the coming year, in this coming year, an estimated 150,000 young men and women will not see their families. A record number of Reservists and Guardsmen and women will put their private sector opportunities and employment on hold, and thousands of children every night will say a prayer for their parent's safe return. These extraordinary times deserve extraordinary measures. I urge Members to support my bill, H.R. 3051, to provide our troops in Iraq and Afghanistan a $1,500 bonus, a bonus they certainly deserve, and make this part of the supplemental appropriation bill.

HEALTH DISPARITIES

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from New Jersey (Mr. PALLONE) is recognized during morning hour debates for 5 minutes.

Mr. PALLONE. Mr. Speaker, this afternoon I would like to discuss the issue of health disparities.

Unfortunately, Mr. Speaker, we have a system of delivering health care in the United States that has resulted in severe disparities along racial and ethnic lines in health care access, quality of care, and also health outcomes. All Americans deserve equal treatment in health care, and in an effort to appropriately address this issue, Democrats will soon offer legislation to eliminate these racial and ethnic health disparities.

Mr. Speaker, there are several principles that I would like to highlight that will be reflected in the Democrat's bill. I emphasize that Democrats are committed to ensuring that minority communities aren't burdened by higher prevalence or incidence of disease and illness than the general population.

Some of these principles involve expanding the health care safety net. There is a lack of health insurance for many minorities and also access to adequate health services. This results in significant declines in health status within racial and ethnic minority communities.

Also, we need, and this is the second principle, to diversify the health care workforce. Efforts must be made to recruit and train health care professionals from underrepresented groups.

Third, we have to ensure that health care access is made in compliance with civil rights laws. There are many people with limited English proficiency in the country that have a difficult time accessing federally conducted and supported programs. Persons with limited English proficiency should not be inhibited from accessing vital health care services, paid for often by their families and their own personal Federal income taxes.

Fourthly, we have to promote the collection and dissemination of data that is helpful to give indication of disparities amongst minorities. In order to fully understand the scope of health care disparities, it is necessary to have data on an individuals' health care access and utilization that includes race, ethnicity, primary language, immigration status and socioeconomic status.

Fifth, Mr. Speaker, we have to combat diseases that disproportionally affect racial and ethnic minorities. Existing research has illustrated that diseases such as diabetes, obesity, heart disease, asthma and HIV/AIDS disproportionately impact racial and ethnic minorities.

Federal initiatives should focus on preventing and treating these diseases, educating all communities about their impact, and identifying the behavioral, emotional and environmental factors that contribute to these diseases.

Next we have to enhance medical research that benefits these communities. It is important that Federal medical research be conducted by and on behalf of racial and ethnic minorities.

Lastly, I want to emphasize, Mr. Speaker, prevention and behavioral health. Estimates suggest that as much as 50 percent of health care costs are caused by behavior-related illnesses, including heart disease, high blood pressure, obesity and substance abuse. Cultural and social factors can contribute to the behavioral patterns underlying these illnesses, and intervention is necessary to prevent such illnesses and save billions of dollars in health care costs.

Now, Mr. Speaker, I wanted to talk about in the context of the overall issue of disparities and the principles that the Democrats seek to initiate in this legislation that we are soon to introduce, I wanted to pay particular attention to the problems of Native Americans because I am the vice chair of the Native American Caucus.

And Democrats feel that, in particular, when we address health care disparities, we cannot leave out Native Americans. Native Americans have been subject to extreme discrimination in health care access and, as a result, they are a population with overall low health status.

Some of these issues will be addressed in not only the legislation I mention, but also in a hearing tomorrow in the House Committee on Resources where we will be holding a hearing on the Indian Health Care Improvement Act which is vital, I think, to the health care and well-being of American Indians as well as Alaskan natives.

The focus of the hearing tomorrow will be on Title I of the Indian Health Care Improvement Act which deals with Indian health, human resource, and development in an effort to address the need for an adequate supply of health care professionals in the Indian health system and creating more opportunities for Native Americans to pursue health careers.

I want to emphasize, Mr. Speaker, that Congress has never funded Indian health care at a level that would result in health services that are comparable to services received by other Americans. So the big problem in the disparity issue, with regard to Native Americans, is making sure there is adequate funding for the Federal Indian Health Service Program.

The Native American population is approximately 40 percent rural and predominantly lives in geographically dispersed areas with low population density. And this demographic aspect makes access to health care more difficult. There are Indian Health Service facilities available throughout the country, however, there are still some States that completely lack any Indian Health Service facilities.

Overall, Mr. Speaker, I believe access to primary health care and prevention services is good amongst Native Americans. However, beyond primary care, the situation quickly gets worse. For example, speciality services are sparse. What services are available are typically overcrowded and patients are often prioritized.

So we must address these issues, and I hope they can be addressed both in the Democratic health disparities legislation and in the hearing we have tomorrow on the Indian Health Care Improvement Act.

RECESS

The SPEAKER pro tempore (Mr. CHOCOLA). There being no further requests for morning hour debates, pursuant to clause 12(a), rule I, the House will stand in recess until 2 p.m. today.

Accordingly (at 1 o'clock and 18 minutes p.m.) the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

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

PRAYER

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

Lord God of heaven and earth, You love all You have created. Fill this Chamber of the House of Representatives with Your presence and love.

Guide the Members and their staffs to live and work in a manner worthy of their calling.

Let all atone for mistakes of the past and rectify the governing of Your people.

It is Your Divine Providence, O Lord, which has brought us together at this time; to accomplish great deeds in the name of this country we choose to love and serve, now and forever.

Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. WILSON of South Carolina 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.

REMEMBERING THE HISTORIC LIFE OF ALTHEA GIBSON

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

Mr. WILSON of South Carolina. Mr. Speaker, an American hero, Althea Gibson, died Sunday at the age of 76. Gibson was a champion tennis player, the first black athlete to compete in the U.S. Open, in 1950, and at Wimbledon, in 1951. She went on to win major tournaments, including the Wimbledon and U.S. Opens in 1957 and 1958, the French Open, and three doubles titles at Wimbledon. In golf, she was the first African-American woman on the LPGA tour.

Althea Gibson was born in South Carolina, raised in Harlem, New York, and went on to become an outstanding professional tennis and golf player. She carried herself with grace and dignity and is a role model for millions of young Americans learning to break down racial barriers.

Althea Gibson's tremendous character and talent allowed her to make great progress for civil rights while playing tennis and golf, much in the same way Jackie Robinson did in baseball. She will always be remembered and is greatly missed.

In conclusion, God bless our troops.

LACK OF A GOOD HEALTH CARE SYSTEM

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, as a nurse by professional training, I have spent much of my public career working to ensure that the Nation's health care system is affordable and provides the best possible services for all Americans. While Americans still have a world class health care system, there are those whose lives have been threatened by a focus on profits over healing.

Mr. Speaker, nearly a quarter of the residents in Texas, my home State, lack health coverage. That is a larger percentage than any other State. The situation has been getting worse, according to a U.S. Census Bureau report to be released today. The survey shows 24.7 percent of the State's residents had no insurance during the 2-year period ending last December. Texas also had the Nation's highest proportion of uninsured in 2000 and 2001.

I support a plan that would expand Medicare coverage for prescription medications. However, there must be some cost containment agreement with manufacturers and a streamlining of the Federal administrative structure to reduce costs to beneficiaries. Mr. Speaker, now is the time for all Americans to have access to quality health care and meaningful patient protection. Our citizens deserve and expect nothing less.

NEW IRAQ

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

Mr. PITTS. Mr. Speaker, a recent poll showed that two out of three residents in Baghdad believe that they are better off today than they were under Saddam Hussein. Less than 15 percent would rather live under repression. We are starting to hear more and more stories of Iraqis pointing us in the right direction in Iraq. A tip from an Iraqi led to a discovery of a priceless mask, thousands of years old. Another tip led to a buried cache of weapons. We do not hear much about these successes in the media, but Iraqi public opinion is with us.

This week, Congress will begin consideration of the Iraq supplemental. As we move forward, we should encourage Iraqis to step forward and take control of their own country. But we should not, as some in this body suggest, turn over full control of that country before democracy has taken root, before we can ensure that a new Iraq will not become a haven for terrorists and Saddam's murderous followers. Iraq's future and our safety hang in the balance.

CALL FOR A PARTNERSHIP IN REBUILDING IRAQ

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

Mr. PENCE. Mr. Speaker, Operation Iraqi Freedom has been a historic success, a military victory of astonishing proportions in its decisiveness as well as its compassion on the civilian population. In the next 2 weeks, the President of the United States has come to Congress to ask for some $87 billion to continue the work, and well we should. Extending every dollar to make sure our troops have the resources they need to get the job done and come home safe should be Congress' top priority. But with regard to the investment in civil society, the reconstruction dollars, some $20.3 billion, I rise respectfully, Mr. Speaker, to say that we should ask the people of Iraq and their future generations to partner with us, to structure reconstruction dollars as a loan, and give the Iraqi people the opportunity to invest along with us in their own peace and stability and democracy as full partners in their future.

NO MORE DOLLARS FOR IRAQI FREEDOM

(Ms. WATERS asked and was given permission to address the House for 1 minute.)

Ms. WATERS. Mr. Speaker, I had not come to the floor prepared to say anything; except when I heard my colleagues from the other side of the aisle talking about the success of Iraqi Freedom, I just have to remind the Congress of the United States that we have been asked for $87 billion to continue this war that was a preemptive strike that most of us, or many of us, did not agree with.

The fact of the matter is we are finding out every day that we have been misled, that we have been told stories that are not true. They have still not found the weapons of mass destruction, and now we are asked not only to support our soldiers, but we are now asked to rebuild Iraq. Most of us are certainly in support of our soldiers, and we are very upset that they have not had the equipment and the supplies and other kinds of things good planning would have caused any army to have. But most of us are not satisfied with the fact that we are asked to rebuild Iraq when, in fact, this administration told us that they were going to get the money from the oil wells, the oil wells that they secured when they first went

in, to pay for the rebuilding of Iraq; $87 billion, not now.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken after 6:30 p.m. today.

OFFICE OF NATIONAL DRUG CONTROL POLICY REAUTHORIZATION ACT OF 2003

Mr. SOUDER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2086) to reauthorize the Office of National Drug Control Policy, as amended.

The Clerk read as follows:

H.R. 2086

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

SECTION 1. SHORT TITLE; REFERENCES; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Office of National Drug Control Policy Reauthorization Act of 2003''.

(b) AMENDMENT OF OFFICE OF NATIONAL DRUG CONTROL POLICY REAUTHORIZATION ACT OF 1998.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Office of National Drug Control Policy Reauthorization Act of 1998 (Public Law 105–277; 21 U.S.C. 1701 et seq.).

(c) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; references; table of contents.
Sec. 2. Amendments to definitions.
Sec. 3. Amendments relating to appointment and duties of Director and Deputy Directors.
Sec. 4. Amendments relating to coordination with other agencies.
Sec. 5. Development, submission, implementation, and assessment of National Drug Control Strategy.
Sec. 6. High intensity drug trafficking areas program.
Sec. 7. Funding for certain high intensity drug trafficking areas.
Sec. 8. Amendments relating to Counter-Drug Technology Assessment Center.
Sec. 9. Repeals.
Sec. 10. National Youth Antidrug Media Campaign.
Sec. 11. Authorization of appropriations.
Sec. 12. Extension of termination date.

SEC. 2. AMENDMENTS TO DEFINITIONS.

(a) AMENDMENTS TO DEFINITIONS.—Section 702 (21 U.S.C. 1701) is amended—

(1) in paragraph (1)—

(A) by striking ''and'' at the end of subparagraph (F);

(B) by striking the period at the end of subparagraph (G) and inserting a semicolon; and

(C) by adding at the end the following:

''(H) interventions for drug abuse and dependence; and

''(I) international drug control coordination and cooperation with respect to activities described in this paragraph.''.

(2) in paragraph (9), by striking ''implicates'' and inserting ''indicates'';

(3) in paragraph (10)—

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

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

(C) by adding at the end the following:

''(D) domestic drug law enforcement, including law enforcement directed at drug users.''; and

(4) in paragraph (11)—

(A) by inserting before the semicolon in subparagraph (A) the following: ''(including source country programs, and law enforcement outside the United States)'';

(B) by inserting ''and'' after the semicolon in subparagraph (B);

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

(D) by striking subparagraph (D).

(b) CONFORMING AMENDMENTS.—Section 703(b)(3) (21 U.S.C. 1702(b)(3)) is amended—

(1) in subparagraph (A), by striking ''(G)'' and inserting ''(H)''; and

(2) in subparagraph (C)—

(A) by striking ''(C)'' and inserting ''(D)''; and

(B) by striking ''and subparagraph (D) of section 702(11)''.

SEC. 3. AMENDMENTS RELATING TO APPOINTMENT AND DUTIES OF DIRECTOR AND DEPUTY DIRECTORS.

(a) DESIGNATION OF OTHER OFFICERS.—Section 704(a)(3) (21 U.S.C. 1703(a)(3)) is amended—

(1) by striking ''permanent employee'' and inserting ''officer or employee''; and

(2) by striking ''serve as the Director'' and inserting ''serve as the acting Director''.

(b) RESPONSIBILITIES OF DIRECTOR.—Section 704(b) (21 U.S.C. 1703(b)) is amended—

(1) in paragraph (4), by striking ''Federal departments and agencies engaged in drug enforcement,'' and inserting ''National Drug Control Program agencies,'';

(2) by inserting ''and'' at the end of paragraph (12);

(3) by striking paragraphs (13) and (14); and

(4) by redesignating paragraph (15) as paragraph (13).

(c) REVIEW AND CERTIFICATION OF NATIONAL DRUG CONTROL PROGRAM BUDGET.—Section 704(c)(3) (21 U.S.C. 1703(c)(3)) is amended—

(1) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively;

(2) by inserting after subparagraph (B) the following new subparagraph:

''(C) SPECIFIC REQUESTS.—The Director shall not confirm the adequacy of any budget request that—

''(i) requests funding for Federal law enforcement activities that do not adequately compensate for transfers of drug enforcement resources and personnel to law enforcement and investigation activities not related to drug enforcement as determined by the Director;

''(ii) requests funding for law enforcement activities on the borders of the United States that do not adequately direct resources to drug interdiction and enforcement as determined by the Director;

''(iii) requests funding for drug treatment activities that do not provide adequate result and accountability measures as determined by the Director;

''(iv) requests funding for any activities of the Safe and Drug Free Schools Program that do not include a clear antidrug message or purpose intended to reduce drug use;

''(v) requests funding to enforce section 484(r)(1) of the Higher Education Act of 1965 (20 U.S.C. 1091(r)(1)) with respect to convictions for drug-related offenses not occurring during a period of enrollment for which the student was receiving any Federal grant, loan, or work assistance;

''(vi) requests funding for drug treatment activities that do not adequately support and enhance Federal drug treatment programs and capacity, as determined by the Director; or

''(vii) requests funding for fiscal year 2005 for activities of the Department of Education, unless it is accompanied by a report setting forth a plan for providing expedited consideration of student loan applications for all individuals who submitted an application for any Federal grant, loan, or work assistance that was rejected or denied pursuant to 484(r)(1) of the Higher Education Act of 1965 (20 U.S.C. 1091(r)(1)) by reason of a conviction for a drug-related offense not occurring during a period of enrollment for which the individual was receiving any Federal grant, loan, or work assistance.'';

(3) in subparagraph (D)(iii), as so redesignated, by inserting ''and the authorizing committees of Congress for the Office'' after ''House of Representatives''; and

(4) in subparagraph (E)(ii)(bb), as so redesignated, by inserting ''and the authorizing committees of Congress for the Office'' after ''House of Representatives''.

(d) REPROGRAMMING AND TRANSFER REQUESTS.—Section 704(c)(4)(A) (21 U.S.C. 1703(c)(4)(A)) is amended by striking ''$5,000,000'' and inserting ''$1,000,000''.

(e) POWERS OF DIRECTOR.—Section 704(d) (21 U.S.C. 1703(d)) is amended—

(1) in paragraph (8)(D), by striking ''have been authorized by Congress;'' and inserting ''authorized by law;'';

(2) in paragraph (9)—

(A) by inserting ''notwithstanding any other provision of law,'' after ''(9)''; and

(B) by striking ''Strategy; and'' and inserting ''Strategy and notify the authorizing Committees of Congress for the Office of any fund control notice issued;'';

(3) in paragraph (10), by striking ''(22 U.S.C. 2291j).'' and inserting ''(22 U.S.C. 2291j) and section 706 of the Department of State Authorization Act for Fiscal Year 2003 (22 U.S.C. 229j–l);'';

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

''(11) not later than August 1 of each year, submit to the President a report, and transmit copies of the report to the Secretary of State and the authorizing Committees of Congress for the Office, that—

''(A) provides the Director's assessment of which countries are major drug transit countries or major illicit drug producing countries as defined in section 481(e) of the Foreign Assistance Act of 1961;

''(B) provides the Director's assessment of whether each country identified under subparagraph (A) has cooperated fully with the United States or has taken adequate steps on its own to achieve full compliance with the goals and objectives established by the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances and otherwise has assisted in reducing the supply of illicit drugs to the United States; and

''(C) provides the Director's assessment of whether application of procedures set forth in section 490(a) through (h) of the Foreign Assistance Act of 1961, as provided in section 706 of the Department of State Authorization Act for Fiscal Year 2003, is warranted with respect to countries the Director assesses have not cooperated fully; and

''(12) appoint a United States Interdiction Coordinator under subsection (i).''.

(f) UNITED STATES INTERDICTION COORDINATOR.—Section 704 (21 U.S.C. 1703) is further amended by adding at the end the following:

''(i) UNITED STATES INTERDICTION COORDINATOR.—

''(1) IN GENERAL.—There shall be in the Office a United States Interdiction Coordinator, who shall be appointed by the Director and shall perform duties determined by the Director with respect to coordination of efforts to interdict illicit drugs from the United States.

''(2) APPOINTMENT.—

''(A) IN GENERAL.—Notwithstanding any other provision of law (except subparagraph (B)), the Director may appoint any individual to serve as the United States Interdiction Coordinator.

''(B) LIMITATION.—The Director may not appoint to such position any individual who concurrently serves as the head of any other Federal department or agency or any subdivision thereof with responsibility for narcotics interdiction activities, except the counternarcotics officer of the Department of Homeland Security appointed under section 878 of the Homeland Security Act of 2002 (6 U.S.C. 458).''.

(g) REQUIREMENT FOR SOUTH AMERICAN HEROIN STRATEGY.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Director of National Drug Control Policy shall submit to the Congress a comprehensive strategy that addresses the increased threat from South American heroin, and in particular Colombian heroin.

(2) CONTENTS.—The strategy shall—

(A) include opium eradication efforts to eliminate the problem at the source to prevent it from reoccurring before the heroin enters the stream of commerce;

(B) interdiction and precursor chemical controls;

(C) demand reduction and treatment;

(D) provisions that ensure the maintenance at current levels of efforts to eradicate coca in Colombia; and

(E) assessment of the level of additional funding and resources necessary to simultaneously address the threat from South American heroin and the threat from Colombian coca.

SEC. 4. AMENDMENTS RELATING TO COORDINATION WITH OTHER AGENCIES.

Section 705 (21 U.S.C. 1704) is amended—

(1) in subsection (a)(1)(A), by striking ''abuse'';

(2) by amending paragraph (3) of subsection (a) to read as follows:

''(3) REQUIRED REPORTS.—

''(A) SECRETARIES OF THE INTERIOR AND AGRICULTURE.—The Secretaries of Agriculture and Interior shall, by July 1 of each year, jointly submit to the Director and the authorizing Committees of Congress for the Office an assessment of the quantity of illegal drug cultivation and manufacturing in the United States on lands owned or under the jurisdiction of the Federal Government for the preceding year.

''(B) ATTORNEY GENERAL.—The Attorney General shall, by July 1 of each year, submit to the Director and the authorizing Committees of Congress for the Office information for the preceding year regarding the number and type of—

''(i) arrests for drug violations;

''(ii) prosecutions for drug violations by United States Attorneys; and

''(iii) the number and type of seizures of drugs by each component of the Department seizing drugs, as well as statistical information on the geographic areas of such seizures.

''(C) SECRETARY OF HOMELAND SECURITY.—The Secretary of Homeland Security shall, by July 1 of each year, submit to the Director and the authorizing Committees of Congress for the Office information for the preceding year regarding—

''(i) the number and type of seizures of drugs by each component of the Department seizing drugs, as well as statistical information on the geographic areas of such seizures; and

''(ii) the number of air and maritime patrol hours undertaken by each component of the Department primarily dedicated to drug supply reduction missions.

''(D) SECRETARY OF DEFENSE.—The Secretary of Defense shall, by July 1 of each year, submit to the Director and the authorizing Committees of Congress for the Office information for the preceding year regarding the number of air and maritime patrol hours primarily dedicated to drug supply reduction missions undertaken by each component of the Department of Defense.''; and

(3) in subsection (b)(2)(B), by striking ''Program.'' and inserting ''Strategy.''.

SEC. 5. DEVELOPMENT, SUBMISSION, IMPLEMENTATION, AND ASSESSMENT OF NATIONAL DRUG CONTROL STRATEGY.

Section 706 (21 U.S.C. 1705) is amended to read as follows:

''SEC. 706. DEVELOPMENT, SUBMISSION, IMPLEMENTATION, AND ASSESSMENT OF NATIONAL DRUG CONTROL STRATEGY.

''(a) TIMING, CONTENTS, AND PROCESS FOR DEVELOPMENT AND SUBMISSION OF NATIONAL DRUG CONTROL STRATEGY.—

''(1) IN GENERAL.—Not later than February 1 of each year, the President shall submit to Congress a National Drug Control Strategy, which shall set forth a comprehensive plan for reducing illicit drug use and the consequences of illicit drug use in the United States by reducing the demand for illegal drugs, limiting the availability of illegal drugs, and conducting law enforcement activities with respect to illegal drugs.

''(2) CONTENTS.—

''(A) IN GENERAL.—The National Drug Control Strategy submitted under paragraph (1) shall include—

''(i) comprehensive, research-based, long-range, and quantifiable goals for reducing illicit drug use and the consequences of illicit drug use in the United States;

''(ii) annual objectives and strategy for demand reduction, supply reduction, and law enforcement activities, specific targets to accomplish long-range quantifiable reduction in illicit drug use as determined by the Director, and specific measurements to evaluate progress toward the targets and strategic goals;

''(iii) a strategy to reduce the availability and purity of illegal drugs and the level of drug-related crime in the United States;

''(iv) an assessment of Federal effectiveness in achieving the National Drug Control Strategy for the previous year, including—

''(I) a specific evaluation of whether the objectives and targets for reducing illicit drug use for the previous year were met and reasons for the success or failure of the previous year's Strategy; and

''(II) an assessment of the availability and purity of illegal drugs and the level of drug-related crime in the United States;

''(v) notification of any program or budget priorities that the Director expects to significantly change from the current Strategy over the next five years;

''(vi) a review of international, State, local, and private sector drug control activities to ensure that the United States pursues well-coordinated and effective drug control at all levels of government;

''(vii) such statistical data and information as the Director deems appropriate to demonstrate and assess trends relating to illicit drug use, the effects and consequences thereof, supply reduction, demand reduction, drug-related law enforcement, and the implementation of the National Drug Control Strategy; and

''(viii) a supplement reviewing the activities of each individual National Drug Control Program agency during the previous year with respect to the National Drug Control Strategy and the Director's assessment of the progress of each National Drug Control Program agency in meeting its responsibilities under the National Drug Control Strategy.

''(B) CLASSIFIED INFORMATION.—Any contents of the National Drug Control Strategy that involve information properly classified under criteria established by an Executive order shall be presented to Congress separately from the rest of the National Drug Control Strategy.

''(C) SELECTION OF DATA AND INFORMATION.—In selecting data and information for inclusion under subparagraph (A), the Director shall ensure—

''(i) the inclusion of data and information that will permit analysis of current trends against previously compiled data and information where the Director believes such analysis enhances long-term assessment of the National Drug Control Strategy; and

''(ii) the inclusion of data and information to permit a standardized and uniform assessment of the effectiveness of drug treatment programs in the United States.

''(3) PROCESS FOR DEVELOPMENT AND SUBMISSION.—

''(A) CONSULTATION.—In developing and effectively implementing the National Drug Control Strategy, the Director—

''(i) shall consult with—

''(I) the heads of the National Drug Control Program agencies;

''(II) Congress;

''(III) State and local officials;

''(IV) private citizens and organizations with experience and expertise in demand reduction;

''(V) private citizens and organizations with experience and expertise in supply reduction;

''(VI) private citizens and organizations with experience and expertise in law enforcement; and

''(VII) appropriate representatives of foreign governments;

''(ii) with the concurrence of the Attorney General, may require the El Paso Intelligence Center to undertake specific tasks or projects to implement the National Drug Control Strategy;

''(iii) with the concurrence of the Director of Central Intelligence and the Attorney General, may request that the National Drug Intelligence Center undertake specific tasks or projects to implement the National Drug Control Strategy; and

''(iv) may make recommendations to the Secretary of Health and Human Services on research that supports or advances the National Drug Control Strategy.

''(B) RECOMMENDATIONS.—Recommendations under subparagraph (A)(iv) may include recommendations of research to be performed at the National Institutes of Health, including the National Institute on Drug Abuse, or any other appropriate agency within the Department of Health and Human Services.

''(C) INCLUSION IN STRATEGY.—The National Drug Control Strategy under this subsection shall include a list of each entity consulted under subparagraph (A)(i).

''(4) SUBMISSION OF REVISED STRATEGY.—The President may submit to Congress a revised National Drug Control Strategy that meets the requirements of this section—

''(A) at any time, upon a determination by the President, in consultation with the Director, that the National Drug Control

Strategy in effect is not sufficiently effective; or

''(B) if a new President or Director takes office.

''(b) PERFORMANCE MEASUREMENT SYSTEM.—Not later than February 1 of each year, the Director shall submit to Congress a description of the national drug control performance measurement system, designed in consultation with affected National Drug Control Program agencies, that includes performance measures for the National Drug Control Strategy and activities of National Drug Control Program agencies related to the National Drug Control Strategy.''.

SEC. 6. HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM.

(a) IN GENERAL.—Section 707 (21 U.S.C. 1706) is amended to read as follows:

''SEC. 707. HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM.

''(a) ESTABLISHMENT.—There is established in the Office a program to be known as the High Intensity Drug Trafficking Areas Program (in this section referred to as the 'Program').

''(b) PURPOSES.—The purposes of the Program are the following:

''(1) To reduce drug availability and facilitate cooperative efforts between Federal, State, and local law enforcement agencies in areas with significant drug trafficking problems that harmfully impact other parts of the Nation.

''(2) To provide assistance to agencies to come together to assess regional threats, design coordinated strategies to combat those threats, share intelligence, and develop and implement coordinated initiatives to implement the strategies.

''(c) DESIGNATION.—The Director, upon consultation with the Attorney General, the Secretary of the Treasury, the Secretary of Homeland Security, heads of the National Drug Control Program agencies, and the Governor of each applicable State, may designate any specified area of the United States as a high intensity drug trafficking area.

''(d) FACTORS FOR CONSIDERATION.—

''(1) IN GENERAL.—In considering whether to designate an area under this section as a high intensity drug trafficking area, the Director shall consider, in addition to such other criteria as the Director considers to be appropriate, the extent to which—

''(A) the area is a major center of illegal drug production, manufacturing, importation, or distribution for the United States as compared to other areas of the United States;

''(B) State and local law enforcement agencies have committed resources to respond to the drug trafficking problem in the area, thereby indicating a determination to respond aggressively to the problem;

''(C) drug production, manufacturing, importation, or distribution in the area is having a significant harmful impact in other areas of the United States; and

''(D) a significant increase in allocation of Federal resources is necessary to respond adequately to drug-related activities in the area.

''(2) CONSIDERATIONS.—For purposes of paragraph (1)(A), in considering whether an area is a major center of illegal drug production, manufacturing, importation, or distribution as compared to other areas of the United States, the Director shall consider—

''(A) the quantity of illicit drug traffic entering or transiting the area originating in foreign countries;

''(B) the quantity of illicit drugs produced in the area;

''(C) the number of Federal, State, and local arrests, prosecutions, and convictions for drug trafficking and distribution offenses in the area;

''(D) the degree to which the area is a center for the activities of national drug trafficking organizations; and

''(E) such other criteria as the Director considers appropriate.

''(e) SOUTHWEST BORDER.—The Director may not designate any county contiguous to the international land border with Mexico as part of any high intensity drug trafficking area other than as part of a single Southwest Border high intensity drug trafficking area.

''(f) REMOVAL FROM DESIGNATION.—The Director may remove an area or portion of an area from designation as a high intensity drug trafficking area under this section upon determination that the area or portion of an area no longer is a high intensity drug trafficking area, considering the factors in subsections (d) and (e) in addition to such other criteria as the Director considers to be appropriate.

''(g) AUTHORITY OF THE DIRECTOR.—After making such a designation and in order to provide Federal assistance to the area so designated, the Director may—

''(1) obligate such sums as appropriated for the Program, in accordance with subsection (h);

''(2) direct the temporary reassignment of Federal personnel to such area, subject to the approval of the head of the department or agency that employs such personnel; and

''(3) take any other action authorized under section 704 to provide increased Federal assistance to those areas.

''(h) ALLOCATION OF FUNDING.—In obligating sums appropriated for the Program, the Director shall comply with the following:

''(1) 30 PERCENT SET ASIDE.—The Director shall expend no less than 30 percent of the amounts appropriated under this section in the seven high intensity drug trafficking areas (excluding the Southwest Border high intensity drug trafficking area) for which the Director determines that Program activities with respect to such areas will have the greatest impact on reducing overall drug traffic in the United States.

''(2) 25 PERCENT SET ASIDE.—The Director shall expend no less than 25 percent of the amounts appropriated under this section in nine other high intensity drug trafficking areas (excluding the Southwest Border high intensity drug trafficking area) for which the Director determines that Program activities with respect to such areas will have the next greatest impact on reducing overall drug traffic in the United States.

''(3) SOUTHWEST BORDER AREA.—

''(A) 20 PERCENT SET ASIDE.—The Director shall expend no less than 20 percent of the amounts appropriated under this section in the Southwest Border high intensity drug trafficking area.

''(B) REALLOCATION WITHIN AREA.—The executive committee of the Southwest Border high intensity drug trafficking area may reallocate up to five percent of the total funds allocated to that area among its components, with the approval of the Director.

''(4) REMAINING AREAS.—The Director shall expend no less than 10 percent of the amounts appropriated under this section in the remaining high intensity drug trafficking areas.

''(5) DISCRETIONARY EXPENDITURES.—

''(A) IN GENERAL.—In addition to the amounts allocated under paragraphs (1) through (4) the Director may expend 15 percent of the amounts appropriated under this section on a discretionary basis.

''(B) CONSIDERATION OF IMPACT.—In allocating funds under this paragraph, the Director shall consider—

''(i) the impact of activities funded on reducing overall drug traffic in the United States;

''(ii) performance measures of effectiveness; and

''(iii) such other criteria as the Director considers appropriate.

''(i) USE OF FUNDS.—

''(1) LIMITATION.—No funds appropriated for the Program shall be expended for drug treatment programs.

''(2) LIMITATION ON APPLICABILITY.—Paragraph (1) shall not apply with respect to the Baltimore/Washington high intensity drug trafficking area.

''(j) TERRORISM ACTIVITIES.—

''(1) ASSISTANCE AUTHORIZED.—The Director may authorize use of resources available for the Program to assist Federal, State, and local law enforcement agencies in investigations and activities related to terrorism and prevention of terrorism, especially but not exclusively where such investigations are related to drug trafficking.

''(2) LIMITATION.—The Director shall ensure—

''(A) that assistance provided under paragraph (1) remains incidental to the purpose of the Program to reduce drug availability and carry out drug-related law enforcement activities; and

''(B) that significant resources of the Program are not redirected to activities exclusively related to terrorism.

''(k) BOARD REPRESENTATION.—None of the funds appropriated under this section may be expended for any high intensity drug trafficking area, or for a partnership under the Program, if the executive board or equivalent governing committee with respect to such area or partnership is not comprised of equal voting representation between representatives of Federal law enforcement agencies and representatives of State and local law enforcement agencies.

''(l) ROLE OF DRUG ENFORCEMENT ADMINISTRATION.—The Director, in consultation with the Attorney General, shall ensure that a representative of the Drug Enforcement Administration is included in the Intelligence Support Center for each high intensity drug trafficking area.

''(m) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Office of National Drug Control Policy to carry out this section—

''(1) $230,000,000 for fiscal year 2004;

''(2) $240,000,000 for each of fiscal years 2005 and 2006; and

''(3) $250,000,000 for each of fiscal years 2007 and 2008.''.

(b) REVIEW OF CURRENT AREAS.—Within one year after the date of enactment of this Act, the Director of National Drug Control Policy shall—

(1) review each of the areas currently designated as a high intensity drug trafficking area to determine whether it continues to warrant designation as a high intensity drug trafficking area, considering the factors in section 707(d) of the Office of National Drug Control Policy Reauthorization Act of 1998, as amended by this section, in addition to such other criteria as the Director considers to be appropriate; and

(2) terminate such description for an area or portion of an area determined to no longer warrant designation.

SEC. 7. FUNDING FOR CERTAIN HIGH INTENSITY DRUG TRAFFICKING AREAS.

(a) SHORT TITLE.—This section may be cited as the ''Dawson Family Community Protection Act''.

(b) FINDINGS.—Congress finds the following:

(1) In the early morning hours of October 16, 2002, the home of Carnell and Angela Dawson was firebombed in apparent retaliation for Mrs. Dawson's notification of police

about persistent drug distribution activity in their East Baltimore City neighborhood.

(2) The arson claimed the lives of Mr. and Mrs. Dawson and their 5 young children, aged 9 to 14.

(3) The horrific murder of the Dawson family is a stark example of domestic narco-terrorism.

(4) In all phases of counter-narcotics law enforcement—from prevention to investigation to prosecution to reentry—the voluntary cooperation of ordinary citizens is a critical component.

(5) Voluntary cooperation is difficult for law enforcement officials to obtain when citizens feel that cooperation carries the risk of violent retaliation by illegal drug trafficking organizations and their affiliates.

(6) Public confidence that law enforcement is doing all it can to make communities safe is a prerequisite for voluntary cooperation among people who may be subject to intimidation or reprisal (or both).

(7) Witness protection programs are insufficient on their own to provide security because many individuals and families who strive every day to make distressed neighborhoods livable for their children, other relatives, and neighbors will resist or refuse offers of relocation by local, State, and Federal prosecutorial agencies and because, moreover, the continued presence of strong individuals and families is critical to preserving and strengthening the social fabric in such communities.

(8) Where (as in certain sections of Baltimore City) interstate trafficking of illegal drugs has severe ancillary local consequences within areas designated as high intensity drug trafficking areas, it is important that supplementary High Intensity Drug Trafficking Areas Program funds be committed to support initiatives aimed at making the affected communities safe for the residents of those communities and encouraging their cooperation with local, State, and Federal law enforcement efforts to combat illegal drug trafficking.

(c) FUNDING FOR CERTAIN HIGH INTENSITY DRUG TRAFFICKING AREAS.—Section 707 (21 U.S.C. 1706) is further amended in subsection (h) by adding at the end the following new paragraph:

''(6) SPECIFIC PURPOSES.—

''(A) IN GENERAL.—The Director shall ensure that, of the amounts appropriated for a fiscal year for the Program, at least $1,000,000 is used in high intensity drug trafficking areas with severe neighborhood safety and illegal drug distribution problems.

''(B) REQUIRED USES.—The funds used under subparagraph (A) shall be used—

''(i) to ensure the safety of neighborhoods and the protection of communities, including the prevention of the intimidation of potential witnesses of illegal drug distribution and related activities; and

''(ii) to combat illegal drug trafficking through such methods as the Director considers appropriate, such as establishing or operating (or both) a toll-free telephone hotline for use by the public to provide information about illegal drug-related activities.''.

SEC. 8. AMENDMENTS RELATING TO COUNTER-DRUG TECHNOLOGY ASSESSMENT CENTER.

(a) CHIEF SCIENTIST.—Section 708(b) (21 U.S.C. 1707(b)) is amended—

(1) in the heading by striking ''DIRECTOR OF TECHNOLOGY.—'' and inserting ''CHIEF SCIENTIST.—''; and

(2) by striking ''Director of Technology,'' and inserting ''Chief Scientist,''.

(b) ADDITIONAL RESPONSIBILITIES OF DIRECTOR.—Section 708(c) (21 U.S.C. 1707(c)) is amended to read as follows:

''(c) ADDITIONAL RESPONSIBILITIES OF THE DIRECTOR OF NATIONAL DRUG CONTROL POLICY.—

''(1) IN GENERAL.—The Director, acting through the Chief Scientist shall—

''(A) identify and define the short-, medium-, and long-term scientific and technological needs of Federal, State, and local law enforcement agencies relating to drug enforcement, including—

''(i) advanced surveillance, tracking, and radar imaging;

''(ii) electronic support measures;

''(iii) communications;

''(iv) data fusion, advanced computer systems, and artificial intelligence; and

''(v) chemical, biological, radiological (including neutron, electron, and graviton), and other means of detection;

''(B) identify demand reduction (including drug prevention) basic and applied research needs and initiatives, in consultation with affected National Drug Control Program agencies, including—

''(i) improving treatment through neuroscientific advances;

''(ii) improving the transfer of biomedical research to the clinical setting; and

''(iii) in consultation with the National Institute on Drug Abuse and the Substance Abuse and Mental Health Services Administration, and through interagency agreements or grants, examining addiction and rehabilitation research and the application of technology to expanding the effectiveness or availability of drug treatment;

''(C) make a priority ranking of such needs identified in subparagraphs (A) and (B) according to fiscal and technological feasibility, as part of a National Counter-Drug Enforcement Research and Development Program;

''(D) oversee and coordinate counter-drug technology initiatives with related activities of other Federal civilian and military departments;

''(E) oversee and coordinate a technology transfer program for the transfer of technology to State and local law enforcement agencies; and

''(F) pursuant to the authority of the Director of National Drug Control Policy under section 704, submit requests to Congress for the reprogramming or transfer of funds appropriated for counter-drug technology research and development.

''(2) PRIORITIES IN TRANSFERRING TECHNOLOGY.—In transferring technology under the authority of paragraph (1)(E), the Chief Scientist shall give priority, in transferring technologies most likely to assist in drug interdiction and border enforcement, to State, local, and tribal law enforcement agencies in southwest border areas and northern border areas with significant traffic in illicit drugs.

''(3) LIMITATION ON AUTHORITY.—The authority granted to the Director under this subsection shall not extend to the award of contracts, management of individual projects, or other operational activities.''.

(c) ASSISTANCE FROM SECRETARY OF HOMELAND SECURITY.—Section 708(d) (21 U.S.C. 1707(d)) is amended by inserting '', the Secretary of Homeland Security,'' after ''The Secretary of Defense''.

SEC. 9. REPEALS.

The following provisions are repealed:

(1) Sections 709 and 711 (21 U.S.C. 1708 and 1710).

(2) Section 6073 of the Asset Forfeiture Amendments Act of 1988 (21 U.S.C. 1509).

SEC. 10. NATIONAL YOUTH ANTIDRUG MEDIA CAMPAIGN.

(a) IN GENERAL.—The Act is further amended by inserting after section 708 the following:

''SEC. 709. NATIONAL YOUTH ANTIDRUG MEDIA CAMPAIGN.

''(a) IN GENERAL.—The Director shall conduct a national media campaign in accordance with this section for the purpose of reducing and preventing illicit drug use among young people in the United States, through mass media advertising.

''(b) USE OF FUNDS.—

''(1) IN GENERAL.—Amounts made available to carry out this section for the media campaign may only be used for the following:

''(A) The purchase of media time and space.

''(B) Creative and talent costs.

''(C) Advertising production costs.

''(D) Testing and evaluation of advertising.

''(E) Evaluation of the effectiveness of the media campaign.

''(F) The negotiated fees for the winning bidder on requests for proposals issued either by the Office or its designee for purposes otherwise authorized in this section.

''(G) Partnerships with community, civic, and professional groups and government organizations related to the media campaign.

''(H) Entertainment industry outreach, interactive outreach, media projects and activities, public information, news media outreach, and corporate sponsorship and participation.

''(I) Operational and management expenses.

''(2) SPECIFIC REQUIREMENTS.—

''(A) CREATIVE SERVICES.—

''(i) In using amounts for creative and talent costs under paragraph (1)(B), the Director shall use creative services donated at no cost to the Government wherever feasible and may only procure creative services for advertising—

''(I) responding to high-priority or emergent campaign needs that cannot timely be obtained at no cost; or

''(II) intended to reach a minority, ethnic, or other special audience that cannot reasonably be obtained at no cost.

''(ii) No more than $1,000,000 may be expended under this section each fiscal year on creative services, except that the Director may expend up to $2,000,000 in a fiscal year on creative services to meet urgent needs of the media campaign with advance approval from the Committee on Appropriations of the House of Representatives and of the Senate upon a showing of the circumstances causing such urgent needs of the media campaign.

''(B) TESTING AND EVALUATION OF ADVERTISING.—In using amounts for testing and evaluation of advertising under paragraph (1)(D), the Director shall test all advertisements prior to use in the media campaign to ensure that the advertisements are effective and meet industry-accepted standards. The Director may waive this requirement for advertisements using no more than 10 percent of the purchase of advertising time purchased under this section in an fiscal year and no more than 10 percent of the advertising space purchased under this section in a fiscal year, if the advertisements respond to emergent and time-sensitive campaign needs or the advertisements will not be widely utilized in the media campaign.

''(C) EVALUATION OF EFFECTIVENESS OF MEDIA CAMPAIGN.—In using amounts for the evaluation of the effectiveness of the media campaign under paragraph (1)(E), the Director shall—

''(i) designate an independent entity to evaluate annually the effectiveness of the national media campaign based on data from—

''(I) the 'Monitoring the Future Study' published by the Department of Health and Human Services;

''(II) the Attitude Tracking Study published by the Partnership for a Drug Free America;

''(III) the National Household Survey on Drug Abuse; and

''(IV) other relevant studies or publications, as determined by the Director, including tracking and evaluation data collected according to marketing and advertising industry standards; and

''(ii) ensure that the effectiveness of the media campaign is evaluated in a manner that enables consideration of whether the media campaign has contributed to reduction of illicit drug use among youth and such other measures of evaluation as the Director determines are appropriate.

''(3) PURCHASE OF ADVERTISING TIME AND SPACE.—For each fiscal year, not less than 77 percent of the amounts appropriated under this section shall be used for the purchase of advertising time and space for the media campaign, subject to the following exceptions:

''(A) In any fiscal year for which less than $125,000,000 is appropriated for the media campaign, not less than 82 percent of the amounts appropriated under this section shall be used for the purchase of advertising time and space for the media campaign.

''(B) In any fiscal year for which more than $195,000,000 is appropriated under this section, not less than 72 percent shall be used for advertising production costs and the purchase of advertising time and space for the media campaign.

''(c) ADVERTISING.—In carrying out this section, the Director shall devote sufficient funds to the advertising portion of the national media campaign to meet the goals of the campaign.

''(d) PROHIBITIONS.—None of the amounts made available under subsection (b) may be obligated or expended for any of the following:

''(1) To supplant current antidrug community-based coalitions.

''(2) To supplant pro bono public service time donated by national and local broadcasting networks for other public service campaigns.

''(3) For partisan political purposes, or express advocacy in support of or to defeat any clearly identified candidate, clearly identified ballot initiative, or clearly identified legislative or regulatory proposal.

''(4) To fund advertising that features any elected officials, persons seeking elected office, cabinet level officials, or other Federal officials employed pursuant to section 213 of Schedule C of title 5, Code of Federal Regulations.

''(5) To fund advertising that does not contain a primary message intended to reduce or prevent illicit drug use.

''(6) To fund advertising containing a primary message intended to promote support for the media campaign or private sector contributions to the media campaign.

''(e) MATCHING REQUIREMENT.—

''(1) IN GENERAL.—Amounts made available under subsection (b) shall be matched by an equal amount of non-Federal funds for the media campaign, or be matched with in-kind contributions of the same value.

''(2) NO-COST MATCH ADVERTISING DIRECT RELATIONSHIP REQUIREMENT.—The Director shall ensure that at least 70 percent of no-cost match advertising provided directly relates to substance abuse prevention consistent with the specific purposes of the media campaign, except that in any fiscal year in which less than $125,000,000 is appropriated to the media campaign, the Director shall ensure that at least 85 percent of no-cost match advertising directly relates to substance abuse prevention consistent with the specific purposes of the media campaign.

''(3) NO-COST MATCH ADVERTISING NOT DIRECTLY RELATED.—The Director shall ensure that no-cost match advertising that does not directly relate to substance abuse prevention includes a clear antidrug message. Such message is not required to be the primary message of the match advertising.

''(f) FINANCIAL AND PERFORMANCE ACCOUNTABILITY.—The Director shall cause to be performed—

''(1) audits and reviews of costs of the media campaign pursuant to section 304C of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254d); and

''(2) an audit of the cost of the media campaign described in section 306 of such Act (41 U.S.C. 256).

''(g) STRATEGIC GUIDANCE AND DONATIONS.—The Partnership for a Drug Free America shall serve as the primary outside strategic advisor to the media campaign and be responsible for coordinating donations of creative and other services to the campaign, except with respect to advertising created using funds permitted in subsection (b). The Director shall inform the Partnership for a Drug Free America of the strategic goals of the campaign and consider advice from the Partnership for a Drug Free America on media campaign strategy.

''(h) REPORT TO CONGRESS.—The Director shall submit on an annual basis a report to Congress that describes—

''(1) the strategy of the media campaign and whether specific objectives of the media campaign were accomplished;

''(2) steps taken to ensure that the media campaign operates in an effective and efficient manner consistent with the overall strategy and focus of the media campaign;

''(3) plans to purchase advertising time and space;

''(4) policies and practices implemented to ensure that Federal funds are used responsibly to purchase advertising time and space and eliminate the potential for waste, fraud, and abuse; and

''(5) all contracts entered into with a corporation, partnership, or individual working on behalf of the media campaign.

''(i) LOCAL TARGET REQUIREMENT.—The Director shall, to the maximum extent feasible, use amounts made available under this section for media that focuses on, or includes specific information on, prevention or treatment resources for consumers within specific local areas.

''(j) PREVENTION OF MARIJUANA USE.—

''(1) FINDINGS.—The Congress finds the following:

''(A) 60 percent of adolescent admissions for drug treatment are based on marijuana use.

''(B) Potency levels of contemporary marijuana, particularly hydroponically grown marijuana, are significantly higher than in the past, rising from under 1 percent of THC in the mid-1970s to as high as 30 percent today.

''(C) Contemporary research has demonstrated that youths smoking marijuana early in life may be up to five times more likely to use hard drugs.

''(D) Contemporary research has demonstrated clear detrimental effects in adolescent educational achievement resulting from marijuana use.

''(E) Contemporary research has demonstrated clear detrimental effects in adolescent brain development resulting from marijuana use.

''(F) An estimated 9,000,000 Americans a year drive while under the influence of illegal drugs, including marijuana.

''(G) Marijuana smoke contains 50 to 70 percent more of certain cancer causing chemicals than tobacco smoke.

''(H) Teens who use marijuana are up to four times more likely to have a teen pregnancy than teens who have not.

''(I) Federal law enforcement agencies have identified clear links suggesting that trade in hydroponic marijuana facilitates trade by criminal organizations in hard drugs, including heroin.

''(J) Federal law enforcement agencies have identified possible links between trade in marijuana and financing for terrorist organizations.

''(2) EMPHASIS ON PREVENTION OF YOUTH MARIJUANA USE.—In conducting advertising and activities otherwise authorized under this section, the Director may emphasize prevention of youth marijuana use.

''(k) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Office to carry out this section, $195,000,000 for each of fiscal years 2004 and 2005 and $210,000,000 for each of fiscal years 2006 through 2008.''.

(b) REPEAL OF SUPERSEDED PROVISIONS.—The Drug-Free Media Campaign Act of 1998 (21 U.S.C. 1801 et seq.) is repealed.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

Section 714 (21 U.S.C. 1711) is amended—

(1) by striking ''title,'' and inserting ''title, except activities for which amounts are otherwise specifically authorized by this title,''; and

(2) by striking ''1999 through 2003'' and inserting ''2004 through 2008''.

SEC. 12. EXTENSION OF TERMINATION DATE.

Section 715(a) is amended by striking ''September 30, 2003, this title and the amendments made by this title are repealed'' and inserting ''September 30, 2008, this title is repealed''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana (Mr. SOUDER) and the gentleman from Maryland (Mr. CUMMINGS) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana (Mr. SOUDER).

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, the abuse of illegal narcotics and its silent, everyday impact on the health and safety of families and the stability of every community across the country continues to be one of the most pressing issues facing the United States. This bill, introduced by myself and the gentleman from Virginia (Mr. TOM DAVIS), the distinguished chairman of the full committee, is a forceful and bipartisan recommitment to our diverse national efforts to control drug abuse and to renew our support for a strong Office of National Drug Control Policy, to plan and coordinate the President's strategy to measurably reduce drug use by American youth and to control drug abuse and its consequences.

Mr. Speaker, most people driving on two-lane highways throughout the farmland of northeast Indiana would probably find it hard to believe that

the plague of illegal narcotics hits home even there, but drug use and abuse is not unique to the big cities on the coasts. In 1996, Indiana law enforcement knew of only a single methamphetamine lab in the entire State. Only 5 years later, there were 499. That number dropped to 375 in 2002, but it is still an indication of the kinds of challenges places like Indiana face when it comes to illegal drugs.

Meth is not the only problem in Indiana. Fort Wayne is not a huge city, about 225,000, but there have been some huge cocaine busts there this year. This summer alone, two separate stings in Fort Wayne yielded 50 pounds of cocaine with a street value of $2.3 million. We thought cocaine was nearly gone. We were wrong.

Mr. Speaker, almost half of the 12th graders in Indiana say they have used marijuana in the last year. Almost 9 percent say they have used powdered cocaine; 15 percent have used methamphetamines, but that is not the worst of it. Almost four in 100 sixth graders in Indiana say they have used marijuana in the last year. One in 200 have used powdered cocaine. These are 11- and 12-year-olds.

Consequently, one might ask, is there any point in fighting this battle at all? I am frequently asked whether we believe we can ever completely eliminate illegal drug use. The simple answer to that question is no. We cannot eliminate sin. But that does not mean we cannot and should not try, any more than we would give up on spouse abuse or child abuse. It does mean that we can make a difference in some cases.

The current administration has made a real effort to fight the scourge of illegal drugs, and that effort has shown results. Usage statistics that peaked in the late 1990s are now making a slow but steady decline, both nationwide and in my home State of Indiana. The numbers I cited above are too high, but they are improvements over statistics just a few short years ago.

What does that mean? That means there is a long fight ahead, but things are far from helpless. We can make a difference in people's lives, and that is why this bill is so important. This bill does not and cannot address each of the many specific national programs involved in our coordinated strategies to reduce demand for illegal drugs, the prevention and treatment, reduce the supply of narcotics through source-country programs, and interdiction and to disrupt and dismantle drug trafficking organizations and control the consequences of drug-related crime through coordinated law enforcement. The details of these programs continue to be dealt with by each of the separate authorizing committees of jurisdiction. It does, however, provide a cornerstone and ensure that these programs will be coordinated and effective through the broad guidance and coordination of the Office of National Drug Control Policy on behalf of the President.

The legislation reauthorizes ONDCP and its programs for 5 years. It makes some significant revisions to current law that will enhance the effectiveness and accountability of the National Drug Control strategy and its programs, streamline and simplify the process for its development, and provide increased flexibility to the ONDCP Director to respond to changing circumstances.

For example, we have replaced an inflexible legal requirement for a bloated 5-year strategy, guided by pages of outdated statutory mandates, with a flexible and responsive annual strategy that still follows the same basic principles to ensure a comprehensive and responsible drug strategy. We have also worked in many areas to improve performance measurement for the annual strategy, Federal drug control programs, ONDCP programs, and even some private sector efforts to ensure that these programs will be effective and accountable. For example, we are now requiring that the director conduct a specific evaluation of the performance of each Federal agency in carrying out its responsibilities under the strategy each year and have mandated, for the first time ever, that a uniform system be developed to evaluate the effectiveness of the drug treatment programs in the United States.

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The bill also provides for direct evaluation of the effectiveness of the media campaign in its individual ads.

Another key theme of the bill is our efforts to ensure that ONDC programs, most notably the HIDTA program and the media campaign, remain directed to their original intent and purpose in areas where our oversight activities have clearly demonstrated some lack of focus.

Finally, the bill is intended to ensure that the Federal Government maintains appropriate attention and resources directed to drug control, which has recently too often been subjugated to other purposes and policies.

This bill is a true bipartisan effort passed by unanimous vote in subcommittee and authorizing subcommittee, and by voice vote in the full committee, and represents the outcome of ongoing consultation and discussions with the minority.

The bill contains a complete text of the Dawson Family Community Protection Act that was introduced by the distinguished ranking member of the subcommittee, the gentleman from Maryland (Mr. CUMMINGS), to address witness and community protection initiatives in the wake of the tragic death of the Dawson family in Baltimore at the hands of violent drug dealers.

The bill reported from the committee also contains a number of items requested by the gentleman from California (Mr. WAXMAN), the distinguished ranking member of the full committee, many of which reflect a clear bipartisan agreement that the media campaign should not be used for political purposes.

The bill also contains many suggestions from Members on both sides of the aisle including the work of the gentleman from Ohio (Mr. PORTMAN) on the media campaign and changes to the current law requested by Director Walters in the administration.

It incorporates suggestions and ideas from key outside groups including the Community Anti-Drug Coalitions of America, drug treatment providers, the Partnership for Drug Free America, and members of the Federal, State, local and tribal law enforcement participating in the HIDTA and CTAC programs, most notably the Drug Enforcement Administration.

While no one is necessarily completely happy with this bill, the final result was a bill that achieved nearly unanimous bipartisan support in the committee. This is a strong bipartisan bill to send to the other body.

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

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

Mr. Speaker, I rise in support of H.R. 2086, the Office of National Drug Control Policy Reauthorization of 2003.

Mr. Speaker, there is no greater problem in America than drug abuse. Illegal drugs contribute to an estimated 50,000 deaths in the United States each year. Nineteen thousand of these deaths are a direct result of illegal drug use.

According to the National Household Survey on Drug Abuse, 16 million Americans used an illegal drug on at least a monthly basis in 2001, including 6.1 million who needed treatment. In Baltimore City alone there are some 50,000 people addicted to drugs.

Most crime in the United States has an illegal drug nexus; and most of the prisoners sitting in the United States' prisons, jails, and detention facilities are there because of illegal drug activity.

These facts paint an ugly picture of the impact of drugs on American society; but they do not begin to describe the tragic harm done to individuals, families, and communities by drugs and drug-related crimes. In neighborhoods in Baltimore and Howard counties, I cannot escape seeing every day the devastating, destructive impact that drugs and drug-related crime, including violent crime, exact on communities. So it is with great seriousness that I approach this legislation reauthorizing the Office of National Drug Control Policy and related drug control programs.

The Office of National Drug Policy plays a central role in shaping and coordinating our Nation's policy and programs relating to illegal drugs. Established in 1988 and last reauthorized in 1997, ONDCP has the lead responsibility in the executive branch for establishing policies, priorities, and objectives relating to the demand for, and the supply of, illegal drugs in the United States.

The director of National Drug Control Policy, or the drug czar, will have strong influence over the shape, direction, and implementation of Federal drug policy by certifying the drug control budgets of Federal departments and agencies that contribute to the national drug control strategy.

In addition to its policy and coordination functions, the ONDCP directly administers the High Intensity Drug Trafficking Areas program, the National Youth Anti-Drug Media Campaign, the Counterdrug Technology Assessment Center, and the Drug Free Communities program. Each of these programs plays an important role in implementing the national drug control strategy's goal of preventing drug use before it starts, healing America's drug users, and disrupting the market for illegal drugs.

H.R. 2086 would reauthorize for 5 years not only the Office of National Drug Control Policy, but also the HIDTA program, the CTAC, and the media campaign. And I believe that the office and these programs should be reauthorized.

This bill is not perfect, and I would agree with Mr. SOUDER that no one is completely happy with it. It is not the bill that I would have written. I know that some of my Democratic colleagues have strong concerns in certain areas, and I share some of those concerns. But we have worked in the Committee on Government Reform to make this bill better than it was. And through bipartisan negotiations with the gentleman from Virginia (Mr. TOM DAVIS), chairman of the drug control policy subcommittee, and the gentleman from Indiana (Mr. SOUDER), the gentleman from California (Mr. WAXMAN) and I were able to make significant improvements in key areas.

In particular, my colleagues who serve on the Committee on the Judiciary have raised legitimate concerns about language in the bill prohibiting the use of High Intensity Drug Trafficking Area program funds for treatment and prevention. The gentleman from California (Mr. WAXMAN) and I have tried over the past several weeks to address this concern with Chairman DAVIS and Chairman SOUDER.

The majority and ONDCP were not receptive to ideas we proposed that would have allowed additional HIDTAs to establish new treatment initiatives. We were able to achieve, however, an agreement to return to lift the restriction on HIDTA funds used for prevention, and we will continue to work through conference to restore the ability of HIDTAs that already have limited treatment programs to continue their treatment initiatives.

I hope that eventually we will see fit to allow additional HIDTAs the opportunity to implement new treatment initiatives as part of a strategy to reduce the public safety threat posed by offenders who use drugs and commit drug related crimes, including violent crimes.

I would point out that the Washington-Baltimore HIDTA's innovative use of treatment as a crime control tool in direct support of law enforcement initiatives has resulted in substantially reduced recidivism and rearrest rates for offenders who have participated in HIDTA-funded treatment programs. In other words, our HIDTA law enforcement efforts are more effective because they are linked with HIDTA-funded treatment initiatives that are specifically designed to support them. Other HIDTAs should have the ability to invest in this approach which shows that law enforcement and treatment work best when they are pursued in a closely coordinated fashion.

Our negotiations with the majority also resulted in the elimination of a provision that would have opened the door to partisan political use of a national anti-drug media campaign with respect to anti-legalization efforts by the ONDCP director. As a result of our negotiations, the current bill would, one, maintain the existing prohibition on partisan political use of the media campaign; two, bar the use of media campaign funds to support advocacy against or in favor of any candidate, ballot initiative, or legislative or regulatory proposal, even if the candidate or measure is not partisan in nature; and finally absolutely prohibit the appearance of highly visible Federal officials in media campaign advertising.

Together, these provisions reflect a bipartisan agreement that the media campaign should place its focus on the goal of preventing youth drug use and that it should stay out of the business of influencing elections and legislative or regulatory proposals involving medical marijuana or any other extraneous issue.

The current bill also does not contain a provision that sought to punish State and local law enforcement in high-intensity drug trafficking areas in which States have adopted medical marijuana laws. The bill before us does include H.R. 1599, the Dawson Family Community Protection Act, legislation I introduced in response to one of the most tragic drug-related crimes in memory. The bill commemorates the lives of a courageous mother and a devoted father and five precious children who were senselessly murdered when their home was set ablaze in the middle of the night on October 16 of last year, apparently in retaliation for Angela Dawson's repeated complaints to police about drug distribution in her East Baltimore neighborhood.

This legislation would direct the drug czar to fund HIDTA initiatives aimed at increasing neighborhood safety and facilitating witness cooperation in communities ravaged by rampant drug trafficking activity and related violence.

I thank the gentleman from Indiana (Chairman SOUDER) again for his cosponsorship of H.R. 1599 and for including it in this reauthorization package.

Amendments that I offered and were adopted with the gentleman from Indiana's (Chairman SOUDER) support in subcommittee were slightly modified in full committee but remain mostly intact. This bill says the director must ensure through his budget certification authority that the administration's proposed funding of drug treatment programs will be adequate to enhance Federal treatment programs and capacity. Most of our States are suffering through fiscal crises, and cutbacks in State funding for drug treatment are widespread. Maintaining and expanding access to treatment on demand despite this economic trend is indeed vital.

With that, Mr. Speaker, I would like to thank the gentleman from Virginia (Mr. TOM DAVIS), the gentleman from Indiana (Chairman SOUDER), and the gentleman from California (Mr. WAXMAN) for their cooperation of collaborative approach in working with us to resolve the matters of sharpest disagreement between the majority and the minority. I would also like to commend the gentleman from California (Mr. WAXMAN), ranking member, again for his leadership in representing the interests of the minority in this legislation and concerning a multitude of other issues that have come before the Committee on Government Reform and this great House.

I urge my colleagues to support this bill.

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

Mr. SOUDER. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Florida (Mr. MICA), the former chairman of the subcommittee.

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

Mr. Speaker, I am pleased to rise in support this afternoon of one of the most important reauthorization pieces of legislation that will be addressed by this Congress, and that is the reauthorization of the Office of National Drug Control Policy.

Unfortunately, this is an issue that sometimes gets shoved below the radar screen in Congress and in our society, but I can tell the Members that there are very few social issues facing this Nation like the problem of illegal narcotics. In the latest report I have, the deaths that were drug related in this country in the year 2000, this is 3 years old, were 19,698. That is almost 54 human beings, 54 citizens in our country that die from drug-related deaths each day in the United States, an incredible number. And that is not to mention those who lose their lives such as the tragic death of those who were murdered in a drug-related crime in Baltimore, the Dawson family. Drug deaths now exceed homicides in the United States, and I would venture to say that nearly half of the homicides in the United States are drug related.

One of the issues that has been raised if this reauthorization is putting more money in treatment, and when I was chairman I supported a good balanced

approach, and I think the gentleman from Indiana (Mr. SOUDER) and the gentleman from Maryland (Mr. CUMMINGS) have tried to do that, and certainly the administration has. We have to understand that in the previous fiscal year 2002, the Federal Government spent nearly half, 45 percent, of all of its drug control policy budget on treatment and prevention. And it is not always how much we spend. It is very important how we spend that money, that it is spent effectively.

□ 1430

If we have learned nothing else in our experience over the years on this major social problem facing us, it is that a balance of education and prevention, of treatment, of interdiction, of enforcement, and all of these elements put together in a balanced approach will make a difference. That is why this is a good, balanced approach.

We have seen what has happened when we have good enforcement and when we do not have good enforcement. The gentleman from Maryland (Mr. CUMMINGS) has experienced that himself in Baltimore, one of our Nation's great cities, where the death toll was way over the 300 mark and they had lax enforcement. Mayor O'Malley went in, with the guidance of the gentleman from Maryland (Mr. CUMMINGS), and with attention from the Federal Government and others, we have reduced the tragedy of deaths in that city.

We saw in New York City under the Giuliani plan deaths and homicides exceeded 2,000 in New York City. With a tough enforcement plan, that was reduced to between 600 and 700; and we still see the results of that tough enforcement. So we cannot make the mistake of imbalancing our approach, and that is why this is a good approach.

Mr. Speaker, I want to salute the chairman and ranking member. The President of the United States has taken a personal interest in the leadership of John Walters, the head of the Office of Drug Control Policy. They have a plan. It is working, it is effective, and it is a balanced approach and the right approach.

So, Mr. Speaker, I urge my colleagues to pass this important reauthorization.

Mr. CUMMINGS. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Illinois (Mr. DAVIS), a member of the subcommittee.

Mr. DAVIS of Illinois. Mr. Speaker, I want to commend the gentleman from Indiana (Chairman SOUDER) and the gentleman from Maryland (Ranking Member CUMMINGS) for the tremendous amount of work that has gone into the development of this legislation. In addition to that, I want to commend them for the overall work that has been done on this issue. We have attended hearings in many places throughout the country, well attended, as an indication of the tremendous amount of interest that people have in one of the most pernicious issues facing our society.

Out of respect for the bipartisan efforts that have taken place to try and reach agreement, I am very pleased that this legislation is on the floor. I am in agreement with those who suggest that not enough emphasis, though, is placed upon treatment. While all of the components of trying to wrestle with the drug problem are necessary and essential and while they must be balanced, I, for one, believe that we need to place more emphasis and put more resources into treatment for those individuals who are, in fact, addicted. As a matter of fact, I am a proponent of what I call treatment on demand. That is, whenever a person who is addicted presents himself or herself seeking treatment, they ought to be able to receive it.

I am also concerned that in this country, while it is not necessarily a part of this legislation or covered in this bill, that there are individuals who are denied the opportunity to receive a Pell grant to go to college because they have been convicted of a drug offense. While that may seem rational and logical and wholesome and healthy and good because there are never enough resources to go around for everybody in our country to receive what they need, I think there are some situations where, rather than aiding the situation and helping it to change, that we actually retard the growth and development of individuals. Or the fact that there are individuals who, when convicted of drug offenses, can be denied food stamps. While, again, that does not diminish in any way the work that this subcommittee has done or the work that the full committee has done, those are realities of our society and realities of our times and issues that I think must be addressed.

Notwithstanding that, I commend the gentleman from Virginia (Chairman DAVIS), the gentleman from California (Ranking Member WAXMAN) and, again, the gentleman from Indiana (Mr. SOUDER) and the gentleman from Maryland (Mr. CUMMINGS) for the work that they have done.

Mr. SOUDER. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Virginia (Mr. TOM DAVIS), the chairman of the full committee.

Mr. TOM DAVIS of Virginia. Mr. Speaker, first of all, let me thank the gentleman from Indiana (Chairman SOUDER) for his leadership on this issue, as he has made a career of this since he came to Congress, and to his ranking member, (Mr. CUMMINGS) of Maryland. I appreciate them working together. To my ranking member on the full committee, the gentleman from California (Mr. WAXMAN), we appreciate his input here to reach this compromise we have here today.

Since its inception in 1988, the Office of National Drug Control Policy has been the cornerstone of drug policy in America, improving the lives of all Americans by reducing the presence of drugs in our society. This office has been producing the results our Nation needs: Teen drug use is on the decline, and that is just one of many positive advancements which have been made by ONDCP in the last couple of years.

The many positive signs and trends that Director Walters reported in this year's National Drug Control Strategy clearly demonstrate the difference the office can make when strong and effective leadership is merged with sound policy.

Drug use and abuse is a national crisis that affects the health of our citizens and, in turn, our country. To win the war on drugs, we need to address the problem of drugs in our society from every angle. This legislation gives ONDCP the appropriate resources to stop drug use before it starts, to heal drug users, and disrupt drug markets.

We all know that drugs affect people from all walks of life. Rich, poor, whatever race, addiction does not discriminate. A strong national drug policy is in the interests of every American.

Mr. Speaker, the bill we bring to the floor today is bipartisan in the best sense of the word. It is the product of careful negotiation and strong bipartisan agreement. In crafting this important piece of legislation, we aimed to provide the best possible support for the administration and Director Walters in implementing the President's strategy. We sought to make ONDCP more efficient by reducing outdated reporting and structural requirements that are in the current law. We also gave significant attention to reforms of the Media Campaign and the HIDTA program to ensure that they are effective and true to their original aims. Both of these programs have grown in ways that were not originally intended, and the bill reflects the desire to ensure that the programs remain accountable and dedicated to their core purposes.

Again, I want to thank the gentleman from Indiana (Chairman SOUDER) and the subcommittee ranking member, the gentleman from Maryland (Mr. CUMMINGS), and my full committee counterpart, the gentleman from California (Ranking Member WAXMAN) for their leadership, dedication, and hard work on this authorization legislation. I am happy that we could reach a bipartisan agreement on this bill. It is too important to play politics with, and there is no place for partisanship in protecting our children against drugs. This bipartisanship was reflected in the unanimous vote to pass the bill out of our committee.

Mr. Speaker, I am confident that we have put together a cohesive, effective piece of legislation to maintain and provide ONDCP with the necessary tools to reduce illicit drug use, manufacturing, and trafficking, and drug-related crime and violence, and drug-related health consequences.

Mr. CUMMINGS. Mr. Speaker, I yield 5 minutes to the distinguished gentlewoman from California (Ms. WATERS), a Member who has worked a long time on the drug issue and the problems of drugs in this country and abroad.

Ms. WATERS. Mr. Speaker, I would like to thank the gentleman from Maryland (Mr. CUMMINGS) for yielding me this time. I know how hard he and others have worked on the bill, and I certainly know what they are attempting to do. I just feel as if I would be derelict in my duty if I did not speak to some of the issues that I have spent so many years working on. The gentleman from Maryland (Mr. CUMMINGS) did not have to allow me this time, knowing that I oppose the bill, and I am extremely appreciative for that.

Mr. Speaker, I rise in strong opposition both to the process that has brought this bill to the floor under suspension of the rules and to the substance of the underlying bill, H.R. 2086, the reauthorization bill for the Office of National Drug Control Policy, the so-called Drug Czar's Office.

Mr. Speaker, why is this bill before us today under suspension of the rules with only 20 minutes of debate for each side and no opportunity for Members to offer amendments? Is there anyone who truly believes that this bill could not be improved if we had a full and fair debate on the many issues raised by H.R. 2068 and if Members had the opportunity to offer amendments to the bill?

The Director of the ONDCP manages a Federal drug control budget of almost $20 billion. The Federal drug control budget for the last 5 fiscal years alone was almost $100 billion. ONDCP is tasked with managing an enormous Federal drug control budget. What is the return on the investment? Where is the bang for our Federal dollars? Surely, something more than such cursory floor consideration is in order for these major issues.

The war on drugs is a joke. It is ineffective, and it is a waste of taxpayers' money. This money should be spent on prevention, treatment, and rehabilitation. During proceedings in the Committee on the Judiciary, I certainly tried to offer amendments to defund this program altogether. We need to start all over again.

Mr. Speaker, the nationwide prison inmate population today is about 2.1 million people, over 160,000 of them in my State of California alone. Many of the inmates are serving time for drug offenses. Nationwide, more than 40 percent of the prison population consists of African American inmates. About 10 percent of the African American men in their mid to late 20s are behind bars. In some cities, more than 50 percent of young African American men are under the supervision of the criminal justice system. Given the role of mandatory minimum sentencing for drug offenses in producing these statistics, we need to have a serious debate about the efficacy and soundness of the war on drugs and on mandatory minimum sentencing.

Mr. Speaker, Americans need real help in diverting their children from drug use. Families need rehabilitation to save and unite families. This so-called war on drugs is merely a joke, and I believe that we can do better.

Supreme Court Justice Anthony Kennedy observed in a major speech this summer to the annual meeting of the American Bar Association on mandatory minimum sentencing, he said, ''Our resources are misspent.'' This is a Supreme Court Justice. ''Our punishments too severe, our sentences too long. The Federal sentencing guidelines should be revised downward. I can accept neither the necessity nor the wisdom of Federal mandatory minimum sentencing. In too many cases, mandatory minimum sentences are unwise and unjust.''

These task forces go out into these poor communities and find some misguided kid with one gram of crack cocaine. They spend all this time locking them up, taking them to court, getting mandatory minimum sentencing where they spend 5 years or more under mandatory minimum sentencing. The judge has no discretion. It does not make any difference whether they have ever been in trouble before. It does not make any difference that their families are good, they are professionals. The child makes one mistake. They are not cracking the big drug czars. They are not getting the people who are really responsible for putting the drugs on the streets. They will lock up anybody that they can easy so that they can get some more drug task force money.

I just had all the defendants here at the Congressional Black Caucus Foundation weekend from Tulia, Texas, where they arrested 10 percent of all of the African American men in the town of Tulia, Texas, arrested them on the testimony of one lying guy, one man who was a part of the drug task force, the drug agent, Mr. Thomas Coleman, who is now, by the way, under indictment for his misconduct in Tulia. He just simply lied. And he went to the judge, no jury, they gave people sentences from anywhere from 4 or 5 years to 20 and 30 years. They had to take an army of pro bono lawyers from the big law firms and from the NAACP and from the ACLU to go out and get these sentences overturned. This is a joke, and it needs to be stopped.

□ 1445

Mr. SOUDER. Mr. Speaker, I yield myself 2½ minutes.

Mr. Speaker, I wanted to clarify one of the matters from the gentlewoman from California (Ms. WATERS) because under President Bush, in 2 straight years of requests, he has had larger increases in treatment than in supply reduction. And it is good to see that she at least agrees with the President and House leadership on that matter. While we may have other disagreements, we all agree that we need to focus increasing amounts on treatment.

I also wanted to clarify that the purpose of this particular bill and HIDTAs was to have these high-intensity drug treatment areas where local and State law enforcement could tap into the Federal law enforcement, so rather than just going after the user on the street, we could actually have local and State law enforcement move up through the system to find the networks, to try to get the major drug dealers. That has not stopped all the street-level arrests, but it has made differences in Los Angeles and in Indiana, where we now see us able to go up the chain and try to get the big people behind those who are abusing the people in our neighborhoods on the street.

I also would like to clarify one other thing that has been sent out to some offices that has some false information from one of the conservative groups that has a false allegation about the amount of money being spent in this bill. This bill is a freeze for the next 2 years. In the third, fourth and fifth year, there is a $15 million increase in a $1 billion bill.

We have worked hard to try to manage this financially, and it is incorrect to imply that this bill is anything other than a freeze for the next few years. I think the wording is confusing on the criticism.

Furthermore, it proposes to criticize the one major prevention program we have, the media campaign, because of an OMB study. We have addressed a number of the things in this bill that OMB has asked for which was more restrictions. The letter also confuses authorizing and appropriations bills and also has false data in it on whether the ad campaign has been effective. In fact, it is accurate, but there is a misleading thing. It implies, it says that the media campaign has been ineffective, but then in its wording says ''among certain age groups,'' meaning it has been effective in most categories with most drugs, but among a few it has not.

Therefore, they sent out a memo falsely implying that we increased the spending and falsely attacking the ad campaign, and that did not do this group justice which has been a great crusader for responsible spending.

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

Mr. CUMMINGS. Mr. Speaker, I yield the balance of our time to the gentleman from California (Mr. WAXMAN), the ranking member of the Committee on Government Reform. The gentleman has worked very hard on this legislation, and I would like to thank him.

Mr. SOUDER. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Speaker, I thank the gentleman for yielding me time, the senior member on our subcommittee that handled this legislation.

Mr. Speaker, I want to thank the chairman of our committee and the ranking member of the subcommittee for the constructive way that this bill has been processed by our Committee on Government Reform.

The problem of drug abuse is a serious problem. This legislation reauthorizes the work at the Office of National Drug Control Policy. The introduced version of the bill had a number of

problems which I am pleased that we were able to work through. It provided that the possibility that the media campaign could be used for partisan political purposes and imposed limitations on the funds that could be used by the drug czar for free media campaigns.

On a bipartisan basis, we changed that, and the bill now ensures that the media campaign cannot be used for partisan political activities, and it adds a new provision banning the use of the media campaign to advocate for or against a ballot initiative, draft legislation, or regulatory proposal.

We also struck controversial language allowing the director to take resources away from the States that have medical marijuana laws. We dropped language limiting the ability of the ONDCP to engage in nontraditional forms of outreach and education. We deleted language overturning a unanimous ruling of the FCC requiring ONDCP advertisements to be identified as paid for by the ONDCP. We made progress in requiring that 80 percent of the media campaign dollars must go to media buys. The present requirement is now 77 percent. I would prefer that there be no requirement at all, but I think this is an improvement.

We were able to address many problems during the committee process, and the result is a much better product. I want to point out that this bill is not a perfect bill. And one of the remaining problems concerns the use of HIDTA, the HIDTA funds, for treatment. Further work need to be done to address the need for more drug treatment, and I have talked to the gentleman from Indiana (Mr. SOUDER) about that matter. And based on his promise that we will continue to talk about it and look further at this issue, I am not going to oppose the bill on that basis. But I do hope that when the bill goes through to a conference or comes out of the Senate, that we will do more in the area of treatment.

Mr. Speaker, it is a bill that I urge my colleagues to support. I hope that we can work to make ONDCP even better in the future.

Mr. SOUDER. Mr. Speaker, how much time remains?

The SPEAKER pro tempore (Mr. WHITFIELD). The gentleman from Indiana (Mr. SOUDER) has 3 minutes remaining.

Mr. SOUDER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I wanted to make sure that Members understood there was one program we have not talked about at all today which is CTAC, the Counter-Drug Technology Assessment Center, which has a technology transfer program that is so important to so many of our local and State programs; 5,356 local and State agencies across the United States have tapped into this technology.

I also wanted to point out for those who are somewhat confused about HIDTAs that, for example, in New York City, Detroit and Los Angeles, over half of the members of that HIDTA are local law enforcement and two-thirds are State and local law enforcement. This was a program that said rather than just have Federal law enforcement, let us build and leverage the resources of the State and local communities by working together.

If we do not adequately fund this program, every city has pretty much told us that they will pull out because they have to use their State and local dollars to join with these HIDTAs, and it is a very marginal decision to do so, but they believe putting two-thirds of the officers in has been beneficial in reducing crime in their area.

In New York City, the HIDTA there is referred to as the U.N. of law enforcement because after 9/11, they have consolidated not only the narcotics, but the anti-terrorism efforts to make sure that New York remains safe because it has been on orange alert since 9/11. It is on orange alert when the rest of us are on elevated alert. And to cut back the HIDTA, or eliminate the HIDTA, in New York City would be devastating to anti-terrorism protection as well.

Lastly, I want to point out that I have had excellent discussions with the ranking member, the gentleman from Maryland (Mr. CUMMINGS) and with the ranking member of the full committee, the gentleman from California (Mr. WAXMAN). We have continued to disagree, but understand that we need to work out some kind of additional language that gives flexibility on drug treatment, although that should not be the primary function, and HIDTA dollars should not be used for that effect. We continue to talk about the grandfathering in of the two programs that are not grandfathered in under this and if, whether that money could be used like it is in the Washington-Baltimore HIDTA to work on drug treatment, and I pledged that I would continue to work on this as we move through conference.

So I hope that given the many changes, this bill makes a very strong statement to drug dealers across America, that we are not going to back off. It makes a very strong statement on marijuana use and the dangers of marijuana. It talks about how to tighten the Safe and Drug-Free Schools program to make sure it has a clear anti-drug message. It includes efforts to make sure that the HIDTAs focus on national drug trade and not just at the local level where we lock people up but how do we get into the systems. On the supply side, we have also asked for new assessments on the accelerating problem of Columbian heroine.

I believe that in the end this bill represents a bipartisan approach to a balanced, coordinated and effective strategy to address the serious problem of drug abuse and its many effects across our country. I urge all Members to support H.R. 2086.

Mr. PORTMAN. Mr. Speaker, I rise today in support of H.R. 2086, the Office of National Drug Control Policy Reauthorization Act of 2003. This legislation also reauthorizes the National Youth Anti-Drug Media Campaign—a critical component of our Nation's drug control strategy.

We know that one important way to get the drug prevention message across is through the media: television, radio and newspapers. I am a firm believer that an effective media campaign can help prevent and delay the onset of substance abuse among youth. The Partnership for a Drug-Free America operated a successful media campaign long before the Federal Government became involved. Congress understood the importance of the anti-drug media message and wanted to ensure that it would continue as public service campaigns have the proven ability to change attitudes and behavior.

Since 1998, the Office of National Drug Control Policy has run a National Youth Anti-Drug Campaign. With the help of the Partnership for a Drug-Free America, the Campaign has created more than 200 commercials.

We know that the Media Campaign is working. The Media Campaign helps parents realize that they play a vital role in preventing their kids from using drugs. Results clearly show that the Campaign helps initiate conversations about substance abuse between parents and their children. We also know that the ads have helped parents set rules and clear standards about drug use.

Survey results released this month confirm that youth are getting the right messages about drug use. The ads have contributed to a climate of disapproval of drug use that is imperative to reducing the human, social, and financial costs of this deadly disease. The Campaign reaches 90 percent of the youth audience 4 times a week; and 74 percent of the parent audience 3.5 times a week.

Drug use behaviors are beginning to show positive effects from youth exposure to the Media Campaign. For example, almost half (49 percent of youth with high exposure to the marijuana ads said the ads made them less likely to try or use drugs versus 38 percent of the youth who had little or no exposure to the ads. A strong correlation was found between high exposure to the ads and increased perceptions of risk associated with marijuana use that have been specifically highlighted by the Campaign. Recent data also indicates that kids who see or hear anti-drugs ads at least once a day are less likely to do drugs than other adolescents who don't see or hear ads frequently.

I have seen first-hand in my own community the positive results that can be gained through an effective media campaign.

The Coalition for a Drug-Free Greater Cincinnati, which I founded, recently conducted a survey that showed a decline in teen drug use in our region for the first time in 12 years. Marijuana use by teens is down 13 percent, alcohol use is down 24 percent, and cigarette use is down 28 percent.

The media component of the community coalition in Cincinnati plays a critical role in the coalition's overall success. The Coalition helps run an extensive local media campaign through television, radio and print. In fact, the local media in southwest Ohio have generously donated over $1 million in anti-drug ads on an annual basis for the last three years. The survey data tells us that the media campaign is helping bring these numbers down.

Based on our survey, kids who have seen anti-drug ads on a regular basis are 20 percent less likely to use drugs. These results indicate that prevention and education tools like the media campaign work.

The key is that we work together—on a bipartisan basis—to keep these ads on the air as part of a comprehensive drug prevention effort. Passage of this bill, the Reauthorization of the Office of National Drug Control Policy, will help to improve the effectiveness of the media campaign and the reduction of drug abuse among our Nation's adolescents. I encourage all of my colleagues to support this legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of this legislation as amended in a markup session before the Judiciary Committee.

The Office of National Drug Control Policy (ONDCP) has been the leader of federal drug policy in the United States since its inception in 1988. The Director of ONDCP serves as the President's primary advisor for drug control policy and has responsibility for implementing the ONDCP's mission of coordinating the Nation's efforts to reduce the use, manufacture, and trafficking of illicit drugs and reducing the associated crime, violence, and health consequences of illicit drugs. The Director is also responsible for advising the President on national and international drug control policies and strategies, formulating the National Drug Control Strategy, reviewing and certifying the budgets of National Drug Control Program Agencies, and for ensuring that federal drug programs are adequately funded. The Director reviews the annual budget request for each federal department and agency charged with implementing a federal drug control program and is empowered to set forth funding requirements and initiatives that he or she believes are sufficient to meet those goals.

Given the ongoing problem of drug trafficking, use, and addiction in our country, the importance of reauthorizing the ONDCP is obvious. However, as we consider funding this important federal office, it is necessary to ensure that federal funds are allocated to the proper programs.

As it is presently drafted, H.R. 2086 directly undermines the use of important tools such as drug prevention and treatment programs that have been proven to considerably reduce the use of unlawful drugs. For example, ONDCP designates certain cities in America particularly burdened by narcotics as High Intensity Drug Trafficking Areas (HIDTA). Under the provisions of the bill, HIDTA program participants are prohibited from using any of the funds they receive on prevention or treatment. The only HIDTA excluded from this prohibition is the Baltimore/Washington HIDTA.

In addition to the HIDTA prohibitions, H.R. 2086 inadequately advances prevention and treatment programs by failing to require the Director to certify, prior to approval of the budget, that federal drug treatment program funding is adequate. For instance the Department of Health and Human Services implements several drug treatment and prevention programs, such as the Substance Abuse Prevention and Treatment and Block Grant Program and the Targeted Capacity Expansion grant program. Under H.R. 2086, the Director is not required, as part of the National Drug Control Program budgeting process, to certify adequate funding of these programs prior to approval of the budget.

Another flaw in H.R. 2086, is the failure to break down statistical data by demographic group. The provisions of the bill include annual reporting requirements but the current provisions fail to include language that would require ONDCP to conduct and assess state and federal prevention and treatment programs to ensure the unique needs of minority groups, women, and youths are met. In addition, the reporting provisions fail to require that the drug-related crime information is required to be reported broken down by racial, ethnic, age, and gender lines. This information is useful to guarantee that the populations most affected by illicit drug use are allocated the greatest resources, to determine which localities to certify as HIDTAs, and to determine disparate treatment by law enforcement officials.

The ONDCP is a vital federal resource for minimizing the impact of drug crime and use in America. It is important to ensure that the ONDCP is authorized past its September 30, 2003 expiration date. However, we must not be hasty in reauthorizing the ONDCP. We must ensure that the reauthorization bill will allocate ONDCP resources to treatment and prevention programs as readily as law enforcement programs. We must ensure that there is data reporting that gives a thorough picture of our drug control efforts.

Mr. Speaker, I support the efforts of the ONDCP and believe it is important that my colleagues pass this legislation to authorize this federal agency to continue its mission. However, the flaws in H.R. 2086 must be corrected. I hope that all amendments that propose to address these flaws offered today will be given full consideration.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana (Mr. SOUDER) that the House suspend the rules and pass the bill, H.R. 2086, as amended.

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

A motion to reconsider was laid on the table.

CONGRATULATING THE NEW YORK YANKEES ON THE OCCASION OF THEIR 100TH ANNIVERSARY

Mr. SOUDER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 306) congratulating the New York Yankees on the occasion of their 100th anniversary.

The Clerk read as follows:

H. RES. 306

Whereas the New York Yankees were officially acquired in 1903 and are celebrating their 100th anniversary in 2003;

Whereas what would become the most successful team in sports history actually began as the Baltimore Orioles in 1901. When that franchise folded after only two seasons, it was purchased for $18,000 by two colorful New Yorkers, Frank Farrell and Bill Devery;

Whereas New York's third Major-League team, joining the New York Giants and Brooklyn Dodgers of the National League, would play its home games in a hastily constructed, all-wood park at 168th Street and Broadway. Because the site was one of the highest spots in Manhattan, the team was named the ''Highlanders'' and their home field ''Hilltop Park.'' They played their inaugural game on April 22, 1903, losing 3–1 to the Senators at Washington. New York recorded the first win in franchise history the next day, a 7–2 decision at Washington;

Whereas the Highlanders nearly captured the American-League pennant in 1904—only their second season—as they finished only 1.5 games behind the Boston Pilgrims in the first of three second-place finishes from 1904 to 1910;

Whereas after a spectacular fire severely damaged the Polo Grounds in 1911, the Highlanders' owners invited the Giants to share Hilltop Park. Two years later the Giants returned the favor and allowed the Highlanders to move into their rebuilt and vastly superior park. With the move, the Highlanders officially changed their nickname to ''Yankees (by which they had actually been known for most of their history).'' Two years after the move—on January 11, 1915—Colonel Jacob Ruppert and Colonel Tillinghast L'Hommedieu Huston purchased the franchise from its by-now disgruntled owners;

Whereas from 1911 to 1919, the Yankees won as many as 80 games in a season only twice, but the franchise's fortunes would change forever on January 3, 1920. On what is perhaps the most significant date in club history, the Yankees purchased the contract of George Herman ''Babe'' Ruth from the Boston Red Sox for $125,000 and a $350,000 loan against the mortgage on Fenway Park;

Whereas Ruth's impact was immediate. The Yankees won 95 games in 1920, their highest victory total to date, and captured their first American-League pennant a year later. Their attendance at the Polo grounds doubled to 1,289,422 in 1920 and, in 1921, the Giants notified their tenant to vacate the Polo grounds as soon as possible. Now bitter rivals, the two teams squared off in the World Series in 1921 and 1922 with the Giants winning both times;

Whereas with their departure from the Polo Grounds inevitable, the Yankee owners set out to build a spectacular ballpark of their own. Baseball's first triple-decked structure with an advertised capacity of 70,000, it would also be the first baseball facility to be labeled a ''stadium'';

Whereas construction began on May 5, 1922 and, in only 284 working days, Yankee Stadium was ready for its inaugural game on April 18, 1923 vs. the Boston Red Sox. An announced crowd of 74,200 fans packed Yankee Stadium for a glimpse of Baseball's grandest facility while thousands milled around outside after the fire department finally ordered the gates closed. Appropriately, Ruth christened his new home with a three-run homer to cap a four-run inning as the Yankees coasted to a 4–1 win;

Whereas because it was widely recognized that Ruth's tremendous drawing power made the new stadium possible, it would immediately become known as ''The House that Ruth Built''. Later that season, the Stadium hosted the first of 36 World Series and the Yankees won their first World Championship over their former landlord, the Giants. Of course, as the Stadium became the stage for a staggering number of World titles—now totaling 26—it would also become known as ''The Home of Champions'';

Whereas on June 1, 1925 in a 5–3 loss vs. Washington, Manager Miller Huggins inserted a 21-year-old rookie first baseman as a pinch hitter for light-hitting shortstop Pee Wee Wanninger. No one could have imagined at the time that this appearance would be the first of 2,130 consecutive games played by Lou Gehrig, who, with Babe Ruth and later

Joe DiMaggio, anchored some of the greatest ball clubs of all time;

Whereas after a disheartening loss to the St. Louis Cardinals in the 1926 World Series, the Yankees rolled to World Championships in both 1927 and 1928, sweeping the Series both years. The 1927 club, the first Yankee team to be labeled ''Murderers' Row'', became the yardstick by which athletic greatness is measured. During that season, Ruth shattered his own single-season home run record with his 60th on the season's final day on September 30, 1927;

Whereas in his 15 seasons in pinstripes, Ruth helped build a tradition of winning with seven American-League pennants and four World Championships. He finished his unparalleled career (with the Boston Braves in 1935) with 714 home runs, 12 American-League home-run titles and six RBI crowns, including five seasons with more than 150. A charter member of Baseball's Hall of Fame, he remains widely regarded as the greatest player of all-time;

Whereas after the 1934 season, Ruth's last in New York, the Yankees purchased the contract of a budding star named Joseph Paul DiMaggio from the San Francisco Seals of the Pacific Coast League. Two years later, DiMaggio made his debut in pinstripes and helped the Yankees to an incredible string of four consecutive World Championships under Manager Joe McCarthy from 1936 through 1939. The decade of the thirties also produced one of the game's greatest lefty-righty pitching combinations in future Hall of Famers Lefty Gomez and Red Ruffing. A four-time 20-game winner-including 24–7 in 1932 and 26–5 in 1934—Gomez was also 6–0 in five World Series. Ruffing posted seasons of 20, 20, 21 and 21 wins on four World-Championship clubs from 1936–1939;

Whereas sadly, in 1939, Gehrig was diagnosed with a crippling disease and his streak of 2,130 games came to an end on May 2 when he did not appear in a 22–2 Yankees' win at Detroit. On July 4, the Yankees honored their captain with an emotional ''Lou Gehrig Appreciation Day'' at Yankee Stadium and his uniform number (4) became the first in Baseball to be retired. He died on June 2, 1941;

Whereas with the departure of Gehrig, DiMaggio became the pillar of the next generation of Yankee champions. In his 13 seasons in pinstripes, the Yankees played in the World Series in all but two years and won 10 World-Series titles. The legendary ''Yankee Clipper'' compiled one of the game's most remarkable—and perhaps unbreakable—records in 1941 when he hit safely in a record 56 consecutive games;

Whereas the Yankees also made a seamless transition after DiMaggio's retirement at the age of 37 after the 1951 season. With Whitey Ford and Mickey Mantle joining future Hall of Famers Yogi Berra and Phil Rizzuto, the Yankees won eight American-League pennants and six World Championships under Manager Casey Stengel during the 1950's. Their streak of five consecutive World-Series titles from 1949 through 1953 remains a Major-League record with no other winning as many as four straight;

Whereas Mantle would achieve greatness despite an arrested case of osteomyelitis and numerous injuries. The powerful switch-hitter belted 536 home runs, collected 2,415 hits and batted .300 or more 10 times in an 18-year career. In his first 14 seasons in pinstripes, the Yankees missed the World Series only twice (in 1954 and 1959);

Whereas Ford's lifetime record of 236–106 gives him the best winning percentage (.690) of any 20th century pitcher and he paced the American League in victories three times and in ERA and shutouts twice. He still holds many World Series records, including 10 wins, 33 consecutive scoreless innings and 94 strikeouts;

Whereas the heart of the Yankees for 18 seasons, Berra played on an incredible 14 pennant winners and 10 World Champions. He was a three-time MVP and was selected to the All-Star team in every season from 1948 through 1962;

Whereas Rizzuto was recognized as the glue of 10 pennant winners and eight World-Series Champions from 1941–56 and captured the league's MVP award in 1950, batting .324 with 200 hits and 125 runs scored;

Whereas not every contributor to Yankee—and Baseball history was a future Hall of Famer. In Game Five of the 1956 World Series vs. the Brooklyn Dodgers on October 8th at Yankee Stadium, right-hander Don Larsen authored what is perhaps the game's greatest pitching performance when he retired all 27 Dodger batters for the only perfect game in World Series history;

Whereas the Yankees opened the decade of the sixties in their usual fashion, winning pennants in the first five seasons (1960–64) and World Series titles in 1961 and 1962. Incredibly, in the 29 seasons from 1936 to 1964, the Yankees won a remarkable 22 pennants and 16 World Championships. The 1961 club is still regarded as one of the best teams in Baseball history. With Mantle and Roger Maris embroiled in a season-long race to break Ruth's single-season home-run record, the Yankees rolled to 109 wins en route to the World Championship. Maris smashed Ruth's record when he belted his 61st home run on October 1 at Yankee Stadium in the last game of the season;

Whereas but age finally caught up with the ball club after a seven game Series loss to the St. Louis Cardinals in 1964. The Yankees would finish in the first division only once in the next nine seasons and actually plummeted to last place in 1966 for the first time in 53 years;

Whereas the team's fall from grace ended on January 2, 1973, when the most storied franchise in sports history was sold by CBS to a group headed by George M. Steinbrenner III. With the addition of Catfish Hunter—Baseball's first marquee free agent—shrewd trades which brought Ed Figueroa, Mickey Rivers, Chris Chambliss and Willie Randolph and a strong nucleus which included Thurman Munson, Graig Nettles, Roy White, and Sparky Lyle, the Yankees would make their first post-season appearance in 12 years in 1976 by winning their first American-League-East title. Then on October 14, 1976, in the deciding fifth game of the League Championship Series vs. the Kansas City Royals, Chambliss launched a ninth-inning, pennant-winning home run to put the Yankees back in the World Series;

Whereas after a disheartening four-game sweep vs. the Cincinnati Reds in the 1976 World Series, the Yankees introduced Reggie Jackson—the most prolific slugger of his era—as the club's newest free-agent acquisition. Jackson then capped an exciting 1977 season with one of Baseball's greatest individual performances. In Game Six of the World Series vs. the Los Angeles Dodgers at Yankee Stadium on October 18, ''Mr. October'' belted three home runs on three swings of the bat;

Whereas in 1978, the Yankees overcame a 14.0-game deficit in the American League East to force a one-game playoff with the Boston Red Sox at Fenway Park to decide the American-League pennant. Shortstop Bucky Dent erased a 2–0 Red Sox lead in the seventh inning with a dramatic three-run homer and the Yankees went on to a 5–4 win en route to a second straight World Championship;

Whereas the '78 season also saw the emergence of Ron Guidry as one of the franchise's greatest pitchers. A four-time American-League All-Star, Guidry compiled one of the most dominating seasons in baseball history in 1978 and became known as ''Louisiana Lightening''. He went 25–3 with a 1.74 earned run average in leading the Yankees to their dramatic comeback, compiling a club-record 248 strikeouts and nine shutouts en route to a unanimous selection as the A.L.'s Cy Young Award recipient. On June 17, 1978 vs. the California Angels at Yankee Stadium, Guidry shattered the club record for strikeouts with 18. The Yankees' co-captain—with Willie Randolph—from 1986 through 1988, Guidry also won 20 games in 1983 (21–9) and 1985 (22–6);

Whereas the seventies ended with tragedy as Thurman Munson, the Yankees' first captain since Gehrig, was killed in the crash of his private jet on August 2, 1979. Only 32 at the time of his death, Munson was the undisputed leader of the clubs that won three consecutive pennants and two World Championships. After their Captain's death, the Yankees would make only one more World-Series appearance (1981) in 17 years despite compiling the best record in the Major Leagues during the decade of the eighties;

Whereas the eighties also saw the development of one of the franchise's greatest and most popular players, Don Mattingly, ''Donnie Baseball,'' the team captain from 1991 through 1995, batted .307 in his Yankee career (1982–95) and compiled an incredible six-year stretch from 1983–89. During those years, he batted .327 and topped 100 RBI five times, including a career-high 145 in 1985 when he captured the A.L. MVP award. A year earlier, he outdueled teammate Dave Winfield on the final day of the season for the league's batting crown (.343 to .340);

Whereas Winfield, who came to the Yankees as the game's most-sought-after free agent in 1981, compiled Hall of Fame credentials in his eight-plus seasons in pinstripes (1981–90). He belted 205 home runs for the Yankees with 818 RBI and won five gold gloves;

Whereas after an absence of 13 years, the Yankees returned to post-season play in 1995 as the American League's first-ever ''Wild-Card'' entry. A devastating five-game loss to the Seattle Mariners in the Division Series was only the start of an incredible run for eight consecutive post-season appearances, a record shared only by the Atlanta Braves;

Whereas in 1996, under new skipper Joe Torre, the Yankees returned to the World Series and would win four of the next five World Championships, including three straight from 1998 through 2000. Their 114 victories in 1998 shattered the 44-year-old American-League mark of 111 wins by the 1954 Cleveland Indians (was broken by Seattle in 2001) and their 125 total victories (with 11 post-season wins) remains Baseball's best single-season total;

Whereas the Yankees' most-recent era of greatness featured a consistent lineup of great homegrown and acquired players to rival any period in franchise history. Since the arrival of Bernie Williams in 1991, the Yankees' farm system has produced All-Stars Derek Jeter, Andy Pettitte, Jorge Posada and Mariano Rivera. In addition, shrewd trades and free-agent acquisitions have brought such All-Stars as Wade Boggs, Scott Brosius, Roger Clemens, David Cone, Jason Giambi, Tino Martinez, Mike Mussina, Paul O'Neil, Mike Stanton and David Wells;

Whereas in 2001, the Yankees failed to become only the second team in history to win four consecutive World-Series titles, but captured the hearts of the nation in the aftermath of the September 11th attacks. The Yankees dropped the first two games of the Series vs. the Arizona Diamondbacks at Bank One Ballpark, but rallied to win the

next three at Yankee Stadium behind dramatic ninth-inning comebacks in both games Three and Four. On consecutive nights, Tino Martinez and Scott Brosius erased two-run, ninth-inning Diamondback leads with the Yankees winning both games in extra innings. It marked the first time in World Series history that a team won two games in the same series when trailing by at least two runs in the ninth inning;

Whereas as the Yankees begin their second century in 2003, they seek to extend their franchise record of consecutive post-season appearances to nine (a record matched only by the Atlanta Braves, 1995–02). They will do so by expanding upon the kind of innovation that set their first century—and its 26 World Championships—in motion. One hundred years ago, the original 1903 team was built with stars from no fewer than eight different Major-League teams. The 2003 Yankees—with the additions of Cuban All-Star pitcher Jose Contreras and three-time Japan Central League MVP Hideki Matsui—will be comprised of stars from no fewer than six nations;

Whereas the Yankees recorded their 41st first-place finish in team history in 2002, the most of any professional sports franchise . . . they are followed by the Montreal Canadians (32), Minneapolis/Los Angeles Lakers (27), Boston Celtics (24), Brooklyn/Los Angeles Dodgers (24), Boston/Milwaukee/Atlanta Braves (23), New York/San Francisco Giants (21), Philadelphia/Kansas City/Oakland A's (20) and New York (football) Giants (20) . . . the Yankees' first-place total includes the strike-shortened 1981 season when they won the first half title; and

Whereas the Yankees have won 26 of the 97 World Series' played (27 percent) . . . they have won 38 of the 101 American League Pennants (38 percent). Since 1921, the Yankees have been a participant in 38 of the 81 World Series' played (47 percent). The Yankees have won a total of 127 games in the World Series . . . no other team has even played in that many World Series games: Now, therefore, be it

Resolved, That the House of Representatives and the American people extend heartfelt congratulations to the New York Yankees on the occasion of its 100th anniversary, and express the sincerest gratitude to the entire organization.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana (Mr. SOUDER) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana (Mr. SOUDER).

GENERAL LEAVE

Mr. SOUDER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 306.

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

There was no objection.

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

Mr. Speaker, this resolution congratulates Major League Baseball's New York Yankees for their 100th anniversary. Let me make it clear at the outset, as my colleague from Illinois may as well, I am not a Yankees fan. My favorite year for the Yankees was 1959 when the White Sox won the American League Pennant, not all these Yankee championships. But I, like most Americans, give begrudging respect to the Boston Celtics and the University of Notre Dame football, for over the years, like the New York Yankees, they have been able to retain a remarkable tradition of winning. And the Yankees have the most extraordinary history of any professional sports team.

It is one thing to win a few, but it is another thing to do it decade after decade as the New York Yankees have done. The Yankees franchise has won 38 American League pennants and 26 World Series championships in its history, both are the most of any major league baseball team.

In January of 1903, two New York businessmen named Frank Farrell and Bill Devery purchased the failing Baltimore Orioles franchise for a mere $18,000. At the same time, the American League operated the Orioles, similar to Major League Baseball's management of today's Montreal Expos.

The team's new stadium in New York was located on a hill overlooking the Bronx. Consequently, the team was renamed the Highlanders. The team became the Yankees and moved to the Polo Grounds in 1913. Also, the team added its famous navy blue pinstripes in 1912. The team's ascension to greatness perhaps commenced on January 3, 1920 when the Yankees acquired from the Boston Red Sox, something which Boston has forever regretted, a rising star by the name of Babe Ruth.

During his first year with the Yankees, Ruth hit 54 home runs and the Yankees won 95 games. In 1923, the Yankees began playing at the newly-constructed Yankee Stadium, and they won their first World Series against the cross-town Giants.

The Yankees won 19 more World Series through the 1964 season. The franchise only won two more titles in 1977 and 1978 prior to 1996. But since 1996, the Yankees have been to five World Series and won four, in 1996, 1998, 1999 and 2000. The Yankees have now won six straight American League Eastern Division titles and seven in manager Joe Torre's 8-year tenure in the Bronx.

On Sunday, the Yankees finished the season tied with the Atlanta Braves for having the best record in baseball, 101 wins and 61 losses.

Mr. Speaker, I congratulate the gentleman from New York (Mr. SERRANO) for his work on this bill.

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

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

Mr. Speaker, I have never really been a Yankee fan. As a matter of fact, I grew up as a Dodger fan; and, of course, the Yankees generally got the best of that competition. But over the past 100 years, the New York Yankees have spun memorable personalities and indelible moments.

The Yankees franchise is defined by team success and excellence. New York has won an American League pennant and appeared in a World Series in every decade since the 1920s, however, that was not always the case.

The Yankee franchise formed in 1901 in Baltimore, Maryland as the Baltimore Orioles. They played their first game on April 26, 1902 in Oriole Park.

In 1903, the franchise moved to New York and was renamed the New York Highlanders. From 1905 to 1919, the club was a regular inhabitant of the second division, seldom posted a winning record and lost 100-plus games twice. In 1913, they were renamed the New York Yankees. In 1923, they moved in to Yankee Stadium in the Bronx, New York.

After spending their first 18 seasons, a cumulative 41 games, under the .55 percent, the Yankees swaggered into the Nation's consciousness with their first American League pennant in 1921. The legendary Yankee dynasty of the 1920s and 1930s won 11 pennants and eight World Series championships with players such as outfielders Babe Ruth, Earle Combs, and Joe DiMaggio; first baseman Lou Gehrig; infielder Tony Lazzeri; pitcher Waite Hoyt.

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From 1941 to 1947, New York continued its success, winning four pennants and three World Series titles.

Manager Casey Stengel guided the Yankees from 1948 through the 1960s, the team's most overpowering era. During this period, the club won 10 American League pennants and seven World Series championships, including five straight championships from 1949 to 1953, a major league record. The teams Stengel managed featured Joe DiMaggio, catcher Yogi Berra, pitcher Whitey Ford, and outfielders Mickey Mantle and Roger Maris. The Yankee dynasty continued through the early 1960s as the team won the American League pennant from 1961 to 1964 and World Series crowns in 1961 and 1962.

The next period of greatness came in the 1970s, after businessman George Steinbrenner bought the franchise and hired former Yankee Billy Martin as manager. Led by outfielder Reggie Jackson, the Yankees won three straight pennants from 1976 through 1978, going on to win the World Series in 1977 and 1978. The Yankees won another American League pennant in 1981. After a relative dry spell, the franchise returned to dominance in the late 1990s, winning the World Series in 1996, 1998, 1999, and 2000.

Yes, the Yankees are indeed the pride of millions of New Yorkers and millions of Americans who love the game of baseball, the great American pastime. I commend and congratulate them.

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

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

As I earlier mentioned, the famous Yankees dynasty compares like to the Boston Celtics who had Larry Bird from Indiana as one of their anchors

and the University of Notre Dame which, of course, is based in Indiana, although most people do not realize that.

I do want to pay tribute to two Yankee ties who clearly show that even the Yankees have Hoosier ties, which partly makes them successful. Don Mattingly will not be remembered in the same light as Ruth, Mantle, and DiMaggio given his lack of World Series rings; but this Evansville-native-turned-New York Yankees legend has made a claim to be one of the best pure baseball players the Yankees ever had. During his prime in the 1980s, he had an on-base slugging of over .900, bettered only by Wade Boggs. On top of his outstanding hitting, he also tied for having the best fielding percentage of any first baseman ever to play the game. Between 1985 and 1989, he won a Yankee record for five consecutive Gold Glove awards at first base. Indiana is proud to be the home of this Yankee legend.

The second Yankee I want to highlight with Hoosier ties is a man who never played a game for this proud organization. George Steinbrenner, better known as The Boss, has been called many things by his critics. Unsuccessful will never be one of them. During his tenure as the principal owner of the Yankees, he has guided this franchise to six World Series titles and put them back on top as the most recognized sports franchise in the world. I highlight this because Steinbrenner was a 1948 graduate of the Culver Military Academy in Culver, Indiana. The Steinbrenners are a three-generation Culver family. George Steinbrenner's father, Henry, was a 1919 Culver Summer Schools graduate, and each of his children graduated from the academy as well.

So I not only pay tribute to the New York Yankees but some of their Hoosier roots with the New York Yankees.

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

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield 5 minutes to the gentleman from New York (Mr. SERRANO), a tremendous Yankee fan and the author of this resolution.

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

Mr. SERRANO. Mr. Speaker, I thank both gentlemen for the time and for bringing this resolution to the House floor. I cautiously stand to celebrate and with great joy 100 years of Yankee baseball. I do that because the gentlemen were very clear that they are not Yankee fans, that they are just carrying on their legislative duties today.

I am a very happy man. As a lover of music and of baseball, today's a great day for me. We will celebrate Johnny Cash later on and Bob Hope, and now we celebrate 100 years of Yankee baseball.

I grew up in the Bronx, coming from Puerto Rico; and if you grow up in the Bronx, you, of course, are aware of the fact that the Bronx Bombers reside within your neighborhood. I am a fortunate man still. I reside a few city streets, or as we call them city blocks, from Yankee Stadium; and my office is a few city blocks from Yankee Stadium.

In that stadium for 100 years now, some of the best and most successful baseball has been played. If you are a Yankee fan, you deal with the fact that you have people who are very passionate about the Yankees and others who would want nothing more than to see them lose, starting today, they are playing right now, and never win again; and I understand that.

What we do here today, and I know the gentlemen have said that, is to celebrate America's pastime, baseball, and in so doing, celebrate the most successful franchise within that sport.

The Yankees have had, as has been stated here, many eras; and when you get into overlapping eras, you run the risk of leaving people out, but there was a Ruth-Gehrig era. There was the overlapping DiMaggio era. There was the area of Mantle and Berra and Rizzuto, Ford and Maris. There was later the exciting era for my children, where they became aware of baseball, with Jackson and Mattingly and Winfield and Guidry; and lately, we have the Williams-Posada-Jeter-Pettite era, joined very recently by, and I am sorry to say this for our Yankee and Orioles fans, by Clemens, Mussina, Wells, Giambi, Soriano and, of course, Joe Torre.

Just think of it, when the Yankees first started out they were made up of players from different baseball teams. This year, the winning Yankee team is made up of players from no fewer than six nations, including our latest additions of Cuban All Star pitcher Jose Contreras and Japanese Central League MVP Hideki Matsui.

Yankee baseball is, therefore, the American Dream personified. It is success on the field. It is a behavior for most of the time outside the field, off the field, which typifies how we are as a people and how we care for each other; but to celebrate the Yankees without speaking to some of their stats would be totally improper. So at the expense of being driven out by the chairman and the ranking member, let me just remind my colleagues of a few.

This was the Yankees' 42nd first-place finish. Of the 97 World Series played, the Yankees have won 26 of them or 27 percent. They have won 38 of 101 American League pennants. Since 1921, they participated in 38 of the 81 World Series seasons, played 47 percent, and they have won 127 World Series games. That is more victories than any other team has played in the World Series, and this will not end. Trust me, I just spoke to The Boss this morning; and there are a lot of Yankee players available, either through free agency or in the minor leagues.

This is, again, the beginning of another play-off season; and we celebrate this team's success, and we celebrate what the Yankees mean to America, to the world now, to New York and to the Bronx.

At different times in the history of my congressional district, at different times in the history of the Bronx, some negative things have been said about our neighborhoods; but never has anyone questioned the success of the Yankees, and these new Yankees, the Yankees who take players from all over the world, personify truly what the Bronx is. It is a place where people come together to work, to live, to be patriotic, and to enjoy baseball.

So let this Yankee fan in the most diplomatic way, not to anger any Boston or Oriole fan, say that we are happy to celebrate 100 years of the Bronx Bombers, 100 years of New York Yankees baseball, and as the great Ernie Banks used to say, let us play two today, let us play three, and that is how many we can watch on TV today.

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that the gentlewoman from California (Ms. WATSON) control the rest of the time for this side.

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

There was no objection.

Ms. WATSON. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. TIERNEY).

(Mr. TIERNEY asked and was given permission to revise and extend his remarks and include extraneous material.)

Mr. TIERNEY. Mr. Speaker, I thank the gentlewoman for yielding the time.

Mr. Speaker, I understand the levity in which we all rise here today; and I think in the best of spiritedness, the question for us that this would be a time for the House of Representatives to pass a resolution congratulating just a single baseball team. Major league baseball is currently in the midst of a play-off series including the Yankees as well as seven other teams that are worthy of our praise and our congratulations. In the middle of the baseball play-offs, I think we will all be rooting for our own respective teams and promoting team unity and sportsmanship.

There are many other baseball teams that deserve our praise and congratulations, in particular the Boston Red Sox. In fact, this year the Red Sox are celebrating the 100th anniversary of their victory in the first-ever World Series. Red Sox history is peppered with record-setting victories, triumph over adversity, and the dedication of Red Sox players, coaches, and fans.

Now, it is true, Mr. Speaker, it is very true that in the long tradition of buying their way to the top, the Yankees were bought 100 years ago; but if we are to recognize any team for its 100th anniversary, we ought to congratulate the Red Sox for their World Series, not just congratulate a team simply for being acquired.

I have prepared an amendment to offer to this resolution to include congratulations to the Red Sox on the 100th anniversary of their victory in the first World Series; but I understand that since the bill was brought to the floor on the suspension calendar, that cannot be done. So I instead, Mr. Speaker, I will enter the amendment text in the RECORD at this point.

Amendment to H. Res. 306, Offered by Mr. Tierney of Massachusetts:

After ''Congratulating the New York Yankees on the occasion of their 100th anniversary'' insert ''and the Boston Red Sox on the 100th anniversary of their victory in the first ever World Series;

Whereas the Boston Pilgrims (who would become the Boston Red Sox in 1907), in 1903 met the Pittsburgh Pirates in the first ever World Series in 1903 after winning the American league pennant by an unprecedented 14½ games;

Whereas Denton True ''Cy'' Young pitched a dramatic 11–2 win in Game 5 of the best-of-nine series, yielding only six hits and himself driving in three runs;

Whereas Bill Dinneen struck out Honus Wagner, widely considered the best player in the game at the time, to win the 1903 World Series;

Whereas Denton True ''Cy'' Young played for Boston from 1901 until 1908, beginning at age 34, and finished his eight years in Boston with a 192–112 record. In his first year with the Pilgrims, Young posted a 33–10 record, a 1.62 ERA, 5 shutouts and 158 K's, walking a mere 37 batters in 371 innings. In addition, Young was the only pitcher in baseball's first 100 years to win 500 games, including three no-hit shutouts and a perfect game on May 5, 1904;

Whereas in 1908 the Red Sox acquired from Kansas City ''Smokey'' Joe Wood, who was known as the successor to the great Cy Young. By the 1911 season, Wood was smoking and he showed his golden arm for the baseball world to see. His 23–17 record that year included a no-hitter against the St. Louis Browns on July 29. He also recorded 15 strikeouts in one game—a record that wouldn't be broken until Boston's Bill Monbouquette fanned 17 in 1961. In 1912, Wood's 34–5 record was the best in the league;

Whereas ''Smokey'' Joe's most memorable game came on September 6, 1912. Carrying a 13-game winning streak, the Washington Senators came to town and challenged the Red Sox to throw their bright, young talent a day ahead of his scheduled start against their staff's ace: Walter ''Big Train'' Johnson. Johnson's record-setting 16-game consecutive win streak had just been snapped. Wood accepted the challenge and the newspapers went wild. They compared the two hurlers to prize fighters. In the sixth inning, Tris Speaker and Duffy Lewis traded doubles off of Johnson and scored a run. It would be the only time either team crossed the plate that afternoon as Wood won his 14th straight. Wood went on to notch two more wins, tying Johnson's 16-game record, before losing;

Whereas in 1912 the Boston Red Sox moved from the Huntington Avenue Grounds to Fenway Park, the new stadium built specifically for the Red Sox. The season opener against the New York Highlanders (later known as the Yankees) was delayed two days by rain, but 27,000 ''Fenway Faithful'' showed up on April 20 to watch what turned into a three hour and 20 minute game that went into the 11th inning, when Red Sox player Tris Speaker knocked in second baseman Steve Yerkes to win the game 7–6. The spectacular win was kept off the front page due to the sinking of the Titanic;

Whereas the 1912 Red Sox went on to post their best record ever: 105–47, (a mark which stands today). They also beat the New York Giants that year in the first ''true'' World Series match of the National and American League champions;

Whereas the Red Sox acquired Lefty Grove from the Philadelphia Athletics in 1934. He led the American League in strikeouts for seven consecutive years (1925–1931). Nine times he led AL pitchers with his stingy ERA in his 17-year career. Only two other pitchers led the league in ERA as many as five times. After a year plagued by arm problems that led him to pitch an 8–8 record, the first time he failed to win 20 wins since 1926, Grove was back to form in 1935, posting a 20–12 mark and a league-leading 2.70 ERA. Grove went 17–12 in 1936 for Boston 17–9 in 1937, 14–4 in 1938 and 15–4 in 1939. In four of his eight years with the Red Sox he led the league in ERA. On July 25, 1941, at 41 years old, Lefty Grove put the finishing touches on his spectacular career. Pitching through nine innings and 90-degree heat, Grove notched his 300th win in a 10–6 win over Cleveland and became the fifth all-time winningest pitcher in baseball history;

Whereas in just his third year, at only 23 years of age, Ted Williams went into the last day of the 1941 season hitting .3996, an average that officially rounds up to .400. The last major leaguer to hit over .400 was Bill Terry in 1930 and the last American League player was Harry Heilmann in 1923;

Whereas on June 18, 1953, the Red Sox scored 17 runs in one inning against the Detroit Tigers with 14 hits and six walks in the record-setting inning. The Red Sox broke or tied 17 major league records that day, including the most runs in one inning (17) and the most hits in a game (27);

Whereas on September 28, 1960 Ted Williams ended his Hall of Fame career when he sent 10,454 fans into a frenzy by launching a 1–1 pitch from Baltimore Orioles' pitcher Jack Fisher high into the damp gray sky and into the Red Sox bullpen for his 521st home run;

Whereas in 1961 Carl Michael Yastrzemski, later known simply as ''Yaz,'' joined the Red Sox, replacing Ted Williams in left field. Yastrzemski tops the Red Sox charts for runs batted in, hits, games, at-bats, runs scored, extra base hits and total bases. He holds a top-ten rank in eight of baseball's offensive categories and became the first American Leaguer to reach the 3,000-hit and 400-home run milestone;

Whereas in 1967 Yastrzemski led ''The Impossible Dream,'' He took a Red Sox team that led the majors in losses the previous season and guided it on one of sport's most engaging turnarounds. A .326 average, 44 home runs and 121 RBI gave ''Yaz'' the American League Triple Crown;

Whereas Carl Yastrzemski, at age 40, notched his 3,000th hit on September 12, 1979;

Whereas in 1964 Tony Conigliaro, known as ''Tony C'' to his fans, burst onto the baseball scene in Fenway Park, taking 24 homers over the ''Green Monster'' in 111 games while batting .290. In his second year with the Sox, Conigliaro belted 32 homes runs, leading the American League. At 20 years old, Conigliaro became the youngest home-run leader in baseball history. He followed that effort in 1966 with 28 home runs;

Whereas on August 18, 1967, Conigliaro was gravely injured by a rising, inside fastball from California's Jack Hamilton. After missing the remainder of the 1967 season and all of 1968, Conigliaro surpassed remarkable odds and returned in 1969. He batted .255, hit 20 homers and won the ''Comeback Player of the Year'' award. He improved in 1970 when he belted 36 home runs and 116 RBI;

Whereas the Fenway Park fans showed great passion and sensitivity by avoiding wearing light-colored clothing in the center field bleachers to help Conigliaro see pitches;

Whereas Carlton Fisk, known as ''Pudge,'' joined the Red Sox in 1972. In his rookie year he batted .293, hit 22 home runs and finished tied for the league lead with nine triples, marks which earned him the season's ''Rookie of the Year'' award. His most memorable moment turned into a scene that encompasses the tradition and faith of all Red Sox fans. The dominating catcher stepped to the plate in the bottom of the 12th inning of World Series Game Six in 1975. After Bernie Carbo's three-run pinch hit homer tied the game in the eighth and Dwight Evans' stunning catch gave the team life in the eleventh, Fisk was ready to close the door on a night of heroes. The catcher jumped on the second offering from Pat Darcy and lifted a high blast down the left field line that seemed to turn one of baseball's greatest games into a slow motion dream. Fisk stood at home plate, waving the ball fair like a man controlling the winds and leaped in elation as the game winning home run bounced off the foul pole, opening the gates for a wild celebration guided by a home run dance around the bases. It was a moment that typified a great career;

Whereas through 10-plus seasons in Boston, Fisk accumulated 162 home runs while compiling a .481 slugging percentage—tenth in club history. Fisk is among the leaders in three other offensive categories and is remembered for his uncanny stature in the field. For his career, Fisk caught more games (2,226) and hit more home runs (351 of his career 376) than any player at his position ever;

Whereas in 1975, a rookie named Fred Lynn made baseball history by earning both the 1975 Rookie of the Year and Most Valuable Player Awards, an accomplishment that had neither been done before. Lynn also earned a batting championship and four gold gloves, played in six All-Star games and led the league in slugging percentage twice and doubles once;

Whereas outfielder Dwight ''Dewey'' Evans entered the big leagues in 1972 with the Red Sox and at the end of his career placed in the top five of ten offensive categories in the club's records, the most notable being the 379 home runs and 1,346 RBI that put him fourth, behind Ted Williams, Carl Yastrzemski, and Jim Rice. Evans also finished his career with the second most games played and at-bats in Boston history;

Whereas Jim Rice joined the Red Sox in 1974 after securing the International League's triple crown and in his first full year with the team batted .309 with 22 home runs and 102 RBI, leading the Sox to the American League pennant and the 1975 World Series. In 1978 he was named the A.L.'s MVP after setting staggering marks including major league leading totals of 46 homers, 139 RBI, 15 triples, 406 total bases, 213 hits and a .600 slugging percentage;

Whereas Roger Clemens warmed up a cannon before a Tuesday night game in April of 1986 and shot down 20 Seattle Mariners by night's end to break the Major League record for strikeouts in a nine inning game. It was an exhibition of sheer power and by the time the smoke cleared, the ''Rocket'' had fanned the side three times and during one stretch sat down eight Mariners in a row. He looked unhitable. Seventy percent of his pitches were strikes, many of which topped the radar gun at 95 mph and higher;

Whereas in 1997 the Red Sox were treated to the arrival of a rookie named Nomar Garciaparra, who immediately turned into a superstar. The dynamic shortstop won ''Rookie of the Year'' honors by hitting .306

with 122 runs, 209 hits, 44 doubles, 11 triples, 30 homers, 98 RBIs and 22 stolen bases;

Whereas in 1998, after acquiring star right-hander Pedro Martinez, the Red Sox produced their first 90-win season since 1996. The 92–70 finish was good enough to vault them into the playoffs as the AL Wild Card. Nomar Garciaparra finished second in AL MVP balloting. The Red Sox snapped their postseason losing streak of 13 games by beating the Indians 11–3 in Game 1;

Whereas in 2000 Nomar Garciaparra earned his second consecutive batting title and Pedro Martinez earned his third Cy Young award in four years. Garciaparra's .372 batting average was the best batting average for a right-handed hitter in the past 50 years;

Whereas in 2001 the Red Sox signed superstar slugger Manny Ramirez off the free agent market, who clubbed a three-run homer in the first pitch he saw in a home uniform at Fenway Park;

Whereas on April 4, 2001, Hideo Nomo pitched Boston's first no-hitter since 1965. The start against the Orioles at Camden Yards was Nomo's first in a Boston uniform;

Whereas in 2002 the Red Sox began a new era, as the ownership group led by John Henry, Tom Werner and Larry Lucchino officially took over on Feb. 27. The Red Sox went 93–69 under new manager Grady Little, but missed the playoffs for the third straight year. Pedro Martinez and Derek Lowe gave the Sox their first 20-win tandem since 1949. The highlight of the season was Lowe's no-hitter at Fenway on April 27 against the Devil Rays. Manny Ramirez, despite missing six weeks with a fractured left index finger, won his first batting title;

Whereas Red Sox have appeared in the post-season seven times (1986, 1988, 1990, 1995, 1998, 1999 and 2003) since 1986;''

After ''*Resolved*, That the House of Representatives and the American people extend heartfelt congratulations to the New York Yankees on the occasion of its 100th anniversary, and express the sincerest gratitude to the entire organization.'' Insert ''*Resolved*, That the House of Representatives and the American people extend heartfelt congratulations to the Boston Red Sox on the occasion of the 100th anniversary of its victory in the first World Series and express the sincerest gratitude to the entire organization.''

So I join, Mr. Speaker, the Red Sox nation in congratulating the Red Sox on the 100th anniversary of their victory in the first World Series and for their recent wild-card victory in the 2003 play-offs. On behalf of the Red Sox fans across the country and the world, I hope that the 85th time is a charm and it is this year. Good luck for all the teams in the play-offs and the Red Sox in particular, as well as the Yankees.

Mr. YOUNG of Florida. Mr. speaker, I rise in strong support of House Resolution 306, which congratulates the New York Yankees on their 100th anniversary.

Others who have spoken before me, and will speak after me, will have talked about the Yankees' prowess on the baseball field. Certainly their 26 World championships and 38 American League Pennants are unsurpassed in all of professional sports.

With my time today, however, I want to speak about one of the legendary New York Yankees, a man who has left his mark on this organization without ever taking to the field. That is George Steinbrenner, who bought the Yankees in January 1973 and has since then made it the most valuable sports franchise in the world.

Sports fans and non-sports fans alike know of George Steinbrenner's pride in the Yankees and his drive and desire to win the World Championship. Few people, however, know of his compassion and willingness to come to the aid of those most in need.

George Steinbrenner and his son Hal Steinbrenner devote much of their personal time in support of the Warrior Foundation, a nonprofit organization that assists the families of U.S. Special Operations Forces who make the ultimate sacrifice in defense of freedom. The Foundation provides scholarships for the children of these brave warriors who serve our Nation in anonymity.

George Steinbrenner and the New York Yankees also show their support of our troops throughout the season, by regularly honoring them at Yankee Stadium. During New York's Fleet Week, the Yankees honor thousands of sailors, soldiers, marines, airmen, and Coast Guardsmen while hosting them at baseball games. The Yankees regularly pay personal visits to our troops when they are hospitalized with injuries, and they honor those who are able to travel to Yankee Stadium.

Few people will ever forget the special bond that developed between the Yankees and the fire and police departments of New York City following the tragic events of 9/11. Our Nation will never forget the spiritual and emotional lift that those same Yankees gave our Nation with their never say die effort during the 2001 World Series.

Back home in the Tampa Bay area that I have the honor to represent, George Steinbrenner annually sponsors of series of holiday shows with the Florida Orchestra for underprivileged youth. Having participated in many of these shows, I can tell you that he brings greater happiness to thousands of children at these events each year.

He also reaches out to lend a helping hand to individuals and families with special needs throughout our community. He does not seek publicity for his efforts, he just does it because it's the right thing to do.

Mr. Speaker, George Steinbrenner is an American icon for his success as the owner of a professional sports team. For me, however, he is a true hero for his selfless acts to support our service members and our neighbors most in need. This is the side of George Steinbrenner few will ever see or read about but for which thousands are thankful and eternally grateful.

As we celebrate the 100th anniversary of this storied sports franchise, let us also say thank you to a great American with the heart of a champion. He has given our Nation much to cheer both on and off the playing field.

Mrs. MALONEY. Mr. Speaker, to the city of New York, the New York Yankees are truly more than just a baseball team.

For 100 years, they have captured the imagination, brought New Yorkers together and given our city of champions a championship spirit.

The numbers speak for themselves: 26 World Series won. 38 Hall-of-Famers. 6 consecutive division titles—and counting.

From Manhattan to Moscow, The Bronx to Beijing, you're likely to see someone wearing the distinctive Yankees ball cap wherever you go.

The world over, everyone knows the Yankees. But my most cherished Yankees memory, and the one that confirmed the uplifting, inspirational power the Yankees have was in the aftermath of the tragic attacks of 9/11.

It was the City's darkest hour and New Yorkers' most harrowing experience. Collectively, New Yorkers rallied around their neighbors, their leaders—and their championship teams.

That year, the Yankees put on an exhilarating, magical performance in the World Series, constantly fighting back from the brink of defeat to push the series to the limit.

That year, the Yankees' post-season performance was the first bit of good news many New Yorkers had received in weeks.

For that, and so many other memories, I am thrilled to join with my colleagues here and millions of New Yorkers back home in congratulating the New York Yankees for 100 years of thrills, excitement and excellence.

Ms. WATSON. Mr. Speaker, we have no additional speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana (Mr. SOUDER) that the House suspend the rules and agree to the resolution, H. Res. 306.

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

A motion to reconsider was laid on the table.

BOB HOPE POST OFFICE BUILDING

Mrs. MILLER of Michigan. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3011) to designate the facility of the United States Postal Service located at 135 East Olive Avenue in Burbank, California, as the ''Bob Hope Post Office Building''.

The Clerk read as follows:

H.R. 3011

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

SECTION 1. BOB HOPE POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 135 East Olive Avenue in Burbank, California, shall be known and designated as the ''Bob Hope Post Office Building''.

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

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Michigan (Mrs. MILLER) and the gentlewoman from California (Ms. WATSON) each will control 20 minutes.

The Chair recognizes the gentlewoman from Michigan (Mrs. MILLER).

GENERAL LEAVE

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

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

There was no objection.

Mrs. MILLER of Michigan. Mr. Speaker, this House justifiably honors numerous Americans each Congress, many of whom we know well and others who are less famous; but we may never pay tribute to anyone who selflessly devoted more time and energy toward promoting the general welfare in this country than the incomparable Bob Hope.

This legislation, H.R. 3011, introduced by the gentleman from California (Mr. SCHIFF), designates the postal facility in Burbank, California, as the Bob Hope Post Office Building, and all 53 members of the California State delegation have signed on as cosponsors of this legislation.

Bob Hope lived a wonderful life that spanned one full century. Towards the end of his life he was perhaps the biggest giant in the American entertainment industry; and whether it was vaudeville or Broadway, TV, movies or radio, America grew up with Bob Hope during the 20th century, and we laughed all the way.

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The legendary star of radio, television and film was born in Eltham, England, on May 29, 1903. The Hope family moved to Cleveland, Ohio, when Bob was 4, and he became a United States citizen in 1920. With his passing on July 27, 2003, the country that he loved and gave so much to mourned.

This Nation can never repay Bob Hope or his family for his commitment or his love of country. But with the passage of H.R. 3011, this House can speak for the citizens of this land in saying, ''You were a great American, Bob Hope. Thank you.''

The son of a stonecutter and an aspiring singer and entertainer, Bob Hope exemplifies the American Dream. To supplement his income when he began working in his teenage years, Bob began to follow in his mother's footsteps by doing some singing in nearby restaurants. Finally, he learned the art of vaudeville, and by 1928 he had adopted his stage name Bob Hope.

Bob eventually secured a variety show on NBC radio that lasted 18 years. By 1940, it was the most widely listened-to show in America. In 1950, he signed an exclusive TV deal which spawned a partnership that lasted more than 40 years and produced hundreds of programs and specials. On the big screen, he costarred with Hollywood legends like Bing Crosby, Shirley Ross, Paulette Goddard, and Dorothy Lamour during his movie career that lasted from the late 1930s through the Forties and Fifties. Before it was all over, he had starred in 75 motion pictures, nearly 500 television shows, and literally thousands of radio programs.

However, most Americans remember Bob best for his performances for the U.S. troops through the United Service Organization. During the early years of World War II, in 1941, he visited troops stationed in California to tape his radio show. After doing both radio and television shows over nearly five decades for U.S. troops located all over the globe, Bob Hope performed in front of troops for the last time in 1990 for servicemen and women readying to fight in the Persian Gulf War. Over the years, he traveled to bring a little bit of home to American soldiers abroad in Europe, North Africa, the Middle East, and Asia.

The gift that Bob Hope gave to the soldiers defending our freedom is priceless. In a time of great danger, the soldiers were entertained and were able to escape the trying times of their lives just for a moment. Mr. Speaker, Bob Hope expressed the love of a Nation for the men and women risking their lives for all of us back at home. He touched the lives of these brave men and women because he knew that they were fighting for us, for our freedoms.

Bob Hope passed away at 100 years of age, and we all greatly miss him. But he passed away serenely one evening. In fact, to quote his daughter, Linda, she said, ''I don't think you could have asked for a more peaceful, beautiful death. And I think all the good vibes my father put out during his lifetime came back to take him up.''

There is little that can be said that has not been said about what a wonderful person Bob was. He was given 54 honorary doctorates, the Congressional Medal of Honor, the Presidential Medal of Freedom, was inducted into the Television Hall of Fame, and was even knighted by his native Great Britain. But today, I am sincerely proud that we have a chance to say just a few more words about Bob and his legacy.

Every American owes Bob a little something for his contributions to the fabric of this Nation. It is certainly appropriate that this House give at least a little bit back to Bob Hope by naming after him this post office in Burbank, California, where the NBC Studios are located, a place we all know he spent much of his career.

Mr. Speaker, I urge all Members to vote for the passage of H.R. 3011 that commemorates the matchless life of Bob Hope, and I congratulate the gentleman from California for his work on this bill.

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

Ms. WATSON. Mr. Speaker, I yield myself such time as I may consume, and I rise to support H.R. 3011, that will designate the facility of the United States Post Office located at 135 East Olive Avenue in Burbank, California, as the Bob Hope post office building.

Mr. Speaker, I am pleased to join my colleagues in the consideration of H.R. 3011, legislation naming this post office after Bob Hope. The bill was sponsored by the gentleman from California (Mr. SCHIFF) on September 4, 2003, and it has met the policy of the Committee on Government Reform and has been cosponsored by the entire California delegation.

Bob Hope was born Leslie Townes Hope in 1903 in Eltham, England. He emigrated to America 4 years later. For more than 60 years, Bob Hope traveled around the world entertaining and supporting our military personnel. From World War II, to the Korean War, to the Vietnam War, and the Persian Gulf War Bob sang, danced, joked, comforted, and took picture after picture with our men and women who were fighting for our country. But Bob Hope did not just give of his time and his talent, he also gave from his heart and his pocket. Throughout his career he raised more than $1 billion for war relief and various other charities.

Sadly, Bob Hope, the friend of presidents and a living legend in radio, TV, film, and on Broadway died at his home on July 27, 2003. However sad it was, he met the century figure, 100 years.

Mr. Speaker, I commend my colleagues for seeking to honor the late Bob Hope in this manner; and, as a representative of Hollywood, we will all cherish his memory and his works and hope that we can give back to humankind what he did. I urge the swift adoption of this bill.

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

Mrs. MILLER of Michigan. Mr. Speaker, I yield myself such time as I may consume to simply say that this is truly a worthwhile measure, and I want to again commend the gentleman from California for his work on it. I certainly urge all my colleagues to support the passage of this measure.

Ms. MILLENDER-MCDONALD. Mr. Speaker, I am pleased to rise today in support of the Bob Hope Post Office Building Designation Act (H.R. 3011). First I would like to thank my colleagues ADAM SCHIFF and HOWARD BERMAN for introducing this bill.

On Sunday, July 27, 2003, the world lost one of its most beloved comic talents when Bob Hope died of pneumonia in Taluca Lake, CA. He was 100.

Though he was born in England and he grew up in Cleveland, OH, Bob Hope will always be a Californian. He expressed the California spirit that has captivated not only this country, but also the rest of the world in the century in which he lived.

Witty, self reliant, innovative and an entrepreneur wrapped together with impeccable timing, Bob Hope spoke to Americans on many levels. He made us laugh, he made us think and most importantly—he made us proud to be Americans.

Bob Hope's accomplishments in entertainment are well documented.

We will miss Bob Hope the entertainer, but during times like these, when every morning we are abruptly reminded of the conflict in Iraq and the sacrifices of American men and women in the Middle East, we desperately miss Bob Hope the American ambassador of good will, humanity and humor.

His contribution to our military will be irreplaceable. It was his gestures that have made the greatest impact to our troops, to our Nation and to all our citizens that applauded him as he entertained our troops overseas.

His decades of support to our troops, his presence oversees, made us all feel better

back home. We couldn't be there, but Bob Hope was. He knew the sacrifices our men and women made and he let our brave men and women know that we supported them back home.

Bob Hope is already missed.

Mr. SCHIFF. Mr. Speaker, I rise today to honor one of the most beloved and recognizable talents in the world. Bob Hope is regarded as a gifted entertainer, with an unmistakable ability to bring laughter and joy to persons of all ages; however, he was also an ambassador of hope to our men and women overseas.

It is with great honor that I stand before you today, and bring to the Floor, House Resolution 3011, a resolution cosponsored by all of my colleagues from California. This legislation will honor Bob Hope's many contributions to veterans, active duty troops, the field of entertainment and the greater Los Angeles community, by naming the Burbank, CA, Main Post Office for him.

Born in Eltham, England, on May 29, 1903, Bob Hope seemed to be destined to entertain. From impersonating Charlie Chaplin in front of the neighborhoods firehouse in Cleveland as a young boy, to celebrating an unprecedented 60 years with NBC in 1996, Hope's entertainment persona has been evident in every decade of the 20th century.

An avid golfer, Bob Hope had been quoted as saying, ''Golf is my profession. I tell jokes to pay my green fees.'' Most notably, he developed and hosted the Bob Hope/Chrysler Classic, a pro am tournament held annually in Palm Springs, CA. Over four decades later, the Classic draws the most famous pros and celebrity amateurs, and it has gone on to raise over $35 million for the Eisenhower Medical Center and 70 other various charities.

What separated Bob Hope from other beloved celebrities was his unwavering commitment to bringing smiles and hope to American servicemen and servicewomen overseas. For nearly six decades, during times of war and peace, Hope traveled to countless countries to entertain the troops. Affectionately referred to as ''G.I. Bob,'' Bob Hope became a fixture on the U.S.O. stage.

In May of 1941, Bob Hope performed for U.S. Troops at March Field, CA, beginning a legendary tradition of military performances. During World War II, he performed almost all of his weekly radio shows from American military bases around the U.S. and in the theaters of war. In his support of our troops, he traveled to England, Ireland, Africa, Sicily, and the South Pacific. After the war, he continued his commitment to freedom and humor with a Christmas show for troops supporting the Berlin airlift. During the 1970s, he brought joy to weary soldiers with Christmas shows at bases or veterans' hospitals throughout Vietnam. 1983 took him to Beirut, and in 1987 he traveled around the world to entertain troops in the Pacific, Atlantic, and Indian Oceans.

His globetrotting commitment to entertainment is unsurpassed, in peacetime or in war. The Navy has honored him with a class of ships in his name. Not to be outdone, the Air Force named a C–17 *The Spirit of Bob Hope.* When I was in Iraq in August, I visited a commissary named after Bob Hope and saw first hand how much his visits to the troops meant to them. Our Nation's only honorary veteran, Bob Hope's legacy will be that of a wartime and peacetime soldier, always fighting to bring a smile and a piece of home to U.S. troops around the world.

John Steinbeck once said of Bob Hope, ''It is impossible to see how he can do so much, can cover so much ground, can work so hard and be so effective.''

Former Burbank mayor Michael Hastings said to Hope, ''He was as large in this community as he was in the world, and I think Burbank has been a great beneficiary.'' It seems only fitting that a city that served such an instrumental role in Bob Hope's life, return that honor by naming its historic post office after the entertainer.

Hope's ties to the city of Burbank, CA were numerous. In 1973, he was named the city's honorary mayor, and in 1989, the city renamed a portion of Catalina Street near NBC studios to Bob Hope Drive. In April of 1993, those studios were dedicated in honor of Hope's 90th birthday and his more than 50-year association with the network. Donating more than $1 million to the Providence St. Joseph Medical Center Foundation in Burbank, Hope also helped raise money to build a veteran's monument in the city, by performing at the Starlight Bowl in 1987.

By naming the Burbank, CA Main Post Office for Bob Hope, we will remember him for his talent and honor him for his extraordinary impact on the lives of our troops. With the release of his very first feature film, ''The Big Broadcast of 1938,'' ''Thanks for the Memory,'' became Hope's signature song. Earning an Academy Award, the song will forever remind us of the legendary Bob Hope. The classic Hope song ends with the words, ''Aw' fly glad I met you, cheerio, and toodle-oo and thank you so much.''

We thank you Mr. Bob Hope, for all the memories.

Mr. BERMAN. Mr. Speaker, I rise today in support of naming a post office for Bob Hope near his hometown of Toluca Lake. This is a small tribute for a man who has given so much to our country.

Bob Hope was a man who knew no boundaries. He certainly did not heed geographic borders, performing for soldiers in all corners of the world. Starting in 1941, he headlined USO shows in the South Pacific, Africa, Europe and the Middle East, entertaining millions of soldiers and bringing laughter to the most desolate places on Earth.

Bob Hope did not recognize boundaries of time, charming audiences of civilians and soldiers for over sixty years. His first ''last Christmas tour'' was in 1972, yet into the 1990's he could be found performing for troops in Saudi Arabia during ''Operation Desert Storm.'' No other entertainer has given so much for so long.

Bob Hope's life also eclipsed the boundaries of entertainment. His career covered every field of entertainment, from vaudeville to Broadway, radio to television and film to stand-up. His signature song ''Thanks for the Memories'' won an Academy Award. Although he never won an Oscar himself, Bob Hope hosted the Oscars a record 18 times and was awarded two honorary Oscars.

On May 29, 2003, America mourned Bob Hope's death at the age of 100. Although he starred in more than fifty films, he may be most remembered for his role as an honorary veteran. This honor, the only one ever awarded, was bestowed on him for his commitment to our armed services. While America could never repay Bob Hope for his service to our country, H.R. 3011 will continue a fine tradition of honoring an exemplary citizen. I strongly encourage my colleagues to support this bill.

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

The SPEAKER pro tempore (Mr. WHITFIELD). The question is on the motion offered by the gentlewoman from Michigan (Mrs. MILLER) that the House suspend the rules and pass the bill, H.R. 3011.

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

A motion to reconsider was laid on the table.

HONORING THE LIFE AND LEGACY OF BOB HOPE

Mrs. MILLER of Michigan. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 357) honoring the life and legacy of Bob Hope.

The Clerk read as follows:

H. RES. 357

Whereas Bob Hope was born Leslie Townes Hope on May 29, 1903, in Eltham, England, and immigrated to the United States in 1907 at the age of 4;

Whereas Bob Hope entertained America on the vaudeville circuit, the Broadway stage, and in over 1,100 radio shows, 75 movies, and 475 television programs;

Whereas for more than 5 decades Bob Hope entertained the Nation's troops overseas with the United Service Organizations (USO), putting on shows during World War II, the Korea War, the Vietnam War, and the first Persian Gulf War;

Whereas during his lifetime Bob Hope donated more than 1 billion dollars to hospitals, charities, and civic organizations;

Whereas Bob Hope received the Congressional Gold Medal in 1962, in recognition of his service to his country and the cause of peace, and the Presidential Medal of Freedom in 1969, in honor of his gifts of joy to all the American people;

Whereas Bob Hope's commitment to the Nation's troops was so great that he was the first person ever to be recognized by the United States Congress as an honorary veteran;

Whereas Bob Hope received the Distinguished Service Medal from each branch of the Armed Forces;

Whereas Bob Hope was awarded 5 special Oscars, the George Peabody Award, and more than 50 honorary degrees; and

Whereas, on July 27, 2003, America was greatly saddened by the death of Bob Hope: Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors Bob Hope for his legendary career as an entertainer, decades of dedicated service to the men and women of the Armed Forces, and his many philanthropic and humanitarian acts; and

(2) expresses condolences on his passing to his wife Dolores, their children, and grandchildren.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Michigan (Mrs. MILLER) and the gentlewoman from California (Ms. WATSON) each will control 20 minutes.

The Chair recognizes the gentlewoman from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this resolution, of which I am a very proud cosponsor, honors the life and legacy of Bob Hope. He dedicated his life to the Nation he loved, and with House Resolution 357 we in Congress can honor his life.

Bob Hope not only entertained America, he contributed to the welfare of our society through his generosity. He donated more than $1 billion to hospitals and charities and civic organizations. He donated his time, and he risked his life for the benefit of his fellow citizens serving in the Armed Forces.

Throughout his life, he gave of himself to others. He represented the United States and its citizens selflessly. This Nation is blessed to have had the pleasure of knowing him. ''Bob, thanks for the memories.''

Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. MILLER), the sponsor of this well-deserved resolution, and I commend him for his work on the resolution.

Mr. MILLER of Florida. Mr. Speaker, I thank the gentlewoman for yielding, and I rise today as the co-chair of the Congressional USO Caucus to mourn the loss of the legendary entertainer Mr. Bob Hope, who recently passed away July 27 at the age of 100.

The gentleman from Texas (Mr. REYES), who is the co-chair of the Congressional USO Caucus, and I drafted this resolution soon after Mr. Hope's death in July. Incidentally, Mr. Speaker, the gentleman from Texas (Mr. REYES) regrets he is not able to be present today for this resolution. However, he has submitted remarks for the CONGRESSIONAL RECORD.

Bob Hope had an illustrious career which included more than 1,100 radio shows, 75 movies, and 475 television programs. He has received numerous accolades, as we have already heard this afternoon, including five special Oscars, the George Peabody Award, and more than 50 honorary degrees. For his distinguished service, he has received the Presidential Medal of Freedom awarded in 1969 in honor of his gifts of joy to all the American people. Most notably, Mr. Hope will be remembered as a selfless entertainer who was beloved by our Nation's Armed Forces.

Mr. Hope told jokes and entertained our Armed Forces overseas and at home for more than five decades. He headlined the USO shows during World War II and the Persian Gulf Wars, as well as in Korea and Vietnam. For his unmatched commitment to our Nation's Armed Forces, Mr. Hope received the Distinguished Service Medal from each branch of the Armed Forces and is the only person, the only person to ever be recognized by the United States Congress as an honorary veteran.

Mr. Hope's legacy continues today as our troops overseas are treated to a variety of entertainment headlined by this country's star performers. As a matter of fact, Drew Carey, Bruce Willis, Wayne Newton, and others have completed USO tours in Iraq. The tour recently visited 13 camps, more than 7,300 troops, with four performances, and signed over 3,000 autographs. From visits by NFL Cheerleaders to comedians, to singers, Bob Hope was the catalyst for their participation. These celebrities are truly committed to continue USO tours, even in places such as Iraq. Our troops truly appreciate the participation, and it makes their difficult service to our Nation more comfortable.

Mr. Speaker, Bob Hope loved the USO and, more importantly, loved the American soldier. Bob Hope and the USO's commitment to be America's link with her men and women in uniform have withstood the test of time. With the continued dedication of the USO legion of volunteers and charitable support from individuals and corporations, the USO will provide its touch of home for as long as we have those in service to our country.

So to Bob Hope and the USO, I say, ''Thanks for the memories.''

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

Mr. Speaker, the son of a stonemason and an aspiring concert singer, Bob Hope had a career that stretched across the decades. His casual careers included a butcher's delivery boy, a soda clerk, shoe salesman, pool hustler and boxer, but it was the stage where he was most at home.

Bob Hope began performing in vaudeville in the 1920s, performing what he called songs, patter, and eccentric dancing. He made his Broadway debut in 1933 with the musical Roberta. He appeared in the 1935 production of the Ziegfeld Follies and starred with the legendary Ethel Merman in a production of Cole Porter's Red Hot and Blue.

In addition to his work on the stage, Hope landed a profitable stint hosting the popular Pepsodent show on NBC Radio. His program would air in some form or another from 1938 until the 1950s. Bob Hope's radio fame led him to Hollywood, where he appeared in his first film, The Big Broadcast of 1938. He starred in more than 50 films, but he is best known for the road movies with Bing Crosby and Dorothy Lamour.

Though Bob Hope never won a Best Actor Oscar, he has been awarded two honorary Academy Awards and a humanitarian award. He made his first appearance on television in 1947 when he headlined the inaugural broadcast of KTLA, the first TV station on the West Coast.

□ 1530

In the early 1950s, he appeared frequently on ''The Tonight Show'' with Johnny Carson and alongside Lucille Ball on her sitcom ''I Love Lucy.''

Beginning in 1953, Hope hosted an annual Christmas television special, many of which were broadcast internationally for the sake of the United States troops stationed around the world. During World War II and the Korean and Vietnam wars and even during peacetime, Bob Hope toured with a number of USO shows, entertaining U.S. troops and earning the title of USO's Ambassador of Goodwill.

Over his lifetime, Bob Hope has been awarded more honors than any other entertainer, an achievement that earned him a place in the ''Guinness Book of Records.''

Since 1934, Bob Hope has been married to Delores Reade, whom he met when they appeared together on Broadway in ''Roberta.'' The couple has four children.

Our condolences go out to the Hope family and his legion of fans.

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

GENERAL LEAVE

Mrs. MILLER of Michigan. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 357.

The SPEAKER pro tempore (Mr. SCHROCK). Is there objection to the request of the gentlewoman from Michigan?

There was no objection.

Mr. REYES. Mr. Speaker, on July 27th, America mourned the loss of one of its greatest citizens when Bob Hope passed away at the age of 100. Our Nation came to know Bob Hope for his great career that spanned stage, screen, and radio. But it was his unrivaled commitment to our troops that made him an American hero. Hope headlined USO shows during World War II and the Persian Gulf War, as well as in Korea and Vietnam. Bob Hope is recognized by the Guinness Book of Records as the most honored entertainer in the world. He has been honored by the entertainment industry, the educational community, every branch of our armed services, and the United States Congress. He has had more than 2,000 awards and citations for humanitarian and professional efforts including 54 honorary doctorate degrees, and the Presidential Medal of Freedom.

In 1997, by an act of Congress, Bob Hope was made an ''honorary veteran.'' Upon receiving the award, Hope said, ''I've been given many awards in my lifetime—but to be numbered among the men and women I admire most—is the greatest honor I have ever received.''

As a combat veteran myself, I was proud to welcome Bob Hope among our ranks. Bob Hope was a great American. He will be missed.

Mr. Speaker, I am proud to have been able to work with my friend and colleague, Mr. MILLER, as a co-author and lead cosponsor of this resolution. He and I are the founding Members and co-chairs of the Congressional USO Caucus. I also have the benefit of serving on both the House Armed Services Committee and the House Veterans Affairs Committee with Mr. MILLER. As the 137 Members and Senators of the Congressional USO Caucus, it is my hope that we will be able to support the mission and goals of the USO in Congress in the spirit of Bob Hope.

I encourage my colleagues to support this resolution.

Mr. DREIER. Mr. Speaker, I join with my colleagues today to honor and remember the legacy of one of the greatest entertainers, humanitarians, and patriots this country has ever known, Bob Hope.

Whether it was his early vaudeville routines, his many movies, or his numerous television specials, Americans always knew they could count on Bob Hope for a good laugh. But perhaps more impressively, Bob Hope selflessly dedicated himself to nearly 50 years of entertaining our men and women in uniform. It is estimated that 'G.I. Bob' performed for over 10 million American soldiers between World War II and Operation Desert Storm, an astonishing number that speaks to the depth of his dedication to our troops. In 1997, in recognition of his unfaltering commitment, Congress unanimously voted to name Bob Hope an Honorary Veteran—the first individual so honored in the history of the United States.

I was privileged to have known Bob Hope, and have many memories of time spent with him and his wonderful wife, Dolores, and their family. When you were in his presence, you could not help but be in awe of an individual who was virtually unparalleled in his commitment to the United States of America.

During one of his many commencement addresses, Bob Hope reminded graduating seniors that they would soon take up the torch of freedom and knowledge and that, someday, they would pass that torch, burning stronger and brighter, on to others. Bob Hope carried that torch for over 100 years and has passed on to all of us a flame that continues to burn as a shining example of the virtues of humor, love, and patriotism.

Mr. Speaker, I urge my colleagues to join in honoring the life and legacy of Bob Hope.

Mrs. MILLER of Michigan. Mr. Speaker, I urge all Members to support adoption of H. Res. 357. I congratulate the gentleman from Florida (Mr. MILLER) for shepherding this through the committee process, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Michigan (Mrs. MILLER) that the House suspend the rules and agree to the resolution, H. Res. 357.

The question was taken.

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

Mrs. MILLER of Michigan. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

JUDGE EDWARD RODGERS POST OFFICE BUILDING

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2075) to designate the facility of the United States Postal Service located at 1905 West Blue Heron Boulevard in West Palm Beach, Florida, as the ''Judge Edward Rodgers Post Office Building''.

The Clerk read as follows:

H.R. 2075

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

SECTION 1. JUDGE EDWARD RODGERS POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 1905 West Blue Heron Boulevard in West Palm Beach, Florida, shall be known and designated as the ''Judge Edward Rodgers Post Office Building''.

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

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentlewoman from California (Ms. WATSON) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I will defer to my friends on the other side of the aisle to speak on this worthwhile legislation.

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

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

Mr. Speaker, I am representing the gentleman from Illinois (Mr. DAVIS) as a member of the Committee on Government Reform, and I am pleased to join the gentleman in consideration of H.R. 2075, legislation naming a postal facility in West Palm Beach, Florida, after Judge Edward Rodgers.

H.R. 2075 was sponsored by the gentleman from Florida (Mr. HASTINGS) on May 13, 2003. The bill has met the Committee on Government Reform policy, and has been cosponsored by the entire Florida delegation.

Edward Rodgers has lived in West Palm Beach since 1950 when he married West Palm Beach native Gwendolyn Baker. Mr. Rodgers began his career as a teacher, later becoming an assistant principal. In reaction to the injustices of teaching in a segregated society, Mr. Rodgers became an attorney, graduating from Florida A&M University Law School in 1963.

He went on to become the first black county prosecutor and the first black judge in Palm Beach County. Judge Rodgers served on the bench for 22 years before retiring in 1995. On his first run for office in 1999, Judge Rodgers won a seat on the Riviera Beach City Council, where he presently serves as council chairman.

Mr. Speaker, Judge Rodgers has spent a lifetime working hard to assist those in need, championing the rights of those with drug addictions and those who are suffering from mental illness. Judge Rodgers has used his legal and judicial talent to improve his town, establishing a Saturday drug court, working as a mediator and court-appointed special master in arbitration and investigating back-room judicial appointments. Passage of H.R. 2075 maintains our tradition of recognizing those very special and deserving individuals.

I applaud our colleague for seeking to honor Judge Edward Rodgers in this manner, and I urge the swift passage of H.R. 2075.

Mr. Speaker, I yield 5 minutes to the gentleman from Florida (Mr. HASTINGS).

Mr. HASTINGS of Florida. Mr. Speaker, I thank the gentlewoman for yielding me this time, and I also thank the gentlewoman from Florida (Ms. ROS-LEHTINEN) for participating and allowing this to come to the floor.

Mr. Speaker, I rise today in support of H.R. 2075, a bill to name the Riviera Beach U.S. Post Office in honor of Judge Edward Rodgers. Eddie was born in Pittsburgh, Pennsylvania, and moved to West Palm Beach, Florida, in 1950, where he met his bride and now-deceased wife, who was also a friend of mine.

Although he studied political science as an undergraduate student, he became a teacher schooling soldiers at segregated Roosevelt High School in West Palm Beach. Before being promoted to assistant principal, Eddie found himself in the position of arguing before the school board for equal pay for black teachers, but support was not there. The tyranny of segregation at that time caused him to go to law school at Florida A&M University where I had the good fortune of meeting him and his wife and his children. They all came to law school together.

The reason I know that story very well is I was in Judge Rodgers' class, one of six of us that graduated in that class from Florida A&M University. He went on to become Palm Beach County's first black prosecutor and then Palm Beach County's first black Court of Competent Jurisdiction judge. He would serve in the civil, criminal, and probate courts before retiring in 1995, after 22 remarkable years on the bench.

His accomplishments are numerous, and I have outlined some of them which I will include for the RECORD. He retired in 1995 and then really did not retire because he went on to seek elected office in Riviera Beach and went to work to restore his hometown, which he loves so much, as president of the Riviera Beach City Council.

Eddie Rodgers is a man that is known for his compassion, for his fairness, and his strength. He is a man that is respected and loved by his peers. In the entire community of Palm Beach, throughout the State of Florida, and this Nation, he finds himself a loved individual. I am honored to recognize a humanitarian activist, a former colleague, but most importantly, a great friend by naming the Riviera Beach Post Office in his honor. I obviously would urge the adoption of this bill. I

thank Members of the House of Representatives for participating and allowing this fine gentleman to be recognized. I wish him so many more honors because he is certainly deserving.

Mr. HASTINGS. Mr. Speaker, I rise today in support of H.R. 2075, a bill to name the Riviera Beach U.S. Post Office in honor of Judge Edward Rodgers.

Born in Pittsburgh, Pennsylvania, Edward Rodgers moved to West Palm Beach, Florida in 1950 after he met and married Palm Beach County native Gwendolyn Baker.

Although he studied political science as an undergraduate student, he became a teacher, schooling soldiers at segregated Roosevelt High School before being promoted to assistant principal. Disturbed by the bureaucratic tyranny of teaching in the segregated South, Rodgers set his sight on becoming an attorney.

He attended Florida A&M University Law School and along with myself, was one in a six-person class to graduate in 1963. Within 2 short years, Rodgers was appointed the first black county prosecutor in Palm Beach county, then the first black judge, and he would serve in civil, criminal, and probate courts before retiring in 1995 after 22 remarkable years on the bench.

His accomplishments are many. However, some of his career highlights include helping former Governor of Florida Lawton Chiles investigate allegations that the Palm Beach County's Judicial Nominating Commission made back-room judicial appointments. Establishing a Saturday drug court in Riviera Beach, West Palm Beach, and Delray Beach to champion the rights of the mentally ill and drug addicted. Establishing the Gwen Baker Rodgers Memorial Fund to honor his late wife. Serving as Assistant State Attorney. And working as a mediator and a court-appointed special master in arbitration cases.

When he retired in 1995, Judge Edward Rodgers pledged to continue to work to restore his town. In fact on his first run for office in 1999, Rodgers won a seat on the Riviera Beach city council, where he presently serves as council chairman.

Mr. Speaker Judge Rodgers is a man that is known for his compassion, fairness, and strength. He is a man that is respected and loved by his peers and within his community. I am honored to recognize a humanitarian, activist, former colleague, but most importantly a great friend through naming the Riviera Beach post office in his honor. I urge the adoption of the bill.

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

GENERAL LEAVE

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2075.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I congratulate the gentleman from Florida (Mr. HASTINGS) for having the House consider his bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and pass the bill, H.R. 2075.

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

A motion to reconsider was laid on the table.

ARTHUR ''PAPPY'' KENNEDY POST OFFICE

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1882) to designate the facility of the United States Postal Service located at 440 South Orange Blossom Trail in Orlando, Florida, as the ''Arthur 'Pappy' Kennedy Post Office''.

The Clerk read as follows:

H.R. 1882

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

SECTION 1. DESIGNATION.

The facility of the United States Postal Service located at 440 South Orange Blossom Trail in Orlando, Florida, shall be known and designated as the ''Arthur 'Pappy' Kennedy Post Office''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in section 1 shall be deemed to be a reference to the Arthur ''Pappy'' Kennedy Post Office.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentlewoman from California (Ms. WATSON) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida (Ms. ROS-LEHTINEN).

GENERAL LEAVE

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1882.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1882, introduced by the gentlewoman from Florida (Ms. CORRINE BROWN), designates this postal facility in Orlando, Florida, as the Arthur ''Pappy'' Kennedy Post Office Building. All of the Members of the Florida delegation have signed on as cosponsors of this measure.

Mr. Speaker, I am pleased that the House is taking up this legislation that honors Pappy Kennedy. He became the first black city commissioner in the city of Orlando's history when he was first elected in 1972. He was truly a devoted public servant, just the kind of person who ought to be honored by this House. Pappy Kennedy sadly passed away earlier this year on March 28. With passage of this legislation, this Congress can appropriately name a post office in Pappy's hometown that will forever celebrate his loyal service.

Mr. Speaker, I want to again recognize the thoughtful work on this legislation by the gentlewoman from Florida (Ms. CORRINE BROWN), and I am proud to be a cosponsor of H.R. 1882, which honors Arthur ''Pappy'' Kennedy, and I urge all Members to support its passage.

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

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

Mr. Speaker, H.R. 1882 designates the facility of the United States Post Office located at 440 South Orange Blossom Trail in Orlando, Florida, as the Arthur ''Pappy'' Kennedy Post Office.

I am pleased to join with our colleagues in the consideration of this bill that will name the post office after Pappy Kennedy. The bill was sponsored by the gentlewoman from Florida (Ms. CORRINE BROWN) on April 30, 2003. The bill has met the Committee on Government Reform policies, and has been cosponsored by the entire Florida delegation.

Arthur ''Pappy'' Kennedy was born in River Junction, Florida, in 1913. Ten years later, Mr. Kennedy moved to Orlando. He attended high school and college in the Florida area, and returned to Orlando to work at the Orange Court Hotel.

□ 1545

A lifetime member of the NAACP, Mr. Kennedy volunteered with many organizations: Meals on Wheels, United Negro College Fund, among others. He served as a deacon in his church, Shiloh Baptist, and spent time working with young people.

In 1972, Mr. Kennedy was elected Orlando's first African-American City Commissioner and had the distinction of being elected by the largest percentage between contestants in the 101-year history of the city.

A tireless public servant and advocate, Arthur ''Pappy'' Kennedy passed away on March 28, 2001.

Mr. Speaker, I commend my colleague for seeking to honor the late Arthur ''Pappy'' Kennedy in this manner, and I urge the adoption of the bill.

Mr. Speaker, I yield 5 minutes to the gentleman from Florida (Mr. HASTINGS.)

Mr. HASTINGS of Florida. Mr. Speaker, in light of the fact that the original sponsor of the bill has arrived, I would like to yield this time to her if she is ready, and then I will speak, time permitting, after her.

With that in mind, I yield to the gentlewoman from Florida (Ms. BROWN), my good friend, and the good friend of the gentlewoman from Florida (Ms. ROS-LEHTINEN.)

Ms. CORRINE BROWN of Florida. Mr. Speaker, first of all, let me thank the gentleman from Florida (Mr. HASTINGS) for his support in helping to get this bill to the floor and the gentleman from Florida (Mr. CRENSHAW), in fact, the entire Florida delegation.

I am delighted to introduce this bill which designates the facility of the United States Postal Service located 440 South Orange Blossom Trail in Orlando as the Arthur ''Pappy'' Kennedy Post Office.

Arthur ''Pappy'' Kennedy was Orlando's first African-American City Commissioner. He was elected to the Orlando City Council in 1972, reelected in 1976, and served until 1980. Born in River Junction, Florida, in 1913, his family moved to Orlando where he attended the Johnson Academy and Jones High School. Upon graduation, he attended Bethune-Cookman College, a Historically Black College in my district in Daytona Beach.

There was no stronger advocate of higher education than Pappy Kennedy. A man always involved in the community, he was the organizer of the Orlando Negro Chamber of Commerce, president of the Jones High School Parent-Teacher Association, and instrumental in organizing of the Orange County Parent-Teacher Council. He also worked with many, many organizations including the Meals on Wheels, the United Negro College Fund, and the NAACP.

Yet, for all of his accomplishments, Arthur ''Pappy'' Kennedy is best known for being Orlando's first African-American City Commissioner.

And when elected, he had the distinction, according to the Orlando City Clerk's Office, of being elected by the largest percentage among contestants in the 101-year history of the city.

I am honored to recognize one of Florida's stellar native Floridians with this Post Office designation.

In closing, it is my understanding that the Kennedy family is in the Washington area, and I would like to welcome them and thank all of them for their inspiration and support in the life of this heroic civil rights leader, Arthur ''Pappy'' Kennedy.

I urge all of the Members to support the naming of this post office.

Ms. ROS-LEHTINEN. Mr. Speaker, I have no other speakers. I want to again congratulate my colleague, the gentlewoman from Florida (Ms. CORRINE BROWN), for her work on this meaningful legislation.

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

Ms. WATSON. Mr. Speaker, I yield 5 minutes to the gentleman from Florida (Mr. HASTINGS).

Mr. HASTINGS of Florida. Mr. Speaker, I rise today in tremendous support of H.R. 1882, a bill to name an Orlando, Florida, Post Office after Arthur ''Pappy'' Kennedy.

I am especially pleased because the bill recognizes the accomplishments of a political trailblazer for all of us in Florida, and, especially for African Americans. I am further pleased by virtue of the fact that among the great things that Arthur ''Pappy'' Kennedy produced, children of his that are friends of mine, including one of them, his son, who is named Arthur as well, is my chief of staff in my office here, where I am privileged to serve in the United States Congress.

While Pappy may not be with us today to see this honor bestowed upon him, I know that his son and daughter and six grandchildren and 11 great grandchildren, and I note that some of them are with us today, share in the joy and excitement of this historic day.

As previously mentioned, Pappy was born in River Junction, Florida. I know where River Junction is; most Floridians do not. The reason I know about little towns is I am from Altamont Springs, Florida, which is 10 miles north of where Pappy made most of his career. At the young age of 10, he moved to Orlando where he would attend high school and become a pioneer in breaking down racial barriers. Throughout his life, Pappy Kennedy spoke up for those who could not speak for themselves, motivated others to improve their lives and was a tireless advocate for the poor and oppressed.

In 1976, as previously mentioned, he became the first African American to be elected to the Orlando city council. His popularity amongst the voters was obvious by virtue of the strength of the vote that he pulled in his election and then in his reelection, the largest victory to date of any Orlando commissioner. His election to the city council ended a string of unsuccessful attempts by African Americans to gain representation in Orlando's political arena. His election also paved the way for many women to successfully run for political office in Orange County. While serving on the council, he led the fight for single-member districts in Orlando. That change in election procedure resulted in the number of African Americans serving on the city council to double and others to go on to serve on the county commission and school board and the State legislature.

Interestingly, the change in election procedure that he so tirelessly fought for actually placed his political future in jeopardy. Yet despite the risk, Pappy's popularity prevailed, and he served on the city council for a total of 7 years. In addition to politics, he was a civic activist in the truest sense. He helped organize the former Orlando Negro Chamber of Commerce and was an active volunteer for the United Negro College Fund, the NAACP, Meals on Wheels and the Chamber of Commerce. Mr. Kennedy also served as president or chairman of the Jones High School Parent-Teacher Association, the Orange County United Appeal, the Orange County Heart Fund and the Orange County Easter Seal campaign.

It has been said that the true success of a leader must not only be measured by what he or she accomplishes while they are in a position to lead, but also in the size of the footprint that they leave behind. The footprint Pappy Kennedy left remains visible today in Orlando and throughout the State of Florida. The walls broken down by Pappy Kennedy in 1976 helped open the doors of public service for African Americans throughout Florida. As someone who worked to break down the walls of racial injustice with Pappy Kennedy, the gentlewoman from Florida (Ms. CORRINE BROWN), Carrie Meek and others, it is an honor and privilege to speak on the floor of the House of Representatives today in support of this bill.

His life was one filled with political, religious and civic activism of the highest level. He inspired many, including myself, and the bill that this body is considering today is an appropriate tribute to a true American hero. I urge my colleagues to support H.R. 1882.

Ms. WATSON. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Ms. CORRINE BROWN).

Ms. CORRINE BROWN of Florida. Mr. Speaker, I would like to ask the gentleman from Florida (Mr. HASTINGS) a question. While we are all in the Third Congressional District very excited about the naming of the post office, I have gotten many comments about the status of this particular post office. I have contacted U.S. Postal personnel. I would like for the gentleman and other Members to work to get it upgraded so it can be the quality that we all want representing Pappy Kennedy.

Mr. HASTINGS of Florida. If the gentlewoman will yield, I can assure her that I will work tirelessly in that effort and the previous naming of a post office is of a post office in a very similar condition in Riviera. I rather suspect that they should be brought to the quality of all of the postal services, and the gentlewoman, myself and other members of the Florida delegation I am sure will do everything we can, especially for the one for Arthur ''Pappy'' Kennedy.

Ms. CORRINE BROWN of Florida. I thank the gentleman.

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

I will work with my colleagues to see that the upgrading of this post office happens.

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

The SPEAKER pro tempore (Mr. SCHROCK). The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and pass the bill, H.R. 1882.

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

A motion to reconsider was laid on the table.

AMENDING HIGHER EDUCATION ACT OF 1965 WITH RESPECT TO QUALIFICATIONS OF FOREIGN SCHOOLS

Mr. BOEHNER. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 570) to amend the Higher

Education Act of 1965 with respect to the qualifications of foreign schools.

The Clerk read as follows:

S. 570

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

SECTION 1. FOREIGN SCHOOL ELIGIBILITY.

(a) IN GENERAL.—Section 102(a)(2)(A) of the Higher Education Act of 1965 (20 U.S.C. 1002(a)(2)(A)) is amended to read as follows:

''(A) IN GENERAL.—For the purpose of qualifying as an institution under paragraph (1)(C), the Secretary shall establish criteria by regulation for the approval of institutions outside the United States and for the determination that such institutions are comparable to an institution of higher education as defined in section 101 (except that a graduate medical school, or a veterinary school, located outside the United States shall not be required to meet the requirements of section 101(a)(4)). Such criteria shall include a requirement that a student attending such school outside the United States is ineligible for loans made, insured, or guaranteed under part B of title IV unless—

''(i) in the case of a graduate medical school located outside the United States—

''(I)(aa) at least 60 percent of those enrolled in, and at least 60 percent of the graduates of, the graduate medical school outside the United States were not persons described in section 484(a)(5) in the year preceding the year for which a student is seeking a loan under part B of title IV; and

''(bb) at least 60 percent of the individuals who were students or graduates of the graduate medical school outside the United States or Canada (both nationals of the United States and others) taking the examinations administered by the Educational Commission for Foreign Medical Graduates received a passing score in the year preceding the year for which a student is seeking a loan under part B of title IV; or

''(II) the institution has a clinical training program that was approved by a State as of January 1, 1992; or

''(ii) in the case of a veterinary school located outside the United States that does not meet the requirements of section 101(a)(4), the institution's students complete their clinical training at an approved veterinary school located in the United States.''.

(b) EFFECTIVE DATE.—This Act and the amendments made by this Act shall be effective as if enacted on October 1, 1998.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. BOEHNER) and the gentleman from Maryland (Mr. VAN HOLLEN) each will control 20 minutes.

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

GENERAL LEAVE

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on S. 570.

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

There was no objection.

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

Today I rise in support of the bill, S. 570. The legislation is very simple in its purpose. It will correct a drafting error made years ago during the 1998 reauthorization of the Higher Education Act.

When drafting the legislation in 1998, an amendment intended to extend eligibility to a for-profit veterinary school inadvertently removed the eligibility of not-for-profit and public foreign veterinary schools from participation in the Title IV Federal Family Education Loan Program. S. 570 corrects the problem by clarifying that the in-State clinical training requirement, intended only for for-profit institutions, does not apply to not-for-profit or public foreign institutions. These institutions still must meet all other statutory and regulatory requirements to be eligible for participation. S. 570 simply makes clear that not-for-profit and public foreign veterinary institutions need not have their approved clinical training take place in the United States.

□ 1600

The legislation is noncontroversial. It is bipartisan, and this error should be corrected immediately. Students are now feeling the effects of this glitch, and it is unfairly hindering students seeking to complete their education. As they return to school, they should not have studies thwarted by a legislative drafting error. The effects of this problem are being felt by several of my constituents, one specifically being Ms. Beverly Breeden, a resident of Celina, Ohio, and a veterinary student at the Royal Veterinary College in London. She is extremely concerned that she may not be able to complete her studies should this legislation not pass. She has worked hard, and I want to ensure that she is able to return to school in October and finish her studies.

So I urge my colleagues to vote ''yes'' today on S. 570 and allow students to complete their education and training without unintended interruptions.

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

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

I thank the chairman of the committee for bringing this bipartisan legislation to the floor of the House, and I am pleased to support this amendment to the Higher Education Act which corrects the mistake that, as the chairman said, was made as part of the 1998 Higher Education Act reauthorization. We heard the story about the chairman's constituent. Many others studying abroad now find themselves in a similar predicament and unable to pay for college. Many more find themselves cut off after years of investment, both financial and personal, and face the prospect of having to abandon their dream of becoming a veterinarian.

Currently, there are only 27 schools of veterinary medicine in the United States offering approximately 2,300 slots to first-year students. In the year 2000, more than 6,700 students applied for one of these limited slots. Many highly qualified applicants were denied admission to school in the United States and had to look elsewhere to complete their training. At the same time, the demand for veterinarians across our Nation is very high. In 2001, the typical recent graduate averaged almost three job offers upon graduation.

Clearly, reputable foreign veterinarian medical colleges are key to supplying the growing demand for highly qualified veterinarians. S. 570 would correct the error we made in 1998 and restore the ability of students studying at foreign veterinary medical colleges to apply for and, if eligible, receive Pell grants, student loans, and other Federal aid.

Today, more than 150,000 U.S. citizens studying at foreign institutions of higher learning receive $250 million in Federal student aid. American students attending foreign veterinary schools should also have access to Federal grants and student loans.

This legislation will correct the misstep we made in 1998 and allow hundreds of students to complete their degrees and realize their dreams. It has bipartisan support; and like the chairman of the committee, I urge my colleagues to support this legislation and ensure the fair treatment of all students.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of S. 570, an Act to amend the Higher Education Act of 1965 with respect to qualifications of foreign schools. This amendment revises the requirements of the Higher Education Act of 1965 to allow students studying in nonprofit public veterinary schools abroad to participate in the Family Education Loan Program.

The higher education act of 1965 was signed into law on November 8, 1965 ''to strengthen the educational resources of our colleges and universities and to provide financial assistance for student in post secondary and higher education.'' We must maintain the integrity of this important program. This amendment ensures that those students who choose to attend veterinary schools located outside the United States can still benefit from the all-important financial assistance provided by the Higher Education Act.

A substantial number of students studying abroad have been medical, dental, or veterinary students. These students are able to broaden their understanding of the medical practice and return home with an enlightened perspective that benefits those of us who will be treated here in the United States by these practitioners.

Traditionally, many medical students have hesitated to study abroad fearing that they would endanger their professional prospects. We now know that the experience gained by medical students who successfully study abroad considerably enhances their ability to move into their professional careers.

The Higher Education Act was and still is a response to the concern President Johnson expressed in 1965 about the need for more higher education opportunities for lower and middle-income families, program assistance for small and less developed colleges, additional improved library resources at higher education institution, and utilization of college

and university resources to help deal with national problems like poverty and community development.

S. 570 allows veterinary students studying abroad in nonprofit public veterinary schools to participate in the Higher Education Act's Federal Family Education Loan Program. We must maintain the purpose of the Higher Education Act of 1965 and provide financial resources to those students who qualify whether they are at home or abroad.

Mr. VAN HOLLEN. Mr. Speaker, I yield back balance of my time.

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

The SPEAKER pro tempore (Mr. SCHROCK). The question is on the motion offered by the gentleman from Ohio (Mr. BOEHNER) that the House suspend the rules and pass the Senate bill, S. 570.

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

A motion to reconsider was laid on the table.

HONORING THE LIFE OF JOHNNY CASH

Mrs. BLACKBURN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 282) honoring the life of Johnny Cash, as amended.

The Clerk read as follows:

H. CON. RES. 282

Whereas Johnny Cash was one of the most influential and recognized voices of American music throughout the world, whose influence spanned generations and musical genres;

Whereas Johnny Cash was born on February 26, 1932, in Kingsland, Arkansas, and moved with his family at the age of 3 to Dyess, Arkansas, where the family farmed 20 acres of cotton and other seasonal crops;

Whereas those early years in the life of Johnny Cash inspired songs such as ''Look at Them Beans'' and ''Five Feet High and Rising'';

Whereas Johnny Cash eventually released more than 70 albums of original material in his lifetime, beginning with his first recording in 1955 with the Tennessee Two;

Whereas Johnny Cash was a devoted husband to June Carter Cash, a father of 5 children, and a grandfather;

Whereas Johnny Cash received extensive recognition for his contributions to the musical heritage of the Nation, including membership in the Grand Ole Opry; induction into the Nashville Songwriters Hall of Fame, the Country Music Hall of Fame, and the Rock and Roll Hall of Fame; and his receipt of numerous awards, including Kennedy Center Honors, 11 Grammy Awards, and the 2001 National Medal of Arts;

Whereas Johnny Cash embodied the creativity, innovation, and social conscience that define American music;

Whereas Johnny Cash was a vocal champion of the downtrodden, the working man, and Native Americans; and

Whereas the Nation has lost one of its most prolific and influential musicians with the death of Johnny Cash on September 12, 2003, in Nashville, Tennessee: Now, therefore, be it

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

(1) honors the life and accomplishments of Johnny Cash;

(2) recognizes and honors Johnny Cash for his invaluable contributions to the Nation, Tennessee, and our musical heritage; and

(3) extends condolences to the Cash family on the death of a remarkable man.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Tennessee (Mrs. BLACKBURN) and the gentleman from Maryland (Mr. VAN HOLLEN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Tennessee (Mrs. BLACKBURN).

GENERAL LEAVE

Mrs. BLACKBURN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Concurrent Resolution 282.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Tennessee?

There was no objection.

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

Mr. Speaker, I rise today in support of House Concurrent Resolution 282, offered by the gentleman from Tennessee (Mr. COOPER). House Concurrent Resolution 282 honors the life and musical legacy of Johnny Cash, a man who was a poet, a scholar, and a world famous music icon, as well as a loving husband and father.

I would like to take this opportunity to commend the gentleman from Tennessee (Mr. COOPER) for introducing this important legislation. I would also like to thank Senator LAMAR ALEXANDER for introducing the Senate version, which was passed by that body on September 18, 2003.

It was no wonder that September 12 was a dark and dreary day in Nashville. It was the day we lost the Man in Black. Johnny Cash died early that morning at Baptist Hospital in Nashville from diabetes complications. He was an outlaw, he was a songwriter, he was a born-again Christian; and for 5 decades Johnny Cash entertained millions, millions of people around the world with songs of love and death and good times and bad. All of his career, Johnny Cash wrote songs for the common man. From his upbringing in rural northeastern Arkansas to the height of his stardom in the 1960s, Johnny Cash always connected with the common man.

Johnny's career began in Memphis alongside Elvis Presley. There, with legendary recording great Sam Phillips of Sun Records, he recorded ''Cry! Cry! Cry!'' and that put him on the map. By 1956 he was recognized as one of country music's rising stars when he joined the Louisiana Hayride and the Grand Ole Opry. Although he struggled through drug abuse, Johnny Cash found a soul mate in June Carter Cash. It was with her loving support that he was able to make it through those tough times. In 1968 he married this daughter of acoustic guitar great Mother Maybelle Carter, a member of ''the first family of country music.''

Johnny Cash's deep sense of reality pours out in that gravelly voice that we all loved with songs like ''Folsom Prison Blues'' and the legendary ''Ring of Fire'' co-written with June Carter Cash. He garnered 11 Grammys and at age 71 was in no way slowing down creatively. Just a few weeks ago, he was posthumously named the top honoree at the Americana Music Awards in Nashville.

His legacy is his music, and it will surely go on with hits like ''I Walk the Line''; ''Big River''; and the hit he co-wrote with fellow outlaw Kris Kristofferson, ''Sunday Morning Coming Down.'' Kris Kristofferson was right when he said Johnny Cash represented what was great about America. His profound faith, resiliency, and unwillingness to be labeled by the music industry will certainly shape the legacy of one of the greatest American artists. This American icon will be missed, but he will be remembered through his music.

I commend the gentleman from Tennessee for his leadership in offering this concurrent resolution to honor the life of Johnny Cash, and encourage my colleagues to adopt the measure.

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

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

I rise in support of this concurrent resolution to honor the life and contributions of Johnny Cash. Johnny Cash, as we all know, had a long and distinguished music career, becoming one of the most imposing and influential figures in post-World War II country music. He is one of the only artists to be enshrined in the Rock and Roll and Country Music Hall of Fame.

Cash did not sound like Nashville, nor did he sound like honky-tonk or rock and roll. He created his own unique sound, his own type and blend of music, revolutionizing the world of country music. In creating that sound, he released over 70 albums. In addition, he was one of the most successful country artists of the 1950s and 1960s, scoring well over 100 hit singles. These are amazing feats that few musicians have accomplished and even fewer are likely to repeat.

Cash's career coincided with the birth of rock and roll. Johnny Cash was not just another musician, however. Rather, his later albums would show his deep sense of history. He illustrated his understanding with a series of historical albums. These albums were focused on the downtrodden, the common man, and also the plight of Native Americans in our country.

Johnny Cash has made an indelible mark on American society. While we have lost one of our great musical artists of the last 50 years, his songs will continue to impact generations to come.

Mr. Speaker, I yield the balance of my time to the gentleman from Tennessee (Mr. COOPER), who has the great privilege of representing Nashville and who introduced this concurrent resolution; and I ask unanimous consent that he be allowed to control the balance of my time.

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

There was no objection.

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

I thank the gentleman from Maryland (Mr. VAN HOLLEN) for yielding me this time. We have a number of speakers on this side, and I would like to yield to them. I am particularly appreciative of the gentlewoman from Tennessee (Mrs. BLACKBURN) and the gentleman from Tennessee (Mr. GORDON).

Mr. Speaker, I yield such time as he may consume to the gentleman from Tennessee (Mr. GORDON).

Mr. GORDON. Mr. Speaker, I thank the gentleman from Tennessee (Mr. COOPER) for bringing this very worthwhile concurrent resolution before us.

I was standing by my window
On a cold and cloudy day
When I saw the hearse come rollin'
For to take Johnny away.

Will the circle be unbroken?
By and by, Lord, by and by,
There's a better home a-waitin'
In the sky, Lord, in the sky.

I told the undertaker,
''Undertaker, please drive slow,
For this body you are haulin'
Lord, I hate to see him go.''

Johnny Cash was a constituent of mine who lived in Hendersonville, Tennessee. I have listened to his music most of my life. He was a true legend who inspired countless musicians from all walks of life for nearly 5 decades. His music transcended traditional boundaries. He was as much an influence in rock and roll, pop, and alternative music, as he was in country music.

Johnny Cash is one of only a handful of artists to be inducted into the Country Music, Rock and Roll, and Nashville Songwriters Hall of Fame. The Man in Black's life began as the humble son of a sharecropper who toiled in the cotton fields of Arkansas, but he never forgot his simple beginnings even as he became one of the world's best-selling solo musicians.

Johnny Cash was just as comfortable performing in a maximum security prison as he was in receiving the 2001 National Medal of Arts award. He recorded more than 1,500 songs in his life and won 11 Grammys. Johnny Cash left this world on September 12, but his legacy lives on through his music and through those whom he has mentored in his 71 years of life. So, yes, the circle will be unbroken.

Mrs. BLACKBURN. Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina (Mr. COBLE), a gentleman who has joined us on the Committee on the Judiciary in fighting for our songwriters and also a gentleman who several years ago I had the opportunity to have as my guest at the Grand Ole Opry and to celebrate some of this wonderful country music that we are speaking of today.

Mr. COBLE. Mr. Speaker, I thank the gentlewoman from Tennessee for yielding me this time.

Mr. Speaker, some years ago when I sat as a member of the House Committee on the Judiciary's Courts, the Internet, and Intellectual Property Subcommittee, we had an occasion to resolve a copyright matter, which of course brought many entertainers and performers to Capitol Hill that day. Johnny Cash and June Carter Cash, and I believe his agent was with him, came into my office prior to the meeting just to say hello. I left him in my office and went down to the meeting, and when he appeared as a witness, he proudly announced that he had just left my office where he had sat in my chair.

□ 1615

Well, I thought it was I who would be proud that he sat in my chair in my office, and I told him that. He was a very good witness; I remember it very vividly. And we resolved the copyright matter favorably for all concerned. It is one of those issues where neither side was ecstatic about it, but both sides could live with it.

Subsequently, I saw a replay of a Larry King interview, and perhaps many of my colleagues saw it when he interviewed Cash. Johnny Cash told King that night on the interview that he recalled one time when he had been arrested, I believe in Georgia, and spent the night in jail. And the jailer came the next day, and Johnny Cash said that the jailer threw the money and his clothes on the counter and said, I do not want to see you here any more. He said, my wife is a Johnny Cash fan; and she cried all night when I told her that you were in my jail. Now, you get out of here.

Tough love I think is what it amounted to. I think that jailer was saying to him, now, listen, pal, you caused me a tough night last night; my wife is upset at me for having you here. Get yourself squared away. I think he did. He obviously did get himself squared away.

Many years ago, perhaps many of my colleagues were with me here in Washington when the four outlaws, as the gentlewoman from Tennessee mentioned, Johnny Cash, Kris Kristofferson, Willie Nelson and Waylon Jennings, each of whom I am sure were regarded as outlaws by the profession, but they made one tremendous quartet here that night; and it was a sold-out crowd here in Washington. I vividly remember it.

As has already been said, the gentleman from Tennessee, the gentleman from Maryland and the gentlewoman from Tennessee have already said it, he was indeed an icon and will indeed be missed. The man in black, always standing up; always, almost without exception, standing up for the underdog, standing up for the other guy. He will indeed be missed.

Mr. COOPER. Mr. Speaker, many of our colleagues wish they could be here today, particularly our friend, the gentleman from Arkansas (Mr. ROSS). I yield such time as he may consume to our friend, the gentleman from Illinois (Mr. DAVIS), who is here today.

Mr. DAVIS of Illinois. Mr. Speaker, I want to commend the gentleman from Tennessee for his introduction of this legislation. Though the gentleman from Arkansas (Mr. ROSS) could not be here, I, too, grew up in Arkansas; and I grew up listening to the Grand Ole Opry. I grew up as a tremendous fan of country music, but I grew up more of a fan of the gentleman that we revere and discuss today. Because of his ''Folsom Prison Blues,'' as a matter of fact, the fact that here was a gentleman who did, in fact, represent the downtrodden but who took his music into the prisons; and as a result of the ''Folsom Prison Blues,'' it caused people to begin to look at prisons and life in prison in a different way. As a matter of fact, right now, there are more than 2 million people who are incarcerated in this country, almost 1 million of them coming home each year.

Johnny Cash means more than just the music. He means part of a tradition in our country. I think I may not have 70 of those albums, but I must have at least 15 or 20, and whenever I want to really connect, I just sit back and listen. So Johnny has made a tremendous impact on the history and development of culture in our country.

Again, I commend the gentleman from Tennessee for the introduction of this legislation, I urge its swift passage, celebrating the life and legacy of Johnny Cash.

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

I appreciate the gentleman's kind remarks about the legacy of a truly great man.

It is not everyone who not only makes the front page of the hometown newspaper, the only front page I have ever seen entirely in black, but who also makes the front page of Time Magazine, People Magazine and, yes, no less than Rolling Stone itself.

There were some comments in here from some truly remarkable artists who have this to say about the passing of Johnny Cash.

Bob Dylan said, ''Johnny was and is the North Star. You could guide your ship by him, and he is the greatest of the greats, then and now.''

Merle Haggard said, ''He was like Abraham or Moses, one of the great men who will ever grace the Earth. There will never be another man in black.''

Kris Kristofferson pointed out he thought, ''The power of his performance came from the tension between

this man who was deeply spiritual and also a real wild man.''

The fact of Johnny Cash's passing has been noted by people around the world with great sadness, but I thought one of the best obituaries in his honor was written by a noted music author, Peter Guralnick; and it appeared in The New York Times. He said as follows: ''Only those who were there at the beginning can remember how different he really was. The records, when they first started coming out on the Sun label in 1955, in the wake of Elvis Presley's success, sounded 'so unusual,' said the Sun session guitarist Roland Janes, 'that I never would have dreamed he could have even gotten a record played on the radio. But he set country music on its ear.'

''It was the voice that compelled attention from the start. It was a voice that the founder of Sun Records, Sam Phillips, compared to the blues singer Howlin' Wolf's in its uniqueness, the unimpeachable integrity and originality of its sound. But it was the conviction behind the voice that really allowed Johnny Cash to create a body of work as ambitious in its scope as it was homespun in its sound.

''He carried that conviction with him from the time he first entered the tiny Sun studio in Memphis in the fall of 1954. He was just out of the Army, selling home appliances door-to-door and playing with a trio of musicians barely conversant with the instruments that they were playing: a guitarist who played one note at a time because he did not know any other way to do it, a base player who had just switched over from the guitar and had not yet learned how to tune his instrument, and a steel guitar player who would drop out of the picture altogether before they even made a record. They worked and worked until, after nearly 6 months, they finally came up with something that reflected the honesty, originality, and, above all, the spontaneity and emotional truth that both Sam Phillips and Johnny Cash particularly prized. This low-tech approach was the perfect vehicle certainly for the plain-spoken quality of Johnny Cash's message, but the method of delivery does not come close to explaining the majesty or the ambition of his art.

''To understand that, one has to factor in the power of imagination. John Cash, he was named 'Johnny' by Sam Phillips, grew up in the Federal 'colony' of Dyess, Arkansas, a social experiment with a socialist setup really, as Johnny Cash himself described it, that was done by President Franklin Roosevelt for farmers who had lost out during the Depression. One of the most vivid memories of Dyess was the day Eleanor Roosevelt came to town to decorate the library, a momentous occasion not simply for the glimpse it afforded of Mrs. Roosevelt but for the opportunity it subsequently afforded Johnny Cash to indulge in what would become a lifelong passion for reading. He read James Fenimore Cooper and Sir Walter Scott in particular at that time and everything he could find on the American Indian, not so much to escape as to enjoy the sense of discovery. He carried this exploratory spirit with him into the world, a world in which he achieved a degree of celebrity and fame far beyond anything he might ever have imagined and long past the point that most people would gladly have settled for the simple definition of success.

''He used his success, in fact, to provide a voice for the downtrodden, the lost souls and lost causes that might otherwise have found no place in the American dream. He used his knowledge and passion for every sort of music, for the blues of Robert Johnson, the gospel music of his fellow Arkansan, Sister Rosetta Tharpe, the Texas folk songs collected by J. Frank Dobie, to set out in new and inventive directions of his own. When he got a network television show in the late 1960s, he not only presented such unlikely countercultural figures such as Bob Dylan and Pete Seeger to a predominantly country audience, he also regularly incorporated a vivid lesson in musical and social history in a filmed sequence called 'Ride This Train.'

''Johnny Cash's imagination took him along widely divergent paths. There was, as he often remarked, no safe harbor for the creative soul. He was tormented by demons that he could not always control, but he never sought excuses. He simply sought the truth.

''This was what continued to give Johnny Cash's music relevance over the years. Through imagination he possessed a gift for empathetic transference; unlike many artists, he was able to take on other voices and make them his own. His music celebrated the power of the individual, but his emphasis on directness and simplicity made a complex, and sometimes contradictory, message accessible to all. His, as Sam Phillips once said, was the truest voice because it was so irremediably his own, but it was a universal voice, too, for the very way in which it incorporated a constant sense of striving and struggle, an irreducible awareness, and embrace, of the human stain.''

Mr. Speaker, Johnny Cash was like no other. As I mentioned earlier, his loss was mourned around this globe. From young people who like ''Nine Inch Nails'' and the song ''Hurt'' and who thrilled to the video, perhaps one of the best ever made, to the oldest of country music fans who remember tuning in to the Grand Ole Opry in their youth. So we appreciate this moment, and I appreciate the chance to join with my Tennessee colleagues and my colleagues from Arkansas and people around this great country who are in this Congress and who have come up to me in the last couple of weeks to honor the memory of the great Johnny Cash.

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

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

Again, I commend the gentleman from Tennessee (Mr. COOPER) for his efforts, and the gentleman from Tennessee (Mr. GORDON) for his efforts in recognizing his constituent.

The gentleman from Tennessee (Mr. COOPER) spoke a little bit about Johnny Cash's ambitions for his music, and I think that we can see that, because we have people all across the spectrum, those who are young and old, who appreciate his music, and who learned from what he does.

I think it is important to note, too, that it was very important to Johnny Cash that he mentor others; and that was not lost on his children and his grandchildren and the talents that they possess and the talents that they are bringing forward in the music industry today.

We appreciate so much this body joining together to honor not only Johnny Cash's life and the impact that he had on the music industry but the legacy.

Mr. ROSS. Mr. Speaker, I rise today to pay tribute to the late Johnny Cash, one of our most well known singer/songwriters who was born in a little-known town in my district named Kingsland.

Kingsland, Arkansas is a little town of 449 residents that lies just west of the Mississippi Delta, the fertile ground out of which grows our nation's finest food and fiber. Out of this land also grows much hardship—it is sparsely populated by farmers whose fortune is subject to the whims of nature. It gave birth to the blues, and to Johnny Cash.

Cash was born in the wake of the Great Depression, the fourth of five children in a cotton farming family. He picked cotton with his hands, sang hymns at the Central Baptist Church, and sought higher ground at Pine Bluff when the great flood of 1937 sent the Mississippi's waters spilling into his family's cotton fields in Dyess, covering them with the black Mississippi mud that the next year produced the best cotton crop they'd ever seen—hardship and glory wrapped up in a busted levee that soaked his livelihood and sealed his fate as the champion of the downtrodden.

Johnny Cash's music transcended genres and generations to touch us all with stories of struggle—sometimes ending in triumph, but usually ending in trouble. His adventurous ballads and lamenting dirges could bring us down to the darkest depths of life at the same time his spirituals lifted us up to heaven.

He was bold. He was bad. He was brave. He made his peace with man and with God through his songs. He sang of outlaws and heroes, cowboys and killers, soldiers and lovers, and even a boy named Sue. He was country, folk, and rock and roll. Johnny Cash didn't sing to simply earn a living, he sang because he had much to tell.

From his life we learn to face adversity with wit and integrity, to fight back when pushed down, to hold duty and honor sacred, and to love and forgive. We lost one of our national treasures this month, but the legacy and the legend of the Man in Black will live on in the gift he gave us all.

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

The SPEAKER pro tempore (Mr. SCHROCK). The question is on the motion offered by the gentlewoman from Tennessee (Mrs. BLACKBURN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 282, as amended.

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

A motion to reconsider was laid on the table.

DECLARING EMPORIA, KANSAS, AS THE FOUNDING CITY OF VETERANS DAY HOLIDAY

Mr. MORAN of Kansas. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 159) declaring Emporia, Kansas, to be the founding city of the Veterans Day holiday and recognizing the contributions of Alvin J. King and Representative Ed Rees to the enactment into law of the observance of Veterans Day.

The Clerk read as follows:

H. CON. RES. 159

Whereas in 1953, Alvin J. King of Emporia, Kansas, proposed that Armistice Day be changed to Veterans Day to recognize and honor all veterans from all wars and conflicts;

Whereas in 1953, Veterans Day was first organized and celebrated in Emporia, Kansas;

Whereas although Alvin King was only 15 years old when the United States went to war in 1917 and never served in the Armed Forces, he had a deep respect for veterans;

Whereas Alvin King's stepson, John Cooper, whom he had raised, was killed in action in Belgium during World War II while serving with Rifle Company B, 137th Infantry Regiment;

Whereas after World War II, Alvin King developed friendships with the surviving members of Rifle Company B, 137th Infantry Regiment;

Whereas in the early 1950s, Alvin King suggested either creating a special day to honor all veterans or adapting Armistice Day so that it was dedicated to all veterans since, at that time, Armistice Day honored the veterans of World War I;

Whereas by 1953, the community of Emporia, Kansas, had raised enough money to send Alvin King and his wife, Gertrude, to Washington, D.C. to garner support for an official veterans day;

Whereas Alvin King had a friend and supporter in Representative Ed Rees of Emporia, Kansas, who was strongly in favor of King's idea and said ''it would give the holiday a new meaning and more widespread patriotic observance'';

Whereas on June 1, 1954, President Dwight D. Eisenhower, who was raised in Kansas, signed into law the Act proclaiming November 11 as Veterans Day (Public Law 380 of the 83rd Congress);

Whereas on October 8, 1954, President Eisenhower issued a presidential proclamation concerning Veterans Day in 1954 in which he stated, ''On that day let us solemnly remember the sacrifices of all those who fought so valiantly, on the seas, in the air, and on foreign shores, to preserve our heritage of freedom, and let us reconsecrate ourselves to the task of promoting an enduring peace so that their efforts shall not have been in vain''; and

Whereas the first nationwide observance of Veterans Day was on November 11, 1954: Now, therefore, be it

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

(1) encourages Americans to demonstrate their support for veterans on Veterans Day by treating that day as a special day of remembrance;

(2) declares Emporia, Kansas, to be the founding city of Veterans Day;

(3) recognizes Alvin J. King, of Emporia, Kansas, as the founder of Veterans Day; and

(4) recognizes that Representative Ed Rees, of Emporia, Kansas, was instrumental in the efforts to enact into law the observance of Veterans Day.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Kansas (Mr. MORAN) and the gentleman from New Mexico (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from Kansas (Mr. MORAN).

□ 1630

Mr. MORAN of Kansas. Mr. Speaker, I yield myself such time as I may consume.

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

Mr. MORAN of Kansas. Mr. Speaker, I rise this afternoon in support of House Concurrent Resolution 159, a bill that I introduced to encourage Americans to honor the duty and sacrifices of the members of our Armed Services by proclaiming Veterans Day as a special day of national remembrance.

In addition, this resolution recognizes the community of Emporia, Kansas for its efforts to pay tribute to our Nation's veterans and to declare Emporia, Kansas as the originating city of Veterans Day.

The resolution also recognizes the contributions of two native Kansans, Mr. Alvin J. King and the Honorable Edward J. Rees for the role each played in creating the legislation that established the national observance of Veterans Day on November 11 of each year.

Our country has had many wars in its history and generations of American service-men and -women have defended America's freedom and liberty. We are a free people today because of our Founders' principles and the willingness of our service-men and -women to defend those principles with their lives. We should be ever thankful that individuals of each generation have been willing to serve America, that they have been willing risk everything, to allow their children and grandchildren the opportunity to live in freedom.

Mr. Alvin J. King's abiding respect for veterans is attributed to the loss of his nephew, John Cooper, who was killed in action in Belgium during World War II. John Cooper was a member of Rifle Company B, 137th Infantry Regiment of the U.S. Army. After his nephew's death, Mr. KING remain devoted to the war effort at home and served as the Veterans Security Chairman for the American War Dads.

In 1953, Mr. King proposed that Armistice Day, a national observance since 1938, be changed to Veterans Day in order to recognize and honor all veterans from all wars and all conflicts. At that time, Armistice Day existed only to honor veterans of World War I. The community of Emporia, Kansas, under the leadership of Mr. King celebrated its first ''All Veterans Day'' on November 11, 1953.

Through the financial support of the Emporia community, Mr. King and his wife, Gertrude, took the idea of an official Veterans Day to Washington, D.C. to Representative Edward H. Rees, another Emporia resident, who served Kansas in the U.S. House of Representatives for 24 years. The Congressman was strongly in favor of King's idea and said, ''It would give the holiday a new meaning and provide widespread patriotic observance.''

Following the inaugural ''All Veterans Day'' celebration in Emporia, Representative Rees introduced H.R. 7786, to change Armistice Day to Veterans Day and to establish its observation on November 11 of each year. The House and Senate both approved this legislation, and with the signature of another Kansan, President Dwight D. Eisenhower, the bill became law on June 1, 1954.

Before the Nation's first celebration of Veterans Day on November 11, 1954, President Eisenhower issued the following proclamation: ''On that day let us solemnly remember the sacrifices of all those who fought so valiantly, on the seas, in the air, and on foreign shores, to preserve our heritage of freedom, and let us reconsecrate ourselves to the task of promoting an enduring peace so that all their efforts shall not have been in vain.''

With the enactment and President Eisenhower's signature on H.R. 7786, Mr. King's dream to honor veterans of all conflicts was fulfilled. Every year since 1953, Emporia has honored our country's veterans, most recently with a week-long series of events that involves the entire community. Veterans Day is not just another holiday, not just a day off from work in Emporia, Kansas. The citizens of Emporia take very seriously their responsibility to honor our Nation's veterans.

Mr. Speaker, I am proud to sponsor House Concurrent Resolution 159, and I want to thank my colleagues on the Committee on Veterans' Affairs for their support. I ask my colleagues and my fellow Americans to join me on Veterans Day this year and every other day in recognizing the contributions and sacrifices that our Nation's veterans have made to protect this Nation and to defend our way of life.

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

Mr. UDALL of New Mexico. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Concurrent Resolution 159 and thank the gentleman from Kansas (Mr. MORAN) for bringing this matter for consideration. All of us on the Committee on Veterans' Affairs appreciate

the gentleman's hard work on this important committee.

Every November at Arlington National Cemetery and across the Nation we commemorate Veterans Day at the 11th hour of the 11th day, originally Armistice Day.

While it is appropriate for the Nation to honor the contributions of our World War I veterans, it became increasingly important to include veterans from all eras of service who have preserved our freedom.

I am pleased to support this important tribute to Mr. Alvin King and to Emporia, Kansas. This is an important recognition of their work, to make certain the immeasurable contributions and sacrifices of the Nation's veterans are annually remembered.

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

GENERAL LEAVE

Mr. MORAN of Kansas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Con. Res. 159.

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

There was no objection.

Mr. MORAN of Kansas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from New Mexico (Mr. UDALL) for his very thoughtful and kind generous remarks.

Mr. Speaker, I want to thank the gentleman from New Jersey (Mr. SMITH) and the ranking member, the gentleman from Illinois (Mr. EVANS) for their leadership on this resolution and for their steadfast and committed efforts on behalf of all veterans.

Mr. Speaker, I urge my colleagues to support House Concurrent Resolution 159.

Mr. MICHAUD. I thank the gentleman from New Mexico for yielding time.

Mr. Speaker, I too rise in strong support of H. Con. Res. 159. I agree that recognition is due to the city of Emporia, Kansas and the Kansans who helped make Veterans' Day a national holiday honoring those who have served our Nation.

I believe as Members of Congress, we have a special obligation to honor those who have served by demonstrating our support for veterans every day we serve in these halls.

We do that not only by Concurrent Resolutions such as H. Con. Res. 159, but by also passing legislation, which provides the benefits and services our Nation's veterans have earned.

I would hope that before the next Veterans Day is celebrated, we would pass legislation removing the Disabled Veterans Tax from the burden born by our service-disabled military retirees.

I would hope that before the next Veterans Day is celebrated, we would pass legislation assuring veterans adequate funding to provide them with health care in a timely manner.

Today, we honor those who contributed to making Veterans Day a national holiday with our words.

Let us also honor them by our actions.

I urge all Members to support passage of H. Con. Res. 159. I urge all Members to support legislation which honors our Nation's disabled veterans by their deeds.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kansas (Mr. MORAN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 159.

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

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 4 o'clock and 38 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1834

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. GILCHREST) at 6 o'clock and 34 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on the motions to instruct postponed last Thursday and the motion to suspend the rules postponed earlier today.

Votes will be taken in the following order:

Motion to instruct on H.R. 1, by the yeas and nays;

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

House Resolution 357, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. The others in this series will be 5-minute votes.

MOTION TO INSTRUCT CONFEREES ON H.R. 1, MEDICARE PRESCRIPTION DRUG AND MODERNIZATION ACT OF 2003

The SPEAKER pro tempore. The unfinished business is the question on the motion to instruct conferees on H.R. 1.

The Clerk will designate the motion.

The Clerk designated the motion.

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

The vote was taken by electronic device, and there were—yeas 202, nays 205, not voting 27, as follows:

[Roll No. 524]

YEAS—202

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

NAYS—205

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brown (SC)
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crenshaw
Cubin
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Duncan
Dunn
Ehlers
Emerson
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Gutknecht

Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—27

Boehlert
Brady (TX)
Capito
Crane
Culberson
DeMint
Dreier
English
Eshoo
Fattah
Fletcher
Fossella
Gephardt
Greenwood
Hinchey
Janklow
Lipinski
Murtha
Portman
Reyes
Ros-Lehtinen
Souder
Stark
Sweeney
Thompson (MS)
Towns
Turner (OH)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GILCHREST) (during the vote). There are 2 minutes remaining in this vote.

□ 1857

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the remaining votes in this series will be conducted as 5-minute votes.

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

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

The Clerk will designate the motion.

The Clerk designated the motion.

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

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 202, nays 207, not voting 25, as follows:

[Roll No. 525]

YEAS—202

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

NAYS—207

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

NOT VOTING—25

Boehlert
Brady (TX)
Cantor
Capito
Crane
Culberson
DeMint
Dreier
Eshoo
Fattah
Fletcher
Fossella
Gephardt
Greenwood
Lipinski
Murtha
Pickering
Portman
Reyes
Ros-Lehtinen
Stark
Sweeney
Thompson (MS)
Towns
Turner (OH)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1906

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

HONORING THE LIFE AND LEGACY OF BOB HOPE

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 357.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Michigan (Mrs. MILLER) that the House suspend the

rules and agree to the resolution, H. Res. 357, on which the yeas and nays are ordered.

This will be a 5-minute vote.

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

[Roll No. 526]

YEAS—408

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crenshaw
Crowley
Cubin
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Etheridge
Evans
Everett
Farr
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
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Hooley (OR)
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Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
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Murphy
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Myrick
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Neal (MA)
Nethercutt
Neugebauer
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Northup
Norwood
Nunes
Nussle
Oberstar
Obey
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Ortiz
Osborne
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Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
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Price (NC)
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Regula
Rehberg
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Rodriguez
Rogers (AL)
Rogers (KY)
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Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
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Sessions
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Simmons
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Smith (MI)
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Snyder
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Stenholm
Strickland
Stupak
Sullivan
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Taylor (MS)
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Thompson (CA)
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Turner (TX)
Udall (CO)
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Watson
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Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—26

Boehlert
Brady (TX)
Cantor
Capito
Crane
Culberson
DeMint
Dreier
Eshoo
Fattah
Fletcher
Fossella
Gephardt
Greenwood
Lipinski
Murtha
Portman
Reyes
Ros-Lehtinen
Simpson
Stark
Sweeney
Thompson (MS)
Towns
Turner (OH)
Waters

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1913

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON S. 3, PARTIAL-BIRTH ABORTION BAN ACT OF 2003

Mr. SENSENBRENNER submitted the following conference report and statement on the bill (S. 3) to prohibit the procedure commonly known as partial-birth abortion:

CONFERENCE REPORT (H. REPT. 108–288)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3), to prohibit the procedure commonly known as partial-birth abortion, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Partial-Birth Abortion Ban Act of 2003''.

SEC. 2. FINDINGS.

The Congress finds and declares the following:

(1) A moral, medical, and ethical consensus exists that the practice of performing a partial-birth abortion—an abortion in which a physician deliberately and intentionally vaginally delivers a living, unborn child's body until either the entire baby's head is outside the body of the mother, or any part of the baby's trunk past the navel is outside the body of the mother and only the head remains inside the womb, for the purpose of performing an overt act (usually the puncturing of the back of the child's skull and removing the baby's brains) that the person knows will kill the partially delivered infant, performs this act, and then completes delivery of the dead infant—is a gruesome and inhumane procedure that is never medically necessary and should be prohibited.

(2) Rather than being an abortion procedure that is embraced by the medical community, particularly among physicians who routinely perform other abortion procedures, partial-birth abortion remains a disfavored procedure that is not only unnecessary to preserve the health of the mother, but in fact poses serious risks to the long-term health of women and in some circumstances, their lives. As a result, at least 27 States banned the procedure as did the United States Congress which voted to ban the procedure during the 104th, 105th, and 106th Congresses.

(3) In Stenberg v. Carhart, 530 U.S. 914, 932 (2000), the United States Supreme Court opined ''that significant medical authority supports the proposition that in some circumstances, [partial birth abortion] would be the safest procedure'' for pregnant women who wish to undergo an abortion. Thus, the Court struck down the State of Nebraska's ban on partial-birth abortion procedures, concluding that it placed an ''undue burden'' on women seeking abortions because it failed to include an exception for partial-birth abortions deemed necessary to preserve the ''health'' of the mother.

(4) In reaching this conclusion, the Court deferred to the Federal district court's factual findings that the partial-birth abortion procedure was statistically and medically as safe as, and in many circumstances safer than, alternative abortion procedures.

(5) However, substantial evidence presented at the Stenberg trial and overwhelming evidence presented and compiled at extensive Congressional hearings, much of which was compiled after the district court hearing in Stenberg, and thus not included in the Stenberg trial record, demonstrates that a partial-birth abortion is never necessary to preserve the health of a woman, poses significant health risks to a woman upon whom the procedure is performed and is outside the standard of medical care.

(6) Despite the dearth of evidence in the Stenberg trial court record supporting the district court's findings, the United States Court of Appeals for the Eighth Circuit and the Supreme Court refused to set aside the district court's factual findings because, under the applicable standard of appellate review, they were not ''clearly erroneous''. A finding of fact is clearly erroneous ''when although there is evidence to

support it, the reviewing court on the entire evidence is left with the definite and firm conviction that a mistake has been committed''. Anderson v. City of Bessemer City, North Carolina, 470 U.S. 564, 573 (1985). Under this standard, ''if the district court's account of the evidence is plausible in light of the record viewed in its entirety, the court of appeals may not reverse it even though convinced that had it been sitting as the trier of fact, it would have weighed the evidence differently''. Id. at 574.

(7) Thus, in Stenberg, the United States Supreme Court was required to accept the very questionable findings issued by the district court judge—the effect of which was to render null and void the reasoned factual findings and policy determinations of the United States Congress and at least 27 State legislatures.

(8) However, under well-settled Supreme Court jurisprudence, the United States Congress is not bound to accept the same factual findings that the Supreme Court was bound to accept in Stenberg under the ''clearly erroneous'' standard. Rather, the United States Congress is entitled to reach its own factual findings—findings that the Supreme Court accords great deference—and to enact legislation based upon these findings so long as it seeks to pursue a legitimate interest that is within the scope of the Constitution, and draws reasonable inferences based upon substantial evidence.

*(9) In Katzenbach v. Morgan, 384 U.S. 641 (1966), the Supreme Court articulated its highly deferential review of Congressional factual findings when it addressed the constitutionality of section 4(e) of the Voting Rights Act of 1965. Regarding Congress' factual determination that section 4(e) would assist the Puerto Rican community in ''gaining nondiscriminatory treatment in public services,'' the Court stated that ''[i]t was for Congress, as the branch that made this judgment, to assess and weigh the various conflicting considerations * * *. It is not for us to review the congressional resolution of these factors. It is enough that we be able to perceive a basis upon which the Congress might resolve the conflict as it did. There plainly was such a basis to support section 4(e) in the application in question in this case.''. Id. at 653.*

(10) Katzenbach's highly deferential review of Congress' factual conclusions was relied upon by the United States District Court for the District of Columbia when it upheld the ''bail-out'' provisions of the Voting Rights Act of 1965, (42 U.S.C. 1973c), stating that ''congressional fact finding, to which we are inclined to pay great deference, strengthens the inference that, in those jurisdictions covered by the Act, state actions discriminatory in effect are discriminatory in purpose''. City of Rome, Georgia v. U.S., 472 F. Supp. 221 (D.D.C. 1979) aff'd City of Rome, Georgia v. U.S., 446 U.S. 156 (1980).

(11) The Court continued its practice of deferring to congressional factual findings in reviewing the constitutionality of the must-carry provisions of the Cable Television Consumer Protection and Competition Act of 1992. See Turner Broadcasting System, Inc. v. Federal Communications Commission, 512 U.S. 622 (1994) (Turner I) and Turner Broadcasting System, Inc. v. Federal Communications Commission, 520 U.S. 180 (1997) (Turner II). At issue in the Turner cases was Congress' legislative finding that, absent mandatory carriage rules, the continued viability of local broadcast television would be ''seriously jeopardized''. The Turner I Court recognized that as an institution, ''Congress is far better equipped than the judiciary to 'amass and evaluate the vast amounts of data' bearing upon an issue as complex and dynamic as that presented here''. 512 U.S. at 665–66. Although the Court recognized that ''the deference afforded to legislative findings does 'not foreclose our independent judgment of the facts bearing on an issue of constitutional law,''' its ''obligation to exercise independent judgment when First Amendment rights are implicated is not a license to reweigh the evidence de novo, or to replace Congress' factual predictions with our own. Rather, it is to assure that, in formulating its judgments, Congress has drawn reasonable inferences based on substantial evidence.'' Id. at 666.

(12) Three years later in Turner II, the Court upheld the ''must-carry'' provisions based upon Congress' findings, stating the Court's ''sole obligation is 'to assure that, in formulating its judgments, Congress has drawn reasonable inferences based on substantial evidence.''' 520 U.S. at 195. Citing its ruling in Turner I, the Court reiterated that ''[w]e owe Congress' findings deference in part because the institution 'is far better equipped than the judiciary to ''amass and evaluate the vast amounts of data'' bearing upon' legislative questions,'' id. at 195, and added that it ''owe[d] Congress' findings an additional measure of deference out of respect for its authority to exercise the legislative power.'' Id. at 196.

(13) There exists substantial record evidence upon which Congress has reached its conclusion that a ban on partial-birth abortion is not required to contain a ''health'' exception, because the facts indicate that a partial-birth abortion is never necessary to preserve the health of a woman, poses serious risks to a woman's health, and lies outside the standard of medical care. Congress was informed by extensive hearings held during the 104th, 105th, 107th, and 108th Congresses and passed a ban on partial-birth abortion in the 104th, 105th, and 106th Congresses. These findings reflect the very informed judgment of the Congress that a partial-birth abortion is never necessary to preserve the health of a woman, poses serious risks to a woman's health, and lies outside the standard of medical care, and should, therefore, be banned.

(14) Pursuant to the testimony received during extensive legislative hearings during the 104th, 105th, 107th, and 108th Congresses, Congress finds and declares that:

*(A) Partial-birth abortion poses serious risks to the health of a woman undergoing the procedure. Those risks include, among other things: an increase in a woman's risk of suffering from cervical incompetence, a result of cervical dilation making it difficult or impossible for a woman to successfully carry a subsequent pregnancy to term; an increased risk of uterine rupture, abruption, amniotic fluid embolus, and trauma to the uterus as a result of converting the child to a footling breech position, a procedure which, according to a leading obstetrics textbook, ''there are very few, if any, indications for * * * other than for delivery of a second twin''; and a risk of lacerations and secondary hemorrhaging due to the doctor blindly forcing a sharp instrument into the base of the unborn child's skull while he or she is lodged in the birth canal, an act which could result in severe bleeding, brings with it the threat of shock, and could ultimately result in maternal death.*

(B) There is no credible medical evidence that partial-birth abortions are safe or are safer than other abortion procedures. No controlled studies of partial-birth abortions have been conducted nor have any comparative studies been conducted to demonstrate its safety and efficacy compared to other abortion methods. Furthermore, there have been no articles published in peer-reviewed journals that establish that partial-birth abortions are superior in any way to established abortion procedures. Indeed, unlike other more commonly used abortion procedures, there are currently no medical schools that provide instruction on abortions that include the instruction in partial-birth abortions in their curriculum.

(C) A prominent medical association has concluded that partial-birth abortion is ''not an accepted medical practice'', that it has ''never been subject to even a minimal amount of the normal medical practice development,'' that ''the relative advantages and disadvantages of the procedure in specific circumstances remain unknown,'' and that ''there is no consensus among obstetricians about its use''. The association has further noted that partial-birth abortion is broadly disfavored by both medical experts and the public, is ''ethically wrong,'' and ''is never the only appropriate procedure''.

(D) Neither the plaintiff in Stenberg v. Carhart, nor the experts who testified on his behalf, have identified a single circumstance during which a partial-birth abortion was necessary to preserve the health of a woman.

(E) The physician credited with developing the partial-birth abortion procedure has testified that he has never encountered a situation where a partial-birth abortion was medically necessary to achieve the desired outcome and, thus, is never medically necessary to preserve the health of a woman.

(F) A ban on the partial-birth abortion procedure will therefore advance the health interests of pregnant women seeking to terminate a pregnancy.

(G) In light of this overwhelming evidence, Congress and the States have a compelling interest in prohibiting partial-birth abortions. In addition to promoting maternal health, such a prohibition will draw a bright line that clearly distinguishes abortion and infanticide, that preserves the integrity of the medical profession, and promotes respect for human life.

(H) Based upon Roe v. Wade, 410 U.S. 113 (1973) and Planned Parenthood v. Casey, 505 U.S. 833 (1992), a governmental interest in protecting the life of a child during the delivery process arises by virtue of the fact that during a partial-birth abortion, labor is induced and the birth process has begun. This distinction was recognized in Roe when the Court noted, without comment, that the Texas parturition statute, which prohibited one from killing a child ''in a state of being born and before actual birth,'' was not under attack. This interest becomes compelling as the child emerges from the maternal body. A child that is completely born is a full, legal person entitled to constitutional protections afforded a ''person'' under the United States Constitution. Partial-birth abortions involve the killing of a child that is in the process, in fact mere inches away from, becoming a ''person''. Thus, the government has a heightened interest in protecting the life of the partially-born child.

(I) This, too, has not gone unnoticed in the medical community, where a prominent medical association has recognized that partial-birth abortions are ''ethically different from other destructive abortion techniques because the fetus, normally twenty weeks or longer in gestation, is killed outside of the womb''. According to this medical association, the '''partial birth' gives the fetus an autonomy which separates it from the right of the woman to choose treatments for her own body''.

(J) Partial-birth abortion also confuses the medical, legal, and ethical duties of physicians to preserve and promote life, as the physician acts directly against the physical life of a child, whom he or she had just delivered, all but the head, out of the womb, in order to end that life. Partial-birth abortion thus appropriates the terminology and techniques used by obstetricians in the delivery of living children—obstetricians who preserve and protect the life of the mother and the child—and instead uses those techniques to end the life of the partially-born child.

(K) Thus, by aborting a child in the manner that purposefully seeks to kill the child after he or she has begun the process of birth, partial-birth abortion undermines the public's perception of the appropriate role of a physician during the delivery process, and perverts a process during which life is brought into the world, in order to destroy a partially-born child.

(L) The gruesome and inhumane nature of the partial-birth abortion procedure and its disturbing similarity to the killing of a newborn infant promotes a complete disregard for infant human life that can only be countered by a prohibition of the procedure.

(M) The vast majority of babies killed during partial-birth abortions are alive until the end of the procedure. It is a medical fact, however, that unborn infants at this stage can feel pain when subjected to painful stimuli and that their perception of this pain is even more intense than that of newborn infants and older children when subjected to the same stimuli. Thus, during a partial-birth abortion procedure, the child will fully experience the pain associated with piercing his or her skull and sucking out his or her brain.

(N) Implicitly approving such a brutal and inhumane procedure by choosing not to prohibit it will further coarsen society to the humanity of not only newborns, but all vulnerable and innocent human life, making it increasingly difficult to protect such life. Thus, Congress has a compelling interest in acting—indeed it must act—to prohibit this inhumane procedure.

(O) For these reasons, Congress finds that partial-birth abortion is never medically indicated to preserve the health of the mother; is in fact unrecognized as a valid abortion procedure by the mainstream medical community; poses additional health risks to the mother; blurs the line between abortion and infanticide in the killing of a partially-born child just inches from birth; and confuses the role of the physician in childbirth and should, therefore, be banned.

SEC. 3. PROHIBITION ON PARTIAL-BIRTH ABORTIONS.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 73 the following:

"CHAPTER 74—PARTIAL-BIRTH ABORTIONS

''Sec.
''1531. Partial-birth abortions prohibited.

"§ 1531. Partial-birth abortions prohibited

''(a) Any physician who, in or affecting interstate or foreign commerce, knowingly performs a partial-birth abortion and thereby kills a human fetus shall be fined under this title or imprisoned not more than 2 years, or both. This subsection does not apply to a partial-birth abortion that is necessary to save the life of a mother whose life is endangered by a physical disorder, physical illness, or physical injury, including a life-endangering physical condition caused by or arising from the pregnancy itself. This subsection takes effect 1 day after the enactment.

''(b) As used in this section—

''(1) the term 'partial-birth abortion' means an abortion in which the person performing the abortion—

''(A) deliberately and intentionally vaginally delivers a living fetus until, in the case of a head-first presentation, the entire fetal head is outside the body of the mother, or, in the case of breech presentation, any part of the fetal trunk past the navel is outside the body of the mother, for the purpose of performing an overt act that the person knows will kill the partially delivered living fetus; and

''(B) performs the overt act, other than completion of delivery, that kills the partially delivered living fetus; and

''(2) the term 'physician' means a doctor of medicine or osteopathy legally authorized to practice medicine and surgery by the State in which the doctor performs such activity, or any other individual legally authorized by the State to perform abortions: Provided, however, That any individual who is not a physician or not otherwise legally authorized by the State to perform abortions, but who nevertheless directly performs a partial-birth abortion, shall be subject to the provisions of this section.

''(c)(1) The father, if married to the mother at the time she receives a partial-birth abortion procedure, and if the mother has not attained the age of 18 years at the time of the abortion, the maternal grandparents of the fetus, may in a civil action obtain appropriate relief, unless the pregnancy resulted from the plaintiff's criminal conduct or the plaintiff consented to the abortion.

''(2) Such relief shall include—

''(A) money damages for all injuries, psychological and physical, occasioned by the violation of this section; and

''(B) statutory damages equal to three times the cost of the partial-birth abortion.

''(d)(1) A defendant accused of an offense under this section may seek a hearing before the State Medical Board on whether the physician's conduct was necessary to save the life of the mother whose life was endangered by a physical disorder, physical illness, or physical injury, including a life-endangering physical condition caused by or arising from the pregnancy itself.

''(2) The findings on that issue are admissible on that issue at the trial of the defendant. Upon a motion of the defendant, the court shall delay the beginning of the trial for not more than 30 days to permit such a hearing to take place.

''(e) A woman upon whom a partial-birth abortion is performed may not be prosecuted under this section, for a conspiracy to violate this section, or for an offense under section 2, 3, or 4 of this title based on a violation of this section.''.

(b) CLERICAL AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 73 the following new item:

"74. Partial-birth abortions ..... 1531".

And the House agree to the same.

F. JAMES SENSENBRENNER,
HENRY HYDE,
STEVE CHABOT,
Managers on the Part of the House.

ORRIN HATCH,
RICK SANTORUM,
MIKE DEWINE,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3), to prohibit the procedure commonly known as partial-birth abortion, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendment struck all the Senate bill after the enacting clause and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House with an amendment that is a substitue for the Senate bill and the House amendment. The differences between the Senate bill, the House amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

Section 1. Short title

Section 1 of the conference report is identical to Section 1 of the House amendment and Section 1 of the Senate bill. Section 1 states that the short title of this measure is the ''Partial-Birth Abortion Ban Act of 2003.''

Section 2. Findings

Paragraph (1) in Section 2 of the conference report is substantially similar, with clarifications, to paragraph (1) in Section 2 of the House passed bill and paragraph (1) in Section 2 of the Senate passed bill. In paragraph (1) Congress finds that a moral, medical, and ethical consensus exists that the practice of performing a partial-birth abortion—an abortion in which a physician deliberately and intentionally vaginally delivers a living, unborn child's body until either the entire baby's head is outside the body of the mother, or, any part of the baby's trunk past the navel is outside the body of the mother and only the head remains inside the womb, for the purpose of performing an overt act (usually the puncturing of the back of the child's skull and removing the child's brains) that the person knows will kill the partially delivered living infant, performs this act, and then completes delivery of the dead infant—is a gruesome and inhumane procedure that is never medically necessary and should be prohibited.

Paragraph (2) in Section 2 of the conference report is identical to paragraph (2) in Section 2 of the House amendment and paragraph (2) in Section 2 of the Senate bill. In paragraph (2), Congress finds that rather than being an abortion procedure that is embraced by the medical community, particularly among physicians who routinely perform other abortion procedures, partial-birth abortion remains a disfavored procedure that is not only unnecessary to preserve the health of the mother, but in fact poses serious risks to the long-term health of women and in some circumstances, their lives. Congress also finds that as a result, at least 27 States banned the procedure as did the United States Congress which voted to ban the procedure during the 104th, 105th, and 106th Congresses.

Paragraph (3) in Section 2 of the conference report is identical to paragraph (3) in Section 2 of the House amendment and paragraph (3) in Section 2 of the Senate bill. In paragraph (3), Congress finds that in *Stenberg* v. *Carhart*, 530 U.S. 914, 932 (2000), the United States Supreme Court, which did not have in front of it the extensive factual record compiled by Congress, construed the record in that case to support ''the proposition that in some circumstances, [partial-birth abortion] would be the safest procedure'' for pregnant women who wish to undergo an abortion. Congress also finds that as a result of having reached this conclusion the Court struck down the State of Nebraska's ban on partial-birth abortion procedures, concluding that it failed to include an exception for partial-birth abortions deemed necessary to preserve the ''health'' of the mother, and placed an ''undue burden'' on women seeking abortions.

Paragraph (4) in Section 2 of the conference report is identical to paragraph (4) in Section 2 of the House amendment and paragraph (4) in Section 2 of the Senate bill. In paragraph (4), Congress finds that the Court's decision was based on the Federal district court's factual findings that the partial-birth abortion procedure was statistically and medically as safe as, and in many circumstances safer than, alternative abortion procedures—findings which are contradicted by Congress's extensive factual record presented and compiled during the 104th, 105th, 107th, and 108th Congresses.

Paragraph (5) in Section 2 of the conference report is substantially similar, with clarifications, to paragraph (5) in Section 2 of the House passed bill and paragraph (5) in Section 2 of the Senate passed bill. In paragraph (5) Congress finds that substantial evidence presented at the *Stenberg* trial, and the overwhelming evidence that was presented and compiled at extensive Congressional hearings, much of which was compiled after the district court hearing in *Stenberg*, and thus not included in the *Stenberg* trial record, demonstrates that a partial-birth abortion is never necessary to preserve the health of a woman, poses significant health risks to a woman upon whom the procedure is performed, and is outside of the standard of medical care.

Paragraph (6) in Section 2 of the conference report is identical to paragraph (6) in Section 2 of the House amendment and paragraph (6) in Section 2 of the Senate bill. In paragraph (6), Congress finds that despite the dearth of evidence in the *Stenberg* trial court record supporting the district court's findings, the United States Court of Appeals for the Eighth Circuit and the Supreme Court refused to set aside the district court's factual findings because, under the applicable standard of appellate review, they were not ''clearly erroneous.'' Congress also finds that a finding of fact is clearly erroneous ''when although there is evidence to support it, the reviewing court on the entire evidence is left with the definite and firm conviction that a mistake has been committed'' *Anderson* v. *City of Bessemer, North Carolina*, 470 U.S. 564, 573 (1985). Congress also finds that under this standard, ''if the district court's account of the evidence is plausible in light of the record viewed in its entirety, the court of appeals may not reverse it even though convinced that had it been sitting as the trier of fact, it would have weighed the evidence differently.'' Id. at 574.

Paragraph (7) in Section 2 of the conference report is identical to paragraph (7) in Section 2 of the House amendment and paragraph (7) in Section 2 of the Senate bill. In paragraph (7), Congress finds that in *Stenberg*, the United States Supreme Court was required to accept the very questionable findings issued by the district court judge—the effect of which was to render null and void the reasoned factual findings and policy determinations of the United States Congress and at least 27 State legislatures.

Paragraph (8) in Section 2 of the conference report is identical to paragraph (8) in Section 2 of the House amendment and paragraph (8) in Section 2 of the Senate bill. In paragraph (8), Congress finds that under well-settled Supreme Court jurisprudence, it is not bound to accept the same factual findings that the Supreme Court was bound to accept in *Stenberg* under the ''clearly erroneous'' standard. Congress also finds that it is entitled to reach its own factual findings—findings that the Supreme Court accords great deference—and to enact legislation based upon these findings so long as it seeks to pursue a legitimate interest that is within the scope of the Constitution, and draws reasonable inferences based upon substantial evidence.

Paragraph (9) in Section 2 of the conference report is identical to paragraph (9) in Section 2 of the House amendment and paragraph (9) in Section 2 of the Senate bill. In paragraph (9), Congress finds that in *Katzenbach* v. *Morgan*, 384 U.S. 641 (1966), the Supreme Court articulated its highly deferential review of Congressional factual findings when it addressed the constitutionality of section 4(e) of the Voting Rights Act of 1965. Regarding Congress' factual determination that section 4(e) would assist the Puerto Rican community in ''gaining nondiscriminatory treatment in public services,'' the Court stated that ''[i]t was for Congress, as the branch that made this judgment, to assess and weigh the various conflicting considerations. * * * It is not for us to review the congressional resolution of these factors. It is enough that we be able to perceive a basis upon which the Congress might resolve the conflict as it did. There plainly was such a basis to support section 4(e) in the application in question in this case.'' Id. at 653.

Paragraph (10) in Section 2 of the conference report is substantively identical, with technical clarifications, to paragraph (10) in Section 2 of the House amendment and paragraph (10) in Section 2 of the Senate bill. In paragraph (10), Congress finds that *Katzenbach*'s highly deferential review of Congress's factual conclusions was relied upon by the United States District Court for the District of Columbia when it upheld the ''bail-out'' provisions of the Voting Rights Act of 1965, (42 U.S.C. 1973c), stating that ''congressional fact finding, to which we are inclined to pay great deference, strengthens the inference that, in those jurisdictions covered by the Act, state actions discriminatory in effect are discriminatory in purpose.'' *City of Rome, Georgia* v. *U.S.*, 472 F. Supp. 221 (D. D.C. 1979), affd, 446 U.S. 156 (1980).

Paragraph (11) in Section 2 of the conference report is identical to paragraph (11) in Section 2 of the House amendment and paragraph (11) in Section 2 of the Senate bill. In paragraph (11), Congress finds that the Court continued its practice of deferring to congressional factual findings in reviewing the constitutionality of the must-carry provisions of the Cable Television Consumer Protection and Competition Act of 1992. See *Turner Broadcasting System, Inc.* v. *Federal Communications Commission*, 512 U.S. 622 (1994) (*Turner I*) and *Turner Broadcasting System, Inc.* v. *Federal Communications Commission*, 520 U.S. 180 (1997) (*Turner II*). Congress finds that at issue in the *Turner* cases was Congress' legislative finding that, absent mandatory carriage rules, the continued viability of local broadcast television would be ''seriously jeopardized.'' Congress finds that the *Turner I* Court recognized that as an institution, ''Congress is far better equipped than the judiciary to 'amass and evaluate the vast amounts of data' bearing upon an issue as complex and dynamic as that presented here.'' 512 U.S. at 665–66. Although the Court recognized that ''the deference afforded to legislative findings does 'not foreclose our independent judgment of the facts bearing on an issue of constitutional law,'" its ''obligation to exercise independent judgment when First Amendment rights are implicated is not a license to reweigh the evidence de novo, or to replace Congress' factual predictions with our own. Rather, it is to assure that, in formulating its judgments, Congress has drawn reasonable inferences based on substantial evidence.'' Id. at 666.

Paragraph (12) in Section 2 of the conference report is identical to paragraph (12) in Section 2 of the House amendment and paragraph (12) in Section 2 of the Senate bill. In paragraph (12), Congress finds that three years later in *Turner II*, the Court upheld the ''must-carry'' provisions based upon Congress' findings, stating the Court's ''sole obligation is 'to assure that, in formulating its judgments, Congress has drawn reasonable inferences based on substantial evidence.'" 520 U.S. at 195. Congress finds that, citing its ruling in *Turner I*, the Court reiterated that ''[w]e owe Congress' findings deference in part because the institution 'is far better equipped than the judiciary to ''amass and evaluate the vast amounts of data'' bearing upon' legislative questions,'' Id. at 195, and added that it ''owe[d] Congress' findings an additional measure of deference out of respect for its authority to exercise the legislative power.'' Id. at 196.

Paragraph (13) in Section 2 of the conference report is substantively identical, with technical clarifications, to paragraph (13) in Section 2 of the House amendment and paragraph (13) in Section 2 of the Senate bill. In paragraph (13), Congress finds that there exists substantial record evidence upon which Congress has reached its conclusion that a ban on partial-birth abortion is not required to contain a ''health'' exception, because the facts demonstrate that a partial-birth abortion is never necessary to preserve the health of a woman, poses serious risks to a woman's health, and lies outside the standard of medical care. Congress also finds that it has been informed by extensive hearings held during the 104th, 105th, 107th, and 108th Congresses and passed a ban on partial-birth abortion in the 104th, 105th, and 106th Congresses. Congress finds that these findings reflect its very informed judgment that a partial-birth abortion is never necessary to preserve the health of a woman, poses serious risks to a woman's health, and lies outside the standard of medical care, and should, therefore, be banned.

Paragraph (14) in Section 2 of the conference report is substantively identical, with technical clarifications, to paragraph (14) in Section 2 of the House amendment and paragraph (14) in Section 2 of the Senate bill. In paragraph (14), Congress, pursuant to the substantial and credible testimony received during extensive legislative hearings during the 104th, 105th, 107th, and 108th Congresses, lists its declarations regarding the partial-birth abortion procedure:

Paragraph (14)(A) in Section 2 of the conference report is identical to paragraph (14)(A) in Section 2 of the House amendment and paragraph (14)(A) in Section 2 of the Senate bill. In paragraph (14)(A), Congress declares that a partial-birth abortion poses serious risks to the health of a woman undergoing the procedure. Those risks include, among other things: an increase in a woman's risk of suffering from cervical incompetence, a result of cervical dilation making it difficult or impossible for a woman to successfully carry a subsequent pregnancy to term; an increased risk of uterine rupture, abruption, amniotic fluid embolus, and trauma to the uterus as a result of converting the child to a footling breech position, a procedure which, according to a leading obstetrics textbook, ''there are very few, if any, indications for * * * other than for delivery of a second twin''; and a risk of lacerations and secondary hemorrhaging due to the doctor blindly forcing a sharp instrument into the base of the unborn child's skull while he or she is lodged in the birth canal, an act which could result in severe bleeding, brings with it the threat of shock, and could ultimately result in maternal death. Therefore, Congress concludes that those who express the view that partial-birth abortion may be a safer method of abortion in some circumstances have never examined the severe risks of the procedure to the health of the mother and have not demonstrated that this procedure is a safe, medically accepted, standard of care.

Paragraph (14)(B) in Section 2 of the conference report is identical to paragraph (14)(B) in Section 2 of the House amendment and paragraph (14)(B) in Section 2 of the Senate bill. In paragraph (14)(B), Congress declares that there is no credible medical evidence that partial-birth abortions are safe or are safer than other abortion procedures. Congress also declares that no controlled studies of partial-birth abortions have been conducted nor have any comparative studies been conducted to demonstrate its safety and efficacy compared to other abortion methods. Congress further declares that there have been no articles published in peer-reviewed journals that establish that partial-birth abortions are superior in any way to established abortion procedures. Congress also declares that unlike other more commonly used abortion procedures, there are currently no medical schools that provide instruction on abortions that include the instruction in partial-birth abortions in their curriculum.

Paragraph (14)(C) in Section 2 of the conference report is identical to paragraph (14)(C) in Section 2 of the House amendment and paragraph (14)(C) in Section 2 of the Senate bill. In paragraph (14)(C), Congress declares that a prominent medical association has concluded that partial-birth abortion is ''not an accepted medical practice,'' that it

has ''never been subject to even a minimal amount of the normal medical practice development,'' that ''the relative advantages and disadvantages of the procedure in specific circumstances remain unknown,'' and that ''there is no consensus among obstetricians about its use.'' The association has further noted that partial-birth abortion is broadly disfavored by both medical experts and the public, is ''ethically wrong,'' and ''is never the only appropriate procedure.''

Paragraph (14)(D) in Section 2 of the conference report is identical to paragraph (14)(D) in Section 2 of the House amendment and paragraph (14)(D) in Section 2 of the Senate bill. In paragraph (14)(D), Congress declares that those who espouse the view that partial-birth abortion ''may'' be the most appropriate abortion procedure for some women in ''some'' circumstances, such as the plaintiff in *Stenberg* v. *Carhart* and the experts who testified on his behalf, have failed to identify such circumstances and base their opinion on theoretical speculation, not actual evidence that demonstrates the relative safety of this abortion procedure.

Paragraph (14)(E) in Section 2 of the conference report is identical to paragraph (14)(E) in Section 2 of the House amendment and paragraph (14)(E) in Section 2 of the Senate bill. In paragraph (14)(E), Congress declares that the physician credited with developing the partial-birth abortion procedure has testified that he has never encountered a situation where a partial-birth abortion was medically necessary to achieve the desired outcome and, thus, is never medically necessary to preserve the health of a woman.

Paragraph (14)(F) in Section 2 of the conference report is identical to paragraph (14)(F) in the House amendment and paragraph (14)(F) in the Senate bill. In paragraph (14)(F), Congress declares that a ban on the partial-birth abortion procedure will advance the health interests of pregnant women seeking to terminate a pregnancy.

Paragraph (14)(G) in Section 2 of the conference report is identical to paragraph (14)(G) in the House amendment and paragraph (14)(G) in the Senate bill. In paragraph (14)(G), Congress declares that in light of this overwhelming evidence, Congress and the States have a compelling interest in prohibiting partial-birth abortions. Congress also declares that in addition to promoting maternal health, such a prohibition will draw a bright line that clearly distinguishes abortion and infanticide, that preserves the integrity of the medical profession, and promotes respect for human life.

Paragraph (14)(H) in Section 2 of the conference report is identical to paragraph (14)(H) in the House amendment and (14)(H) in the Senate bill. In paragraph (14)(H), Congress declares that based upon *Roe* v. *Wade*, 410 U. S. 113 (1973), and *Planned Parenthood* v. *Casey*, 505 U.S. 833 (1992), a governmental interest in protecting the life of a child during the delivery process arises, in part, by virtue of the fact that during a partial-birth abortion, labor is induced and the birth process has begun. Congress further declares that this distinction was recognized in *Roe* when the Court noted, without comment, that the Texas parturition statute, which prohibited one from killing a child ''in a state of being born and before actual birth,'' was not under attack. Congress declares that this interest becomes compelling as the child emerges from the maternal body. Congress declares that a child that is completely born is a full, legal person entitled to constitutional protections afforded a ''person'' under the United States Constitution. Congress declares that partial-birth abortions involve the killing of a child that is in the process, in fact mere inches away from, becoming a ''person.'' Partial birth gives the fetus an autonomy that is separate and distinct from that of the mother. Thus, the government has a heightened interest in protecting the life of the partially-born child.

Paragraph (14)(I) in Section 2 of the conference report is identical to paragraph (14)(I) in Section 2 of the House amendment and paragraph (14)(I) in Section 2 of the Senate bill. In paragraph (14)(I), Congress declares that the distinction between a partial-birth abortion and other abortion methods has been recognized by the medical community, where a prominent medical association has recognized that partial-birth abortions are ''ethically different from other destructive abortion techniques because the fetus, normally twenty weeks or longer in gestation, is killed outside of the womb.'' According to this medical association, the '''partial birth' gives the fetus an autonomy which separates it from the right of the woman to choose treatments for her own body.''

Paragraph (14)(J) in Section 2 of the conference report is identical to paragraph (14)(J) in Section 2 of the House amendment and paragraph (14)(J) in Section 2 of the Senate bill. In paragraph (14)(J), Congress declares that a partial-birth abortion also confuses the medical, legal, and ethical duties of physicians to preserve and promote life, as the physician acts directly against the physical life of a child, whom he or she had just delivered, all but the head, out of the womb, in order to end that life. Congress further declares that a partial-birth abortion thus appropriates the terminology and techniques used by obstetricians in the delivery of living children—obstetricians who preserve and protect the life of the mother and the child—and instead uses those techniques to end the life of the partially-born child.

Paragraph (14)(K) in Section 2 of the conference report is identical to paragraph (14)(K) in Section 2 of the House amendment and paragraph (14)(K) in Section 2 of the Senate bill. In paragraph (14)(K), Congress declares that by aborting a child in the manner that purposefully seeks to kill the child after he or she has begun the process of birth, partial-birth abortion undermines the public's perception of the appropriate role of a physician during the delivery process, and perverts a process during which life is brought into the world, in order to destroy a partially-born child.

Paragraph (14)(L) in Section 2 of the conference report is identical to paragraph (14)(L) in Section 2 of the House amendment and paragraph (14)(L) in Section 2 of the Senate bill. In paragraph (14)(L), Congress declares that the gruesome and inhumane nature of the partial-birth abortion procedure and its disturbing similarity to the killing of a newborn infant promotes a complete disregard for infant human life that can only be countered by a prohibition of the procedure.

Paragraph (14)(M) in Section 2 of the conference report is identical to paragraph (14)(M) in Section 2 of the House amendment and paragraph (14)(M) in Section 2 of the Senate bill. In paragraph (14)(M), Congress declares that the vast majority of babies killed during partial-birth abortions are alive until the end of the procedure. Congress further declares that it is a medical fact, however, that unborn infants at this stage can feel pain when subjected to painful stimuli and that their perception of this pain is even more intense than that of newborn infants and older children when subjected to the same stimuli. Evidence compiled by Congress demonstrates that fetuses on whom in utero surgery is performed for medical reasons feel pain from needles and instruments and are provided anesthesia. Pain management is an important part of care provided to infants cared for in neonatal units who are of the same gestational ages as those subject to partial-birth abortion. Partial-birth abortion is an extremely painful procedure for the fetus and, during a partial-birth abortion procedure, the child will fully experience the pain associated with piercing his or her skull and sucking out his or her brain.

Paragraph (14)(N) in Section 2 of the conference report is identical to paragraph (14)(N) in Section 2 of the House amendment and paragraph (14)(N) in Section 2 of the Senate bill. In paragraph (14)(N), Congress declares that implicitly approving such a brutal and inhumane procedure by choosing not to prohibit it will further coarsen society to the humanity of not only newborns, but all vulnerable and innocent human life, making it increasingly difficult to protect such life. Congress further declares that as a result it has a compelling interest in acting—indeed it must act—to prohibit this inhumane procedure.

Paragraph (14)(O) in Section 2 of the conference report is identical to paragraph (14)(O) in Section 2 of the House amendment and paragraph (14)(O) in Section 2 of the Senate bill. In paragraph (14)(O), Congress declares that for these reasons, it finds that partial-birth abortion is never medically indicated to preserve the health of the mother; is in fact unrecognized as a valid abortion procedure by the mainstream medical community; poses additional health risks to the mother; blurs the line between abortion and infanticide in the killing of a partially-born child just inches from birth; and confuses the role of the physician in childbirth and should, therefore, be banned.

Section 3. Prohibition on partial-birth abortions

Subsection (a) in Section 3 of the conference report is identical to subsection (a) in Section 3 of the House amendment and subsection (a) in Section 3 of the Senate bill. In subsection (a) of Section 3 Congress amends title 18 of the United States Code by inserting a new chapter 74 consisting of a new 18 U.S.C. 1531:

Subsection (a) of the new section 1531 contained in Section 3(a) of the conference report is identical to subsection (a) of the new section 1531 proposed in Section 3(a) of the House amendment and subsection (a) of the new section 1531 proposed in Section 3(a) of the Senate bill. Subsection (a) prohibits any physician from, in or affecting interstate or foreign commerce, knowingly performing a partial-birth abortion and thereby killing a human fetus. A physician who does so shall be fined under this title or imprisoned not more than 2 years, or both. This paragraph does not apply to a partial-birth abortion that is necessary to save the life of a mother whose life is endangered by a physical disorder, physical illness, or physical injury, including a life-endangering physical condition caused by or arising from the pregnancy itself. This paragraph takes effect 1 day after the enactment.

Subsection (b)(1) of the new section 1531 contained in Section 3(a) of the conference report is substantively identical, with technical clarifications, to subsection (b)(1) of the new section 1531 proposed in Section 3(a) of the House amendment and subsection (b)(1) of the new section 1531 proposed in Section 3(a) of the Senate bill. Subsection (b)(1) states that a partial-birth abortion means an abortion in which the person performing the abortion deliberately and intentionally vaginally delivers an intact living fetus until, in the case of a head-first presentation, the entire fetal head is outside the body of the mother, or, in the case of breech presentation, any part of the fetal trunk past the navel is outside the body of the mother, for the purpose of performing an overt act that the person knows will kill the partially delivered living fetus and the person performing the abortion performs the

overt act (such as the removal of the intracranial contents), other than completion of delivery, that kills the partially delivered intact living fetus.

Subsection (b)(2) of the new section 1531 contained in Section 3(a) of the conference report is identical to subsection (b)(2) of the new section 1531 proposed in Section 3(a) of the House amendment and subsection (b)(2) of the new section 1531 proposed in Section 3(a) of the Senate bill. Subsection (b)(2) defines the term ''physician'' as a doctor of medicine or osteopathy legally authorized to practice medicine and surgery by the State in which the doctor performs such activity, or any other individual legally authorized by the State to perform abortions: Provided, however, that any individual who is not a physician or not otherwise legally authorized by the State to perform abortions, but who nevertheless directly performs a partial-birth abortion, shall be subject to the provisions of this section.

Subsection (c)(1) of the new section 1531 contained in Section 3(a) of the conference report is identical to subsection (c)(1) of the new section 1531 proposed in Section 3(a) of the House amendment and subsection (c)(1) of the new section 1531 proposed in Section 3(a) of the Senate bill. Subsection (c)(1) provides for a civil cause of action for the father, if married to the mother at the time she receives a partial-birth abortion procedure, and if the mother has not attained the age of 18 years at the time of the abortion, the maternal grandparents of the fetus, unless the pregnancy resulted from the plaintiff's criminal conduct or the plaintiff consented to the abortion.

Subsection (c)(2) of the new section 1531 contained in Section 3(a) of the conference report is identical to subsection (c)(2) of the new section 1531 proposed in Section 3(a) of the House amendment and paragraph (c)(2) of the new section 1531 proposed in Section 3(a) of the Senate bill. Subsection (c)(2), in paragraph (A) provides that such relief shall include money damages for all injuries, psychological and physical, occasioned by the violation of this section; and in paragraph (B) that statutory damages equal to three times the cost of the partial-birth abortion.

Subsection (d)(1) of the new section 1531 contained in Section 3(a) of the conference report is identical to subsection (d)(1) of the new section 1531 proposed in Section 3(a) of the House amendment and subsection (d)(1) of the new section 1531 proposed in Section 3(a) of the Senate bill. Subsection (d)(1) allows a defendant accused of an offense under this section to seek a hearing before the State Medical Board on whether the physician's conduct was necessary to save the life of the mother whose life was endangered by a physical disorder, physical illness, or physical injury, including a life-endangering physical condition caused by or arising from the pregnancy itself.

Subsection (d)(2) of the new section 1531 contained in Section 3(a) of the conference report is identical to subsection (d)(2) of the new section 1531 proposed in Section 3 (a) of the House amendment and subsection (d)(2) of the new section 1531 proposed in Section 3 (a) of the Senate bill. Subsection (d)(2) provides that the findings on that issue are admissible on that issue at the trial of the defendant. It also provides that upon a motion of the defendant, the court shall delay the beginning of the trial for not more than 30 days to permit such a hearing to take place.

Subsection (e) of the new section 1531 contained in Section 3(a) of the conference report is identical to subsection (e) of the new section 1531 proposed in Section 3(a) of the House amendment and subsection (e) of the new section 1531 proposed in Section 3(a) of the Senate bill. Subsection (e) provides that a woman upon whom a partial-birth abortion is performed may not be prosecuted under this section, for a conspiracy to violate this section, or for an offense under section 2, 3, or 4 of this title based on a violation of this section.

Subsection (b) in Section 3 of the conference report is identical to subsection (b) in Section 3 of the House amendment and subsection (b) in Section 3 of the Senate bill. Subsection (b) is a clerical amendment to insert the new chapter in the table of chapters for part I of title 18, after the item relating to chapter 73.

Section 4 of the Senate bill had no counterpart in the House amendment, and it is not included in the substitute agreed to by the managers.

F. JAMES SENSENBRENNER,
HENRY HYDE,
STEVE CHABOT,
Managers on the Part of the House.

ORRIN HATCH,
RICK SANTORUM,
MIKE DEWINE,
Managers on the Part of the Senate.

□ 1915

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3193

Mr. PORTER. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 3193. My name was added to the list of cosponsors inadvertently.

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

There was no objection.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 1, MEDICARE PRESCRIPTION DRUG AND MODERNIZATION ACT OF 2003

Mr. CASE. Mr. Speaker, subject to rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct on H.R. 1, the Medicare prescription drug bill.

The form of the motion is as follows:

Mr. CASE moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 1 be instructed as follows:

(1) The House recede to the Senate on the provisions to guarantee access to prescription drug coverage under section 1860D–13(e) of the Social Security Act, as added by section 101(a) of the Senate amendment.

(2) To reject the provisions of section 501 of the House bill.

(3) The House recede to the Senate on the following provisions of the Senate amendment to improve rural health care:

(A) Section 403 (relating to inpatient hospital adjustment for low volume hospitals).

(B) Section 404 (relating to medicare disproportionate share adjustment for rural areas), but with the effective date applicable under section 401(b) of the House bill.

(C) Section 404A (relating to MedPAC report on medicare disproportionate share hospital adjustment payments).

(D) The following provisions of section 405 (relating to critical access hospital improvements):

(i) Subsection (a), but with the effective date applicable under section 405(f)(4) of the House bill.

(ii) Subsection (b), but with the effective date applicable under section 405(c)(2) of the House bill.

(iii) Subsections (e), (f), and (g).

(E) Section 414 (relating to rural community hospital demonstration program).

(F) Section 415 (relating to critical access hospital improvement demonstration program).

(G) Section 417 (relating to treatment of certain entities for purposes of payment under the medicare program).

(H) Section 420 (relating to conforming changes relating to Federally qualified health centers).

(I) Section 420A (relating to increase for hospitals with disproportionate indigent care revenues).

(J) Section 421 (relating to establishment of floor on geographic adjustments of payments for physicians' services).

(K) Section 425 (relating to temporary increase for ground ambulance services), but with the effective date applicable under the amendment made by section 401(2) of the House bill.

(L) Section 426 (relating to appropriate coverage of air ambulance services under ambulance fee schedule).

(M) Section 427 (relating to treatment of certain clinical diagnostic laboratory tests furnished by a sole community hospital).

(N) Section 428 (relating to improvement in rural health clinic reimbursement).

(O) Section 444 (relating to GAO study of geographic differences in payments for physicians' services).

(A) Section 402 (relating to immediate establishment of uniform standardized amount in rural and small urban areas).

(B) Section 403 (relating to establishment of essential rural hospital classification).

(C) Subsections (a), (b), (d), and (e) of section 405 (relating to improvements to critical access hospital program).

(D) Section 416 (relating to revision of labor-related share of hospital inpatient pps wage index).

(E) Section 417 (relating to medicare incentive payment program improvements).

(F) Section 504 (relating to wage index classification reform).

(G) Section 601 (relating to revision of updates for physician services).

(H) Section 1001 (relating to medical disproportionate share hospital (DSH) payments).

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

Mr. DAVIS of Alabama. Mr. Speaker, subject to rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct on H.R. 1308, the child tax credit bill.

The form of the motion is as follows:

Mr. DAVIS of Alabama moves that the managers on the part of the House in the conference on the disagreeing votes of the two Houses on the House amendment to the Senate amendment to H.R. 1308 be instructed as follows:

1. The House conferees shall be instructed to include in the conference report the provision of the Senate amendment (not included in the House amendment) that provides immediate payments to taxpayers receiving an additional credit by reason of the bill in the same manner as other taxpayers were entitled to immediate payments under the Jobs and Growth Tax Relief Reconciliation Act of 2003.

2. The House conferees shall be instructed to include in the conference report the provision of the Senate amendment (not included in the House amendment) that provides families of military personnel serving in Iraq, Afghanistan, and other combat zones a child credit based on the earnings of the individuals serving in the combat zone.

3. The House conferees shall be instructed to include in the conference report all of the other provisions of the Senate amendment and shall not report back a conference report that includes additional tax benefits not offset by other provisions.

4. To the maximum extent possible within the scope of conference, the House conferees shall be instructed to include in the conference report other tax benefits for military personnel and the families of the astronauts who died in the Columbia disaster.

5. The House conferees shall, as soon as practicable after the adoption of this motion, meet in open session with the Senate conferees and the House conferees shall file a conference report consistent with the preceeding provisions of this instruction, not later than the second legislative day after adoption of this motion.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 6, ENERGY POLICY ACT OF 2003

Mr. INSLEE. Mr. Speaker, pursuant to rule XXII, I hereby give notice of my intention to offer a motion to instruct conferees on H.R. 6, the Energy Policy Act of 2003.

The form of the motion is as follows:

Mr. INSLEE moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 6 be instructed to confine themselves to the matters committed to conference in accordance with clause 9 of rule XXII of the Rules of House of Representatives with regard to ''high-level radioactive waste'' as defined in the Nuclear Waste Policy Act of 1982 and other provisions of Federal law.

IRAQ SUPPLEMENTAL

(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, I rise today to draw my colleagues to a singular uniting factor, and that is that we all support United States troops that now are facing danger in Operation Iraqi Freedom. With that in mind, I am quite willing to support the expenditures requested by the administration solely to support our troops and the necessities that they require in order to protect their lives. But the American people deserve an answer, Mr. Speaker, and we should not vote in totality for the $87 billion. It is a sham if we do so without explaining to the American people, one, an exit strategy, two, what is the United Nations resolution that will require us to coalesce around the concept of allies helping us in the democratization and reconstruction of Iraq? How many troops will we get from our allies? How much money will they expend?

And, Mr. Speaker, we need a full accounting by the administration on what they have spent the money for. I will be filing legislation to separate out the vote, voting for the moneys for our troops without question, but demanding an explanation from this administration before we vote any moneys for reconstruction.

What are the oil revenues going for, Mr. Speaker? And I would say this, that we spent only $7.5 billion in the Gulf War. Why? Because we had a legitimate and solid alliance with our allies across the world. This is a mistake in the way we are doing this. We should not vote for the $87 billion in totality. We must separate out the vote, and I ask my colleagues to vote for this legislation.

IRAQ SUPPLEMENTAL

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

Mr. KINGSTON. Mr. Speaker, I wanted to speak on the subject of the supplemental budget. Eighty-seven billion dollars is indeed a lot of money. Yet, building democracy in the Middle East, building an ally in the Middle East, another ally, would be very, very helpful to United States interests and to the big picture of world peace.

I hear from a lot of my Democrat friends that, well, I'm going to support the troops and cleverly just support that portion of the budget which goes directly to the troops, which would be about two-thirds of it, some 60-plus billion dollars. How can you support the troops and then not let them complete their task by trying to rebuild the country and the infrastructure? It does not make sense. If you are going to support the troops, you have to support their mission.

I would love any of my colleagues who have such doubts about the importance of what we are doing to come down to the Third Infantry Division in Hinesville-Fort Stewart, Georgia, and talk to some of the troops who have been there, who have spent 6 to 8 months of their lives there in the last year and look them in the eye and say, you know what, I do not like what you are doing. And you know what, I am going to support your expense, your room and board, but I am not going to help you rebuild this nation that you lost your friends over.

I just want to say, that is an open invitation to any Democrat or Republican if you want to come down and talk to people who have been on the ground.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THE CLEAR ACT OF 2003

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. NORWOOD) is recognized for 5 minutes.

Mr. NORWOOD. Mr. Speaker, I rise on the floor of the House today to share, sadly, yet another tragic story of another instance where senseless criminal acts, acts that could have been prevented and should have never happened, were allowed to take place because of our badly broken immigration system.

Mr. Speaker, for the last year, South Florida has been terrorized by a serial rapist. Beginning in September of last year, seven females in the Miami area, ranging between the ages of 11 and 79, have been victimized by a vicious, brutal criminal. Needless to say, the yearlong attacks have left most women who live in the Miami area fearing for their safety and on guard for these past 12 months.

Thankfully, the local law enforcement authorities in the area believe they now have their man. Earlier this month, Miami police arrested Reynaldo Rapalo. A citizen of Honduras, he is accused of raping the seven women I mentioned earlier, and trying to attack and rape four others during that same time.

The Miami police indicate that they have Mr. Rapalo's fingerprints, his DNA that links him to these dastardly crimes, and finally his confession. Tragically, Mr. Speaker, they also had Mr. Rapalo himself back in October of last year, before six of the rapes had been allowed to occur. He was arrested on molestation charges, and at the time Mr. Rapalo's C–1 visa had expired. He was living here then illegally.

Mr. Speaker, had the CLEAR Act been on the books last October, Reynaldo Rapalo would have been detained and deportation proceedings would have begun and, more importantly, the women who were subsequently brutally attacked would have never fallen victim.

□ 1930

The sad fact is cases like this one are far too common, and our government has turned a blind eye to the criminal alien crisis in America for far too long.

Today within our borders, there are 400,000 illegal aliens with standing deportation orders that we cannot find. Among these are 80,000 criminal aliens like Mr. Rapalo, murderers, rapists, pedophiles and the like. These individuals were in the hands of law enforcement at one time but turned loose because of an immigration system that is unresponsive, unaccountable, and just plain broken.

Mr. Speaker, while our men and women wearing the badge continue to arrest and rearrest the same criminal aliens that our failed immigration system continues to put back on the streets, our Federal Government sends just 2,000 Bureau of Immigration and Customs Enforcement agents, BICE, in

the field to enforce these immigration laws, telling those officers, the victims of crimes like those witnessed in south Florida over the last year, and the 80,000 criminal aliens this government cannot find, one simple thing: we are simply not serious about this crisis. This Congress is not serious about this crisis.

Earlier this summer, along with the gentleman from Florida (Mr. BOYD) and the gentlewoman from Pennsylvania (Ms. HART) and the gentleman from Georgia (Mr. DEAL), I introduced a bipartisan bill that would get serious about our Nation's growing criminal alien crisis. The bill, entitled the CLEAR Act, is a measure that would make clear that our Nation's 600,000 local and State law enforcement officers have the authority to enforce our Nation's immigration laws, and we would give them the training, access to data, and the resources that they need to get the job done. Finally, it would give some much-needed help to the 2,000 out-manned Federal agents we have enforcing immigration law today.

Mr. Speaker, today's broken and failed immigration system is simply unworkable and for this government and this Congress to stay on the sidelines and let 80,000 criminal aliens create more horror stories like those perpetuated by Mr. Rapalo is simply unacceptable behavior. I urge my colleague to get off the sidelines and support the CLEAR Act, get involved in this game, and let us get serious about America's criminal alien crisis.

THE BUSH ADMINISTRATION'S ECONOMIC POLICIES

The SPEAKER pro tempore (Mrs. MILLER of Michigan). Under a previous order of the House, the gentleman from New York (Mr. HINCHEY) is recognized for 5 minutes.

Mr. HINCHEY. Madam Speaker, last February the President's Council of Economic Advisors forecast that, as a result of the economic policies of the Bush Administration, there would be 510,000 new jobs generated this year. Here we are on the advent of October; and in order for that prediction of last February to succeed, 947,000 jobs would have to be created between now and December 31, in other words, within the next 14 weeks. I wish the President's Council of Economic Advisors luck because this administration, aided and abetted by this Congress, has lost 437,000 jobs so far this year. We have had record job losses under this administration and that includes the 93,000 jobs that were lost in August alone. We do not yet have the figures of course for September, but it is likely that we will be seeing some similar amount of job loss.

This administration and this Congress have given us the worst economic performance in more than 70 years; 2.7 seven million jobs have been lost since the neoconservative Republicans have controlled both the White House and the Congress. They have also done other things which are huge in their consequences. They have given us the largest budget deficit in history, and they have also provided the Nation with a record national debt.

Just recently we learned from the Census Bureau that America is now poorer than it was last year, just as it was poorer last year than it was the year before. Median income of the average American family has dropped by more than $1,000 within the last year. America and its families are poorer today than they were this time last year. Poverty is up.

These are the statistics, bare statistics. They only begin to tell the difficult story that has fallen on American families all across this country. We need a reversal in these policies, and we need it quickly.

WASHINGTON WASTE WATCHERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. MARIO DIAZ-BALART) is recognized for 5 minutes.

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, the Washington Waste Watchers have been hard at work locating a vast range of government waste, fraud, and abuse. Unfortunately, these examples have not been hard to find, Madam Speaker. For some, however, examples of wasted taxpayers' money does not slow down their efforts to raise taxes. We have got a spending problem here in Washington; and waste, fraud, and abuse is a huge part of why we have that problem. For example, $366 million, $366 million in Pell grant awards was improperly disbursed because applicants understated their income on their applications last year. That resulted in over 84,000 Pell grants lost to waste, fraud, and abuse. And the Democrats want to raise taxes to pay for more of this?

The Veterans Affairs Inspector General, Madam Speaker, estimates that roughly 14,000 incarcerated veterans have been paid about $100 million nationwide because the Department has no method of identifying prisoners, never has, $100 million in wasted benefits that missed going to the needy, truly needy veterans in order to line the pockets of Washington's bureaucracy. And the Democrats, Madam Speaker, want to raise taxes to pay for more of this?

Over the last 4 years, the Department of Agriculture spent a total of $5.13 billion in food stamp overpayments. That is $5.13 billion wasted instead of helping low-income families who are unable to put food on their table. And again Democrats insist on wanting to raise the taxes of the hard-working American people to do more of this?

We do not need to raise taxes to improve government benefit programs; but Madam Speaker, we have to be willing to reach into the pockets of the bureaucracy and stop that system from spending the checks of our taxpayers' money.

Accounting schemes that send people to jail in the private sector do not even impact a normal promotion schedule for the bureaucracy in the Federal Government. It is not an issue here. See, it is time to hold those people responsible for wasting taxpayers' money; but we have got to be committed to fixing the broken systems, not just pouring more and more tax money from the hard-working people to keep the same programs going exactly the same and wasting the same amount of money as the Democrats would suggest.

The American taxpayers are not fooled, Madam Speaker. They know that their hard-earned tax dollars have paid for $106 billion in Medicare improper payments since 1996. Their dollars have paid for $233 million in improper payments within the Veterans Compensation and Benefit program. Their tax dollars have even bought a pet dog for a member of the bureaucracy with a government charge card. Billions of dollars are lost every single year to waste, fraud, and abuse. Taxpayers are sending their money here to Washington only to find that it is being wasted; and the Democrats again still want to raise their taxes, saying there is not enough money up here.

There is a clear path, Madam Speaker, to eliminate waste, fraud, and abuse throughout this Federal Government. We must find savings and not tolerate, I repeat, not tolerate, any level of wasted taxpayer dollars. Democrats have chosen to oppose those efforts time and time again and fight to raise taxes in order to pay for more of this business as usual.

Every week, Madam Speaker, the Washington Waste Watchers will keep reminding every person, every person in this Chamber of the impact of government waste, fraud, and abuse, not only to the taxpayers, Madam Speaker, but also to the beneficiaries who do not receive the benefits that they do deserve. Again, we will also remind our friends on the other side of the aisle that their constant attempts to raise taxes will only result in billions of additional dollars being lost to waste, fraud, and abuse at the expense of the hard-working American taxpayer.

ORDER OF BUSINESS

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I ask unanimous consent to take my Special Order at this time.

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

There was no objection.

LACK OF A GOOD HEALTH CARE SYSTEM

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) is recognized for 5 minutes.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, as a nurse by basic profession, I have spent much of my public career working to ensure that the Nation's health care system is affordable and provides the best services possible to all Americans. While America still has a world-class health system, there are those whose lives have been threatened by a focus on profits over healing. I believe that a doctor and patient, not an HMO accountant, should make sensitive medical decisions. I also support a plan that would expand Medicare coverage for prescription medication. However, there must be some cost containment agreement with the manufacturers and a streamlining of the Federal administrative structure to reduce costs to beneficiaries.

The Current Population Survey, the CPS, is the primary source for data on Texas's uninsured population. It paints a picture for the state of health care in Texas. My home State currently has the second highest rate of uninsured in the United States behind New Mexico. CPS data shows that there were 4.5 million people without health insurance in Texas, which is about 21.4 percent of the total population.

The rates for the uninsured minority are also quite frightening. Blacks and Latinos are far more likely to be uninsured when compared to their Anglo, or white, counterparts. Nationally, 11.6 percent of the Anglo population, 20.1 of the African American population, and 34.8 percent of the Hispanic population are without health insurance; but in Texas, while 12 percent of whites are uninsured, 21.2 percent of the African Americans and 36.7 percent of Hispanics do not have medical coverage.

Finally, one of my most passionate fights has been an effort to expand health care for children. I am a principal supporter of the State Children's Health Insurance Program, CHIP, the program that represents the largest expansion in health care in over 30 years. CHIP covers children not eligible for Medicaid insurance. Unfortunately, the rates for children without health coverage are also reaching alarming numbers. In the United States today, one in five children is without health insurance. In fact, in my home State of Texas 1.6 million children depend solely on health insurance provided by Medicaid. Limited access to health care contributes to growing rates of disease among children.

Studies have shown that good health is a prerequisite for optimal learning, and schools can help children achieve academic success by participating in efforts that promote good health, including access to regular medical and mental health care.

Protecting the health care of children should be the number one priority of any great nation. An investment in the health care of our youth is one of the wisest investments we can make for this country. Now is the time for all Americans to have access to quality health care and meaningful patient protection. Our citizens deserve and expect nothing less.

REBUILDING IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Madam Speaker, in 1838, John Quincy Adams, as a former President, came to this floor as a Member of the House of Representatives. In those days the conservatives in this Congress passed a rule banning the discussion of slavery on the House floor. Congressman John Quincy Adams, former President Adams, was outraged by that rule; but what he did was come to the House floor and a couple of times every week read letters from his constituents opposing slavery, demanding that slavery be abolished in the United States.

Today, 160-some years later, many of us in this Chamber feel an outrage towards what is happening with Iraq and especially that the leaders in this Chamber are unwilling to debate many of the issues around Iraq, how they propose to spend $87 billion, asking the President for his plans, wanting the President's contributors and contractors in Iraq who are literally receiving hundreds of millions of dollars a week to account for those dollars.

□ 1945

I thought tonight, in the tradition of John Quincy Adams, I would read letters from constituents of mine around the State who are expressing their views about Iraq.

Kim writes, ''Why should we spend $87 billion when our own servicemen and women who were in Iraq only got one meal MRE, meal ready to eat, per day, went 30 days without showers, not enough heavy artillery or ammunition. They fought hard in Iraq and then come back and don't even get the GI Bill to pay for their educations and medical. Use the $87 billion to compensate our military personnel first.'' That is Kim.

A veteran, Jack, writes, ''Just a very short few months ago, we were asked, no told, that we had to turn over $70 billion,'' that was the first $70 billion, ''for the war in Iraq. That money was dispensed,'' Jack, a Vietnam vet writes, ''on the backs of veterans in decreased benefits; schools, health care, Social Security, Medicare, redistribution of wealth through the Bush tax cuts, even the active duty military was not excluded from cuts. Now the administration is asking for another $87 billion. Who's going to get thrown out in the cold when the next round of cuts come if Bush is given his $87 billion,'' Jack, a Vietnam vet, writes.

Michele writes, ''The way this grandmother sees it: for whatever the reasons, Bush wanted the war and misled the public to start it. Bush gave a tax cut to many of the wealthiest Americans, many of whom stated it was wrong. Bush has accumulated an unprecedented amount of campaign financing from these wealthy friends.''

What these letters all home in on, Madam Speaker, is that we are today spending $1 billion a week in Iraq. $300 million of that $1 billion is going to private contractors, many of them going to Halliburton, one of the largest companies in the United States, a company which still pays Vice President CHENEY who used to work there, still pays him $13,000 a month, and people want these hundreds of millions of dollars of tax dollars going to these private contractors, people want them accounted for, as we can see in these letters.

Joseph writes, ''We are between a rock and a hard place. We are over there because of lies and it looks as if we will be stuck there for many years to come. First, this administration should roll back the tax cuts for the wealthy.''

If my colleagues recall, Congress passed, at the President's urging, tax cuts, literally hundreds of billions of dollars of tax cuts where 43 percent of those tax cuts went to the richest 1 percent of people in this country. That is what Joe is writing about.

''In order to increase their now questionable integrity, this administration should agree to turn over total control of Iraq and its oil supplies to the U.N. and cooperate with the U.N. and our other allies 100 percent.''

Again, Joe who writes in is troubled by the fact that we are giving hundreds of millions of dollars a week to private contractors who are not accountable, many of them the President's contributors, most of them the President's friends, and one of those companies a company that is still paying Vice President CHENEY $13,000 a month.

The last letter I would like to read is from Joseph. ''It appears we have no choice but to spend the $87 billion, but Congress should make sure that the money comes from a rollback of Mr. Bush's excessive tax cuts for the wealthy, which primarily benefits the rich in this country. I sincerely hope the Congress does not give the money to Mr. Bush without stipulations. Three million Americans have lost their jobs,'' actually about 3.5 million now. ''Three million Americans have lost their jobs in the country since Mr. Bush moved into the White House. More Americans are suffering and dying because they are unable to pay for proper health care and health care insurance. Exactly how we can afford to spend $87 billion is something that I don't even understand.'' That is a letter from Joe.

Madam Speaker, I think it is clear what people in this country think. We need answers, we need accountability, and we really need to know the truth.

The SPEAKER pro tempore (Mrs. MILLER of Michigan). Under a previous order of the House, the gentlewoman

from Florida (Ms. BROWN-WAITE) is recognized for 5 minutes.

(Ms. GINNY BROWN-WAITE of Florida addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

WASHINGTON WASTE WATCHERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. HENSARLING) is recognized for 5 minutes.

Mr. HENSARLING. Madam Speaker, I rise tonight, along with my colleague, the gentleman from Florida (Mr. MARIO DIAZ-BALART), as cofounder of a new Republican effort dedicated to bringing the disinfectant of sunshine into the shadowy corners of the wasteful Washington bureaucracy. We call ourselves the ''Washington Waste Watchers.''

Do not be confused, the Washington Waste Watchers are not about counting calories. It is about counting the myriad of ways that the Federal bureaucracy routinely wastes the hard-earned money of the American family. We are here to look after the family budget by checking the growth of the Federal budget.

Madam Speaker, I am sure all of my colleagues are well aware of the size of our Federal deficit. It is large and getting larger every day; and, to compound the challenge, we are presently faced with a supplemental appropriation request of $87 billion to help fight the war on terror. I believe, after much debate and due diligence, that this body will pass most, if not all, of that request. I, for one, agree that it is far better to fight this war over there, as opposed to over here. And although I have concerns about portions of the request, I fundamentally believe that helping rebuild the infrastructure and the civil society of Iraq is just as important in winning this war as are additional combat troops and munitions.

So, faced with unparalleled homeland security needs and a growing budget deficit, what are we to do?

Democrats say the only way to cut the deficit is to yet again raise the taxes on the American family. Sound familiar? It is the same refrain we have heard from them for years.

We do have a large budget deficit, but it is not because the American people are undertaxed. It is because Washington spends too much.

Since I was born, the Federal budget has grown seven times faster than the family budget; seven times. This is unconscionable. And putting aside the war on terror, the Democrats, who claim to be concerned about budget deficits, have voted to spend almost $1 trillion more than our budget allows; $1 trillion more. There is a spending problem in Washington, not a taxing problem. Much of the spending in Washington is pure waste, fraud, and abuse; and by attacking it every day, we can begin to close this deficit.

For a moment, let us talk about the waste of duplication.

There are more than 90 programs across 11 different agencies to support the early development of children. For example, there are 9 Federal agencies and 69 different programs to educate and care for children under the age of 5. There are 29 different programs offering early education for children within the Department of HHS, itself having 4 separate programs to educate those from low-income families. And Democrats want to raise our taxes to pay for more of this?

The Federal Government operates 342 different economic development programs; 342. And, by the way, what does the Federal Government know about economic development anyway?

There are 86 different programs in 9 Federal agencies to assist teachers in improving their teaching skills. This is on top of the thousands that already exist at the State level. Also, if we already have a Department of Education, why do we need teaching programs spread over 9 different agencies? Yet Democrats want to raise our taxes to pay for more of this.

Madam Speaker, 12 different Federal agencies are responsible for food safety. For example, the Department of Agriculture inspects meat pizzas, while vegetarian pizzas are under the purview of the Department of Health and Human Services. Only in Washington, D.C., could this absurd result happen.

The Federal Government operates at least 70 programs dedicated to helping the disabled. About half of these duplicate programs cost taxpayers close to $110 billion annually. That is a quarter of the cost of the 10-year prescription drug bill for our seniors. And Democrats want to raise our taxes to pay for more of this?

Madam Speaker, these are just a few of the examples of rampant duplication and waste throughout our Federal Government. After we begin to look closely, it is easy to see that many Federal programs routinely lose 10, 20, 30 percent of their taxpayer-funded budgets to waste, fraud, and abuse, and they have for years.

In the real world, when people lose that much money, they are either fired or they go to jail. But in Washington, it is only an excuse to ask for even more money from the American family next year.

There are many ways we can cut the deficit without cutting any needed services, because when it comes to Federal programs, it is not how much money Washington spends, it is how Washington spends the money.

QUESTIONING OUR PATRIOTISM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GREEN) is recognized for 5 minutes.

Mr. GREEN of Texas. Madam Speaker, over the past week there has been a lot of talk in the chambers of Congress about what it means to be patriotic. The Republican leadership would have us believe that patriotism is asking no questions and voicing no concerns. According to them, patriotism is simply handing over $87 billion tied with a bright red bow and a card attached to it that says, here is the money you asked for. Go ahead and spend it how you want.

Madam Speaker, this is not patriotic. This would be neglecting our constitutional duty to oversee how taxpayers' dollars are spent, and it is an obligation that I think we need to take very seriously when considering this supplemental bill. We need to take it seriously not only for the taxpayers but also, more importantly, for our soldiers.

There is not a person in this chamber who would vote against supporting our troops. They are serving bravely and honorably in a faraway land for far longer than anyone expected, and our prayers are with them and their families. Our troops are the true patriots, and the patriotism I see in this debate is demonstrated by those demanding the best for those troops.

Unfortunately, the war plan may have failed to adequately protect our troops. Details may have been overlooked.

Members of Congress returning from Iraq talk about the lack of Kevlar inserts and the need for heavier armor for Humvees. The $87 billion supplemental includes these items. But why were these items not in the $79 billion Congress provided the administration last spring? Kevlar inserts cost $517, $517 for a life-saving device. I ask my colleagues, why was there not enough money for each soldier to have a Kevlar insert? Did we not foresee our soldiers being shot at? Unfortunately, my question is not one that will be answered, or as the chief of the U.S. Central Command said last week, ''I can't answer for the record why we started this war with protective vests that were in short supply.''

Madam Speaker, there is no answer, or at least no answer that could satisfy this Member of Congress. Where was the money to armor up our military vehicles? The Department of Defense thinks we only need $177 million to do it now. Again, why was this not done with the $79 billion appropriated last April? Why was the money not provided to protect our soldiers in these vehicles from gunshots and shrapnel from these roadside bombs?

So, I say to my Republican friends, you will have to excuse us if we insist on exercising our constitutional duty, one that I happen to believe is our patriotic duty, to ensure that we get our priorities straight and protect our young men and women in Iraq and in Afghanistan.

In examining patriotism and priorities, I cannot help but wonder if singlehandedly rebuilding Iraq while our country remains in economic downturn is the most patriotic use of this $20 billion in proposed reconstruction funding. I see part of this funding going towards a children's hospital in Iraq

when right now I have 177,000 Texas children who have been dropped from the CHIPS program and they are crowding our emergency rooms because they have no health insurance. I want to help children in Iraq, but should we not be also addressing the problems here at home?

I see this funding going toward building roads and bridges in Iraq when this Congress cannot pass a highway spending bill because we simply do not have enough money to fix our own roads and bridges here at home. This administration has misplaced priorities that come at the expense of the American people.

In the name of free trade, we pushed our manufacturing companies and workers offshore. Our manufacturing sector is struggling to survive, and our economy has lost 3.2 million jobs over the last 3 years. For the second straight year now, more Americans are finding themselves in poverty. Our country has turned into a land of executives and service sector employees, creating an ever-widening gulf between the rich and poor that is extinguishing what is left of our middle class in America.

This administration's fiscal policies have come at the expense of the American people.

Oh, we will hear that we can have it all. They will tell us we can fight a war, rebuild a country, cut taxes, save Social Security, and provide our seniors with a prescription drug benefit which is less than half of what they really need. But what they do not tell us is that we cannot pay for it. We are going to incur the largest deficit in this Nation's history, and our children and grandchildren will be paying off the national debt for generations to come.

Tough decisions must be made to get this country back on track, and it takes courage and leadership to make the right decisions for our soldiers, for the American people, and for this country.

Putting the American people first. Now, that is what patriotism is.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FEENEY) is recognized for 5 minutes.

(Mr. FEENEY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

FURTHER MESSAGE FROM THE SENATE

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

H.R. 3146. An act to extend the Temporary Assistance for Needy Families block grant program, and certain tax and trade programs, and for other purposes.

□ 2000

CELEBRATING FT. RILEY'S 150TH ANNIVERSARY

The SPEAKER pro tempore (Mrs. MILLER of Michigan). Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Kansas. Madam Speaker, I rise today in celebration of the 150th anniversary of Ft. Riley. For decades this military installation has played an important role in protecting our Nation and is now an essential component in the war on terror.

Founded in 1853, Ft. Riley was established as a strategic post for settlers heading west. It was located between the Oregon and Santa Fe trails to provide protection for traveler. Ft. Riley was responsible for protecting the construction of the Union Pacific Railroad through that area, and the post used troops to police the new territory because of fighting between pro- and anti-slavery settlers. During the Civil War, confederate prisoners were housed at Ft. Riley.

From the post's inception until the end of World War II, Ft. Riley was known for its cavalry units and was designated as the ''Cavalry Headquarters of the Army.'' It was also during that time that the famed ''Buffalo Soldiers,'' the all-African-American Cavalry units were stationed at Ft. Riley. The Cavalry School produced some of the finest mounted horsemen in the world.

However, it was also during World War I and II that the Nation began to see military warfare transition from cavalry to mechanized machinery. The invention of the tank, the machine gun, and the use of aviation shifted the focus of the military away from the horse and rider, towards mechanized warfare.

At the end of World War II the Army closed the Cavalry School, replacing it with the Ground General School. This school trained enlisted men in intelligence gathering techniques and newly commissioned officers in basic military subjects.

During the Cold War, the Army recognized Ft. Riley's strategic resources and designated it as the home base for the First Infantry Division, the ''Big Red One.'' The security threat from the Soviet Union, the expansion of communism transformed the mission of Ft. Riley. No longer would Ft. Riley be only a training and education center, but became the home base for a major infantry division. In 1955, the Big Red One began arriving at Ft. Riley. The addition of the Big Red One caused an influx of troops and families to the area, especially in the neighboring community of Junction City, Kansas.

Through the Vietnam and Gulf War, Ft. Riley continued to actively support U.S. military missions abroad and continued to acquire land to train troops stationed at the installation. Today Ft. Riley consists of more than 100,000 acres. This allows troops to train in war-like conditions using live ammunition to prepare for situations such as those in Iraq, Afghanistan, and Bosnia.

The resilient prairie grasses are a perfect terrain for military maneuvers. In addition, the construction of a simulated combat center at the post brings the art of war from Kansas' prairie into the classroom. Soldiers are able to train in simulated Bradley fighting vehicles and Abrahms tanks to hone their combat skills.

Today Ft. Riley continues to play an important role in the war on terror. In the past 6 months more than 14,000 soldiers and 1,750 rail cars, containing over 5,500 pieces of equipment, have been deployed from Ft. Riley, representing 35 trains that have shipped equipment to ports in Charleston, South Carolina, Jacksonville, Florida, Beaumont and Corpus Christi, Texas, and Savannah Georgia.

Strategically located in the center of the country, Ft. Riley's soldiers can load 200 railcars in a 9-hour period, with the equipment arriving at the ports ahead of schedule. Ft. Riley has been able to transport equipment from Kansas to the coast faster than the Navy could get ships to those ports. Not once has Ft. Riley missed a port call. During Operation Desert Storm, it took 28 days to get equipment to the ports in the Gulf of Mexico. Now during the War on Terrorism, equipment was moved to the Gulf from Ft. Riley in 48 hours.

Madam Speaker, this Saturday the community of Junction City and Ft. Riley will celebrate the post's 150th anniversary. As the United States continues to fight the War on Terror, I ask my colleagues and my fellow Americans to join me in recognizing the contributions and sacrifices soldiers from Ft. Riley have made to protect this Nation and defend our way of life. Ft. Riley has evolved during the past 150 years from a post to assist westward expansion to become ''America's Warfighting Center.''

Ft. Riley is essential to Kansas, it is essential to the Army, and, most importantly, Madam Speaker, Ft. Riley is essential to the safety and security of the United States of America.

Happy 150th anniversary, Ft. Riley, Kansas. Thank you for your service to our Nation.

THE UNINSURED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Madam Speaker, according to new numbers released by the Census Bureau today, the number of uninsured Americans in 2002 rose to 43.6 million. This is a 5.7 percent increase in the number of Americans without health insurance, the single largest increase in a decade.

Moreover, these numbers exemplify President Bush and the Republican

party's hard record on health care. The total number of uninsured Americans has increased by 3.8 million since President Bush took office and now totals 15.2 percent of our population. In other words, 15 out of every 100 Americans lack health insurance.

Madam Speaker, there is no doubt that the increase in the number of uninsured is a direct result of our weak economy, but there are other contributing factors such as the rise in health care costs by double-digit percentage points, States dropping Medicaid beneficiaries due to financial constraints, and, most importantly, employers eliminating employer-sponsored health coverage due to ever-rising costs.

Employer-based coverage, which is, in fact, the largest source of coverage in the United States, has declined dramatically in the past few years. The census figures show that last year alone, loss of employer-sponsored coverage led to 1.3 million Americans joining the ranks of the uninsured.

Madam Speaker, this is particularly significant in the context of the Medicare bill that is currently being worked out in conference. As it currently stands, the Republican Medicare bill, which passed the House, encourages employers who are currently providing retiree health benefits to drop coverage. Unfortunately, the Republican bill states that any dollar an employer pays for an employee's prescription drug costs would not count towards the employee's out-of-pocket catastrophic cap. And this disadvantages 12 million out of 40 million seniors with employer-sponsored coverage because it would be almost impossible for them to reach the bill's catastrophic cap over which Medicaid would pay 100 percent of their drug costs. Without a doubt, many employers will stop offering retiree coverage if this Republican bill were to become law.

Now, the Republicans are also suggesting tax credits to the uninsured to purchase health insurance in the private market, but such offers simply do not work. And we need to immediately evaluate a number of proposals to alleviate the situation. For example, if everyone likes tax credits so much, then we should consider tax credits that can be credited by the individual towards employer-based health insurance that guarantees a basic package of benefits, or tax credits for hard-pressed small businesses to offer health insurance to its employees. Any of these type of initiatives that ensure a strong and stable system of employer-based health coverage really should be encouraged.

Madam Speaker, as Americans in private health insurance plans lost coverage, 3.2 million more Americans joined the Medicaid rolls. This is very problematic because, as we know, States continue to experience severe financial restraints and are not capable of maintaining their Medicaid or SCHIP programs for kids without a new infusion of Federal dollars. In fact, with the weak economy and States cutting back their Medicaid programs, the number of uninsured is going to continue to rise.

Now, I think it is time for Congress to take responsibility and provide meaningful expansion of programs to once and for all reduce the number of uninsured Americans. And I know the Republicans have not bothered to deal with this effectively. The Democrats have had a number of proposals. We have rolled them out, but, of course, we have not been able to get support with the Republicans in the majority. But I think this information that came out today from the census, showing that the number of uninsured continues to rise so dramatically under President Bush's watch, is an indication that the Republican leadership here has to do something about it. We, as Democrats, are more than willing to join; but we cannot continue to have this situation where the number of uninsured continues to rise under President Bush and the Republican party's watch.

SUPPORT OUR TROOPS: $1,500 BONUS BILL

The SPEAKER pro tempore (Mrs. MILLER of Michigan). Under a previous order of the House, the gentleman from Michigan (Mr. STUPAK) is recognized for 5 minutes.

Mr. STUPAK. Madam Speaker, this week as the other body takes up the President's request for the $87 billion in supplemental appropriations for Iraq, we must do more for our troops and their families who are under increasing duress.

Specifically, Congress should grant a $1,500 bonus to all who served in Iraq and Afghanistan.

Not since Vietnam have such a large number of troops had such long deployments. The pressure this puts on our troops and their families is tremendous.

This summer, the Department of Defense increased deployments for troops serving in Iraq and Afghanistan to 1 year, and not until last week, did the Department of Defense offer these troops who are living under highly primitive and stressful conditions a 2-week leave for rest and recuperation.

Tragically, this month our U.S. causalities in Iraq surpassed the number of those killed in the first Gulf War. We have now lost more than 308 servicemen and women.

Recognizing the increasing gravity of U.S. military involvement abroad, I have introduced H.R. 3051, to qualify all active-duty military personnel deployed for any length of time in Iraq and Afghanistan for a $1,500 bonus. This $1,500 bonus proposal should be part of the supplemental appropriations bill. Although, as Members of Congress, we may have different ideas about U.S. policy in Iraq, we can all agree our servicemen and women deserve our sincere recognition for their courageous efforts. Fifteen hundred dollars will not only help boost morale, but will send a strong bipartisan message to our troops that Congress is unified behind them.

The Bush administration is actively lobbying Members of Congress to approve the $21 billion in direct grants to support the infrastructure development in Iraq in this $87 billion supplemental appropriations.

First of all, I see no reason why we cannot separate out these two items. The $66 billion for defense, which we all support, should be made a separate bill. And the $21 billion they want for reconstruction in Iraq should be placed in a separate bill, so we can have a debate on it. And then we should require Iraqi oil to be used as collateral for international loans to finance Iraqi infrastructure projects. And we should also ensure Iraq reconstruction contracts are competitively bid.

Either way, U.S. citizens should not be expected to support Iraqi development while many Americans face shortfalls in funding for health care, prescription drug coverage, school and road construction, and other critical infrastructure improvements.

Even to come up with this $87 billion for the supplemental appropriations for Iraq, the U.S. must borrow the money base we are so far in debt thanks to the policies of this administration. We do not have the money. We have to borrow it. Yes, Congress must continue to work to help, but not at the expense of the Americans here at home and our troops abroad.

Some of my colleagues tonight have talked about waste, fraud and abuse; and I think it is shameful when we look at the waste, fraud and abuse being put forth by this administration when we look at reconstruction for Iraq.

Just take a look at some of these numbers they have provided us:

There is $4 million to develop a set of telephone numbers and $150 million for a national 911. In my district if you want 911, the local taxpayers have to do it.

How about $100 million to build seven planned communities? Each community to have 3,258 houses.

Ten million dollars to finance 100 prison-building experts. We have to pay prison-building experts $10 million to tell them how to do it in Iraq?

How about $100 million for 2,000 garbage trucks?

And then they want $20 million for Afghan consultants, whatever those are.

And we have $850 million for health facility construction and medical equipment replacement. What about health care in this country?

How about $900 million to import petroleum products such as kerosene and diesel? Remember, Iraq has the world's second largest oil reserves, and we have to import oil products to them?

The health care provisions alone provide a striking comparison between taxpayers' support of Iraqis health care

and Americans' support for health care.

You only need to look at the numbers. In Iraq, currently 13 million people receive basic access to health care, half the country. One hundred percent of the population has maternity care. Every Baghdad hospital and clinic is operating. In Detroit, we just had to close down two hospitals because we did not have any money.

There are 7,500 tons of medicine distributed to hospitals and clinics, and there are 128 generators and power supplies being installed in Iraq.

Let us go to the United States. Not one new dollar has been spent on 42 million uninsured Americans.

There has been no increase for the Maternal and Child Health Block Grant or the National Health Service Corps; no increase for the childhood immunization program; Congress has underfunded HIV prevention and care, and failed to address the Nation's nursing shortage.

We have no control over runaway healthcare costs and can no longer afford prescription drug coverage.

Instead of again dipping into the pockets of working Americans and risking veterans' benefits for our troops when they return home, I support proposals to suspend the tax cuts for the top 1 percent of income earners to pay for the Bush administration's $87 billion supplemental. And I urge Congress to consider my bill, H.R. 3051, to include support for our troops in this supplemental aid package to Iraq.

Again, my bill provides a $1,500 bonus to military personnel who serve under the Army, Navy, Air Force, Marine Corps, Coast Guard, National Guard, or Reserves in a combat zone in Iraq and Afghanistan.

In the coming year an estimated 150,000 young men and women will not see their families, a record number of reservists and guardsmen and women will put their private sector opportunities and jobs on hold, and thousands of children from every part of America will pray for their parents' safe return.

These extraordinary times, deserve an exemplary measure. I urge you to support my bill, H.R. 3051, to provide for our troops in Iraq and Afghanistan, and to make it a part of the supplemental appropriations bill.

Give our troops the $1,500 bonus they deserve.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. CONYERS) is recognized for 5 minutes.

(Mr. CONYERS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

NATIONAL SICKLE CELL AWARENESS MONTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Madam Speaker, I rise in recognition of National Sickle Cell Awareness Month. This inherited, debilitating blood disorder affects more than 2.5 million Americans, most of them of African heritage. In fact, it is the most common genetic disease in the United States. In my home State of Illinois, there are more than 3,000 African Americans who live with sickle cell disease every day.

Many adults with SCD have severe physical problems, such as acute lung complications, that may result in death. Moreover, there is an estimated 70,000 or more Americans who have SCD.

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The average lifespan for an adult with sickle cell disease is the mid-40s. With proper treatment, many people with sickle cell anemia can lead productive lives and enjoy reasonably good health into their 40s and beyond.

Sickle cell anemia can lead to a host of complications, including stroke, acute chest syndrome, organ damage, blindness and ulcers appearing on the lower legs. Sickle cells can also block blood vessels, which nourish the skin, causing cells to die.

There are a number of treatments and prescriptions designed for this disorder, causing a 40 percent reduction in death. While bone marrow transplantation is a curative therapy for SCD, this therapy is used in only a minority of patients, predominantly because of the high risk of the procedure and difficulty in finding suitable donors. This surgery is painful, yet also traumatic.

Unfortunately, this procedure is expensive. Many insurance carriers do not cover this expense; and sadly to say, many African Americans are less likely to donate bone marrow.

Sickle cell patients and their families may need help in handling the economic and psychological stresses of coping with this serious chronic disease. Sickle cell centers and clinics can provide information and counseling on how to handle these problems.

People who are planning to become parents should know whether they are carriers of the sickle cell gene; and if they are, they may want to seek genetic counseling. The counselor can tell prospective parents what the chances are that their child will have the sickle cell trait or sickle cell anemia.

There is no cure for sickle cell disease. However, H.R. 1736, the Sickle Cell Treatment Act of 2003, which I introduced along with the gentleman from North Carolina (Mr. BURR), moves us closer to a cure and improves the quality of life for those living with the disease. H.R. 1736 provides funding for sickle cell disease and related services, making it easier for doctors to treat SCD patients by increasing the availability of physician and laboratory services that are not currently reimbursed or under-reimbursed by Medicaid.

In addition, the bill creates 40 sickle cell disease treatment centers through a $10 million grant program for 5 years. Another key component of the bill is that it allows States to receive a fifty-fifty funding match for nonmedical expenses related to sickle cell disease treatment, such as genetic counseling, community outreach, education and other services. In addition, H.R. 1736 creates a national coordinating center, operated by the U.S. Department of Health and Human Services, to oversee the SCD funding and research conducted at hospitals, universities and community-based organizations in a coordinated effort to educate patients and help find a cure for the disease.

This legislation is about improving patient care and putting patients first. I hope that as we celebrate Sickle Cell awareness Month that we will also find a cure for this terrible disease. I urge support for H.R. 1736.

The SPEAKER pro tempore (Mrs. MILLER of Michigan). Under a previous order of the House, the gentleman from California (Mr. ROHRABACHER) is recognized for 5 minutes.

(Mr. ROHRABACHER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

AMERICA SHOULD RECEIVE THE SAME FUNDING AS IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

Mr. EMANUEL. Madam Speaker, we are on the verge of considering $87 billion to be spent in Iraq and Afghanistan. This is the second payment on top of the first $70 billion that was requested by the administration, and Secretary Powell the other day noted this is a down payment for an additional request to come 6 months from now.

Back in April, I introduced a bill called the American Parity Act, which said whatever we invested in Iraq's health care, their education, their infrastructure, their armed forces, we ought to do here at home. Today, I am proud to announce we have 102 sponsors; but in his recent request, there is $6 billion for the Iraqi electric grid, and what does America get? They get the blackout. Not a single dollar invested in America's electric grid.

Iraq is being pledged, and thought of, $4 billion for water purification, a wetlands restoration project for Iraq, we finally found an environmental policy the administration can support, and all types of water projects in Iraq. Yet in the Great Lakes, where 40 million Americans get their daily drinking

water, there is not a single dollar dedicated to deal with the drinking water in the recent environmental degradation of the Great Lakes along New York, Pennsylvania, Michigan, Ohio, Wisconsin, Illinois, Minnesota, and Indiana. We have a bipartisan bill to dedicate $4 billion over 5 years to restore and upgrade the environmental quality of the Great Lakes where drinking water is provided for 40 million Americans, equal to the amount we are pledging for 1 year in Iraq.

Just this week, we are talking about spending $4 billion for the Iraqi police. Yet the administration's budget cuts $1 billion for the 100,000 police program here in the United States.

So what I did is produce a T-shirt. It envisions and puts on the front the President's reconstruction budget for all of Iraq and Afghanistan, the two proposals. On the back are the cuts here at home in the respective areas of health care, education, veterans health care and veterans hospital, veterans benefits, but also the cuts in job training and job growth.

In the last 2 years, Americans have lost 3 million jobs, 45 million Americans are without health insurance, 25 million of that 45 work full-time but have no health insurance.

We have taken 4 million Americans out of the middle class and put them in poverty and nearly $1 trillion worth of corporate assets have been foreclosed on. That is the net result of the economic policies.

We have a vision for Iraq with an additional $20 billion of reconstruction dollars, of American taxpayer dollars being spent on their roads, their health care, their ports. Um Qsar, a great port in Iraq, is being redredged. Yet we have a 10 percent cut in the Army Corps of Engineers here in the United States, which all of us use to keep our economic vitality and job growth in our districts.

The same values that we hold for Iraq we must pledge for all Americans. The same goals we envision for Iraq's future we must envision for America. Unfortunately, we have had two priorities, two sets of values, two sets of books, one for Iraq, their children for tomorrow and one for America.

I do not think I will ever not support our efforts in Iraq, but I will not support the deconstruction of the United States, and somebody can be cynical enough to now see how the votes for Iraq's reconstruction can be compared to what we are doing here at home, a $90 billion cut in Medicaid, compared to the 13 million Iraqis who will get universal health care. Somebody could see that as wrong; opening up new universities in Iraq, while we cut $500 million from Pell grants here in the United States.

So I ask my colleagues on the other side as they consider on the eve, and I understand the pressure of being loyal to our President and loyal to an administration's goal, to think about what this means what we are doing here at home. Americans over the last 40 to 50 years have been very generous. They have funded the Marshall Plan, brought Europe back to its feet, helped build Japan after World War II. They have continually donated and helped other countries, but America will not be generous if the dream of a tomorrow for America is diminished compared to the dream we hold for the Iraqi people.

So as we are on the eve of debating the $87 billion, we need to support our troops; but we need to support our people here at home for their education, their jobs, their health care, their economic development of their communities and the safety of their communities. We should treat our veterans who come home with the same respect we are treating the forces in Iraq that we are trying to rebuild.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

(Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

(Ms. JACKSON-LEE of Texas addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

THE REAL STORY OF IRAQ

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Indiana (Mr. CHOCOLA) is recognized for 60 minutes as the designee of the majority leader.

This recognition is without prejudice to the resumption of legislative business.

Mr. CHOCOLA. Madam Speaker, I rise tonight to talk about the vote that we as Members of Congress are going to be asked to make in the near future and that is a vote we have already heard about tonight and that is the $87 billion appropriation to support our men and women in uniform and the citizens of Iraq.

This is a lot of money, there is no question. And there is much commentary and maybe even some people would say much rhetoric revolving around this issue, but as we decide how to vote as Members of Congress and the American people develop an opinion on how they feel about their tax dollars being invested in this manner, I think it is imperative that we understand the real story of Iraq. I think it is imperative that we get beyond the rhetoric and the politics because this issue is way too important and has implications for generations to come, what the answer to the question about supporting the men and women in uniform and the citizens of Iraq with $87 billion is going to be.

I think we have to rely on facts, and the only way that we can understand the facts and discover the facts is to go seek them out for ourselves. That is why I went to Iraq not too long ago. I returned about 3 weeks ago, and I commend other Members of Congress that have taken the time and taken the effort to go find out for themselves what the real story of Iraq is.

I have to admit, when I went, I went with apprehension, and I did not go with apprehension because I was concerned about my personal safety. I went with apprehension because I was concerned that I would find the story of hopelessness, of pessimism because I had read the papers and I had watched the television, and it did not look like a pretty picture; but when I returned home, I had great optimism and I had great hope because what we see on TV and what we read in the papers is not the real story of Iraq and is not representative of what is actually happening on a day-to-day basis in that country.

When we landed, I really could not believe I was in the same country that I had seen on TV and read about in the papers. This was not a country in chaos. This was not a country where one felt unsafe and in fear for their personal safety. It was a country that was recovering from a scar of over 30 years of a brutal regime that its people had to live under. Sure, there are challenges that we are going to face and there are tragedies that happened, but there is also great hope, and there is great optimism because there have already been great successes.

The problem is the good news is not news. When a torture chamber that used to house Saddam Hussein's political prisoners gets turned into a police academy where tens of thousands of Iraqi police have been trained to protect their citizens and protect their country, no cameras show up, no reporters show up. When a school reopens, in fact when 1,000 new schools have been built in Iraq, there is not one reporter; and there was not one camera. When the power comes back on, when businesses can operate on a consistent basis, when restaurants can open, there are no reporters and there are no cameras. When the crop is harvested, thousands of acres of wheat, again, there are no reporters and no cameras, and businesses are opening every single day; but again, it goes unreported. But when there is one tragedy, certainly every camera and every reporter in the country is covering that story.

But for those that have visited Iraq, those that have actually taken the time and the effort to go, it cannot go unnoticed because a success is so clear and so obvious and so exciting and inspirational that we come back and we tell our stories. This is not a partisan issue. This is a situation where Republicans and Democrats have come back

and told the real story of Iraq with great hope and great optimism.

What we hear tonight, and I am sure we will hear in the future, is a lot of comments from people who have not been to Iraq, people who do not know the real story and are engaging in rhetoric and politics; and I think that is a great, grave danger, not only to our citizens but for all of our children and our grandchildren for generations to come.

We come back and we share stories of why we feel the way we do, and that is what we are here to do tonight. I am here with several other Members that have traveled to Iraq, and we are going to share our stories about why we share so much hope and so much optimism; and I would like to share just one story before I turn it over to some of my fellow Members.

I was in Iraq for 3 days, and I would just like to share one day, to give my colleagues a sense of what the experience was like.

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The group I was with, we flew into Mosul, a town in the northern part of Iraq. When we got out of the plane, it was shocking, because most Americans think that Iraq is very much a desert country, all sand. This looked like northern Michigan. There were hills. There were trees. It was a lush green area.

As we got out of the plane, I noticed new construction, a building that was being built right next to where the troops are; and I asked, what is that? One of the local troops said, well, that is a local Iraqi entrepreneur. He is building a coffee shop for the troops to serve their needs. So here is a local Iraqi entrepreneur that is putting his own money into serving our troops and engaging in commerce. Does not sounds like a country in chaos to me.

We went in and got a briefing. We got a briefing of all the successes that have already happened in the northern part of Iraq in the Mosul area. This is the briefing that we got.

Now we hear a lot of people say there is no plan for reconstruction, that there was never any thought to how we were going to win the peace. This is a plan that is not only about what we are going to do, but more importantly what has already happened. In this plan are discussions of the schools that have been rebuilt, the transportation projects, the employment projects, the water projects, and the banking. There is a chart of the local elections that have already taken place. Over 200 local elections have already taken place in Iraq, with representative governments in place which represent all of the ethnic groups in their localities.

So we had this briefing of the tremendous successes, and then we went into the town of Mosul. During that trip into town we were not in an armored vehicle, we had no bulletproof vests on, and we were in the center of town with the people of Mosul. What we saw was commerce. We saw restaurants. We saw children. We saw everything portraying the normalcy of life and never once felt threatened for our safety or worried that anything was going to happen, which is what we see represented on the nightly TV.

After our trip downtown, we went back to the airport and we met with some of the locally elected officials. We met with the vice mayor of Mosul. This was a very impressive gentleman. With him were other locally elected officials. They represented the local ethnic representation. There were men, and there were women. There was never an opportunity under Saddam Hussein's regime to have an opportunity to have local representative government.

Shortly thereafter, we left and we went to Tikrit, Saddam's hometown. We flew in helicopters for about an hour; and we basically followed the Tigress River down to Tikrit, which is a little further south. From horizon to horizon on each side of the river all we saw was wheat. All we saw was fertile farmland. In fact, if Iraq had had the opportunity to have modern practices and techniques of agriculture and production, they have enough potential basically to feed the entire Middle East.

The most amazing thing to me was that it had been harvested, and it had been harvested just a couple of weeks ago. A country in chaos, a country that has no potential could never harvest hundreds of thousands of acres of wheat and store it effectively and use it for the benefit of their people.

As we approached Tikrit, Saddam's hometown, it was a stark picture. In the middle of town is Saddam's palace, 144 buildings in the palace compound. Now these are not small little garages. These are all villas and palaces. And on one side of two 10-foot walls that had barbed wire or guard stations every so often was basically obscene opulence that Saddam had built this palace for himself and his family. On the other sides of the wall was obscene poverty and pestilence.

I think that represented exactly how he ran his country. He would spend all of the country's resources, the riches that it has, and it has many riches in the form of oil and water and agriculture, he spent all of those riches on himself, on his family, on his palaces and on his weapons. He did not spend any money on the people of Iraq. He did not spend any money on upgrading their power supply or helping their infrastructure. I think that that was a very stark picture. It had been described as Las Vegas without the neon.

As we landed there we had the great opportunity, and this was the highlight really of the trip that I was on, at every meal we had the opportunity to visit and have a meal with the troops. That night we had dinner, and there was a very poignant moment, I thought. Every time we had a meal I would ask the troops, what do you want me to tell people when I go back home about your stay here?

There was a young woman soldier that looked at me and she said, you know what I want people to know is that I am here serving in harm's way in Iraq for the protection of my family and my country back home. Because she said, see, if we are successful here in Iraq, Iraq will become the model of democracy in the Middle East. It will help bring stability to a region that has not seen stability in hundreds if not thousands of years. If we are not successful, Iraq will become the home of terrorists and murderers and radicals who export violence and murder all over the world; and that will put my family and my country at much greater risk.

I have to say I was very impressed with her observations, and I think that she really put this whole discussion into context. The $87 billion the President is asking for is a lot of money. But when we think about the consequences of failure, we have no choice but to succeed. If we succeed, we can help bring stability to a region by helping a democratic, secular, free government emerge.

Iraq has every ingredient for success and every opportunity to help its people have a bright future. Because the tools of the recruiters of the terrorists is hopelessness and oppression. The people that are causing problems, their worst nightmare is that we are successful, because it will take away every argument they have. It will change their world. If we are successful, it will change our world as well because we will live in a much more stable world, where people are not strapping bombs onto their backs because they see no hope in life.

If we can help the Iraqi people form a free and democratic government that brings hope, that brings economic prosperity, I think that is the best investment we can make as an American people. We have a history of generosity in this country, and I do not think it is time to stop that history. We recognize that $87 billion is a lot of money, but when we consider that September 11 cost us $2 trillion, I think it is a wise investment.

Madam Speaker, I want to yield to the gentleman from Texas (Mr. BURGESS), who was on the trip with me; and I know that he has some very inspirational stories to tell as well.

Mr. BURGESS. Madam Speaker, I thank my friend from Indiana for yielding to me.

So much of what I experienced, of course, when I got back, was similar to what the gentleman just related. I can remember sitting down to watch the national evening news back in Texas and turning on the television and hearing a news anchor that everyone is familiar with. His lead story was Iraq, and he started talking again about the hopelessness and the quagmire and we are just barely holding on and it looks like an operation gone terribly wrong. And I had to ask myself, did I get off the wrong plane? Did I perhaps land in

a parallel dimension? Because I did not recognize the country that he was talking about. I did not recognize the country that I had just left hours before.

I think General James Conway in Babylon, the ancient city of Babylon, stationed there with the First Marine Expeditionary Force, they were one of the first groups into Iraq, his description of what is going on in that country is what stuck with me. He described Iraq as a vivid success story. He also went on to say that Iraqis are not concerned that we are going to stay too long. Madam Speaker, they are most concerned that we are going to leave too soon. Apparently, that has happened to them before.

Just as my friend from Indiana pointed out about how normal life was in Mosul, even that first day, flying over the city of Baghdad, the markets were full. There were cars on the road. Indeed, there were traffic jams on the road. There were satellite dishes on the rooftops of the apartments and the houses. I do not know the number, but probably 25 to 30 percent of the residences had satellite dishes on the rooftops. And bear in mind, Madam Speaker, that merely 6 months ago possession of a satellite antenna was punishable by 1 year in one of Saddam's prisons. Kind of a daunting prospect.

The schools were open. Agriculture, as my friend from Indiana pointed out, was flourishing. And, indeed, flying over those wheat fields north of Tikrit, where the harvest had just happened at the end of August, it was nothing short of startling. It looked like Kansas below us. Albeit the Kansas of 150 years ago, but it looked like Kansas.

From a military standpoint, the combat phase of Operation Iraqi Freedom was prosecuted brilliantly. There is no remaining strategic threat. Stabilization is the current goal of our offensive operation: to find, contain, and kill those who would harm our troops or innocent Iraqi citizens. And, of course, 80 percent of the engagements are within the so-called Sunni triangle.

The police force in Baghdad is nothing short of a miraculous transformation. This is a police force that has gone from a mission statement that included brutality and contempt and corruption to one that emphasizes proper police procedure in a free and democratic society. Bernard Kerik, the police commissioner from New York City who gave so many of us comfort 2 years ago after the attack of 9/11, was working in Iraq when we were there. I believe he has returned to this country now, but he has been nothing short of a miracle worker there in Baghdad. He has gone from 0 to 35 precincts in 14 weeks time. That is 14 weeks time he has gone from 0 to 37,000 Iraqi policemen in uniform and expects to have 65,000 by next May.

In health care, we have to put it in the context of no significant expenditure in health care for almost 30 years. In fact, Lieutenant Colonel Michael Keller, a good Texas boy from Hale Center, Texas, a registered nurse who is with the 385th Civil Affairs Brigade, Lieutenant Colonel Keller told me he visited the medical school library in Baghdad and could not find a textbook that had a copyright date later than 1984. Does anyone suppose there have been any improvements in the practice of medicine in the last 19 years?

Pharmaceutical agents that were manufactured in Iraq were useless. The bioavailability of those compounds was so variable that even Iraqi physicians were frightened to use them. But Saddam had the edict, if it is made in Iraq, it is good for Iraqis. In fact, we relied heavily on donations from the Kuwaitis after the fall of the Saddam government. Again, to put it in perspective, Saddam's per capita medical expenditure was 50 cents a person per year. Currently, that is up to about $45 per person per year, but they have a long way to go.

My friend from Indiana did an excellent job of describing the opulence of the palaces that were provided for the ruling class in that country. No dollar was left unspent. The architecture of those palaces was truly horrible, but the site planners and the landscape architects had a good deal of skill. Because when Saddam stood in those palaces in Tikrit, he did not have to see the poverty on the other sides of the wall that was described.

But, Madam Speaker, what was most searing to me was to put the opulence of those palaces next to the poverty of the hospitals; hospitals that could not even afford linoleum for their floors; hospitals that could not afford to have medical gases piped into their neonatal intensive care unit. Do you suppose a premature baby is ever going to need oxygen? Unfortunately, at the Al Yarmouk Hospital, if a neonatal intensive care case needed oxygen, they would have to find a cylinder, if they could.

Finally, if I could, let me just reiterate what happened within the first 90 days after the fall of the Saddam regime. Schools completed their academic year and conducted testing. Over 90 percent of the major cities and towns have functioning town councils. Over 60,000 Iraqis are contributing to their own security. Not in the police force, this is an additional 60,000 that are in their military and are serving as border guards. The prisons are on the verge of reopening. The judicial additional system is up and functioning. Food distribution, with some minor glitches, food distribution was not interrupted at the conclusion of the combat phase. Indeed, no humanitarian crisis grew as a result of the major combat phase. Hospitals, although below standards, remained opened and functional. Four and a quarter million children were immunized between May and the end of August.

I point these things out because General Sanchez told us that all of these things happened within 90 days. Contrast that with Kosovo, where none of those things were in place a year after the combat phase ended.

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Madam Speaker, let me go back for a minute to the issue of no humanitarian crisis occurred in Iraq. What if there had been 15,000 heat-related deaths in the country of Iraq this summer? Would we have taken some negative press for that? Well, no, that humanitarian crisis was in France, not in Iraq; and I do not really recall reading a whole lot about it in this country.

Suffice it to say, we are not getting an accurate story or picture on what is going on on the ground in Iraq. The only time I remember seeing any reporters at all was when we were at the Al Rasheed Hotel in Baghdad. They are not going to find the stories that they need to be telling in the lobby of the Al Rasheed Hotel.

Mr. CHOCOLA. Madam Speaker, I thank the gentleman for his comments.

I would like to ask a question regarding General Sanchez and the outline of the successes which have been achieved, but when I got back home, I heard people say there is no plan to help rebuild Iraq. I am curious after visiting with General Sanchez and the briefings we were given about the plans in place, the successes which have already been achieved, is there a plan to help rebuild Iraq?

Mr. BURGESS. I do not believe this degree of success was achieved in the absence of a plan. Of course they have a plan in place, and of course they are executing it brilliantly.

The Coalition Provisional Authority in Baghdad, as General Sanchez pointed out to us, they will be developing the pre-constitutional convention, then convening the constitutional convention, writing the constitution and having elections.

They outlined a timeline for us of 18 months, give or take 6 months; so 1 to 2 years time. That information was given to us the last week of August. We have only recently seen those reports in the newspapers here in this country, but the story was clearly out there and available.

General Raymond Odierno in the city of Tikrit, clearly that man has a master plan, and that plan is to find, contain, and kill those elements within the city of Tikrit who mean harm to our troops and Iraqi citizens. I believe the gentleman from Indiana and I sat in the same briefing where he described how he isolated a whole peninsula of individuals who mean harm to our troops and innocent Iraqi citizens and with overwhelming force took that area out in a very brief period of time.

I think we have a workable plan and I think we have a winnable plan for winning the peace. Again, it is at this point so critical that we not lose heart, that we not lose faith and that we adequately fund what is required to bring that country to some measure of peace and stability.

No question about it, lack of fuel and lack of electricity are radical issues. In

Mosul, it was pointed out to us that dollars are ammunition; and right now we cannot afford to starve them of ammunition.

Mr. CHOCOLA. Madam Speaker, I thank the gentleman from Texas (Mr. BURGESS); and I agree 100 percent there appears to be a solid plan in place for success which has been executed to a great extent.

The amazing thing is I have not heard any Member that has been to Iraq who disagrees with the gentleman. The only people that disagree are the people who have not taken the time and taken the effort to understand what the plan is. It sounds more like politics than planning to me. As we make this decision, it is so important that we understand the real story of Iraq and we base our opinions on facts.

Madam Speaker, I yield to the gentleman from Pennsylvania (Mr. SHUSTER) to share the story of Iraq.

Mr. SHUSTER. Madam Speaker, I thank the gentleman for yielding me this time and for putting this Special Order together.

Tonight we need to shine light on the facts, on the truth of what is really happening in Iraq today. It is not the real story. It is not the whole story. We are getting bits and pieces, and we know that it is still a dangerous place, and they are killing American soldiers, and that is something that we ought to be concerned about.

But, as we have talked about here tonight, there are positive things happening in Iraq. There are things moving forward. The Iraqi people are grateful that we have come to Iraq to liberate them.

As May 1 came about and we ended major combat operations over there, I, as most Americans did, would listen to the nightly news and hear stories of death and chaos and mismanagement. And then every week we would come to Washington and get a briefing, and the story was different. So I decided in May that I had to go over there and see for myself what was occurring in Iraq and see with my own eyes because I was hearing the administration tell us what they said was happening, and then of course the national media would tell a different story.

The good news is, as we have heard here tonight, when we traveled to Iraq, we did see positive things, and I was struck with three things.

First, I wanted to go over and see what the situation with our troops was. I heard morale was low, the troops were unhappy. Much to my surprise when we arrived and had the lunches and dinners that the gentleman spoke about, which were a highlight of the trip and we were able to gain much information from them, I found out that the morale was good, it was high. When we think about the dangerous situation they were in, 130 degrees plus, living in tents, sand, dealing with all those elements, these young men and women had high morale. These young warriors talked about how they were proud to be over there liberating the Iraqi people and protecting America and our freedoms and freedom for people around the world.

One of the things that I did when I came back, I was asked by several soldiers to call their families, and I did that. I can tell Members, as impressed as I was with the soldiers I met, it was inspirational to hear the parents and the wives when I called them, to hear them talk about how proud they were and how much support they were giving their son, daughter, husband or wife. It was really inspirational to me. They said not only were they supportive and proud of what they were doing, we were doing the right thing in Iraq.

I think it is imperative for the American people to hear the whole story so we have that support for our troops, we have that support for the effort we are undertaking over there, and that our Commander in Chief has that support. Because, without that support, we will not succeed. We have to have the American people strongly behind this effort, and that is the only way we will see success, if the American people support this effort.

The second thing that I saw while I was over there, and, as I mentioned, the national media would feed us a steady diet of death and destruction in Iraq and that picture was not the case as we talked here tonight about the many, many things that we saw in Iraq. For instance, the hospitals, they were not hospitals like we see here in America, but they were functioning hospitals. And many if not most of the major hospitals in Iraq are up and running today. The schools and universities are operating. Secondary schools are ready to take the kids on in the fall so they can begin that process, to continue to educate the young people of Iraq.

We talked about the security, the 56,000 trained Iraqis that are out there and walking the streets of Baghdad and Mosul protecting the borders. That was something to behold. We traveled to the headquarters and the training for the Iraqi police force; and we met Ali Kazon, who is now the head of the Iraqi police force. He told us the story how in 1979 he was head of the police academy, and when Saddam Hussein took over, he spoke out against Saddam, and he was imprisoned and almost on a daily basis for a year he was tortured. And now 20 some years later, he is back and ready to take up his role to build a stable and democratic Iraq.

We were told the story just 4 weeks before we arrived in Iraq there was an assassination attempt on a gentleman's life. He was shot in the leg. He was bandaged up, and 2 days later he was back on the streets going after the guys who tried to assassinate him.

And just 2 weeks after we left Iraq, there was a bombing at police headquarters, and it was another attempt on Ali Kazon's life. We were told that this man is somebody that the Baathists, the terrorists, want to eliminate because he will be a force for good in a free and stable Iraq.

He told us what he told his soldiers or his police as he recruited them. He talked about we do not know the Americans, they do not know us, but they came here and died to free us, so every day when we take to the streets of Iraq we need to honor the Americans for what they have done for us, giving us our freedom.

Madam Speaker, it truly was inspirational to meet someone at the founding of a nation. As we talked about, most of the major cities and most towns and villages had elected municipal councils, and this occurred just 2 weeks after major combat had ended in Iraq. Today, as I said, every major city and most towns and villages are directing local matters themselves. Iraqis are doing that work.

The third thing that we saw and something that surprised me, although I do not know that I should have been surprised, as someone who has studied history all my life, but we focus on Iraq, and it is all about the oil and they certainly have tremendous oil reserves, and that is going to provide the Iraqi people the wealth to rebuild their country and have a stable Iraq in the future. But, as the gentleman from Indiana talked about, the agriculture was surprising. I thought Iraq was a desert, but it is not. It is brown, and I think a lot of that is because of the heat, but they have vast wheat fields. Also, the water resources that Iraq has, not only do they have the Tigris and the Euphrates Rivers, but they have miles of canals. They are able to irrigate much of the Iraqi countryside.

In the south, with a pick and shovel, they can dig down 10–12 feet and hit water because the water table is very shallow. In the north, as we flew over vast wheat fields, they were literally digging water wells horizontally, going in at an angle down 20–40 feet before they would hit water. So Iraq has oil and the ability to feed itself and the Middle East, and they have tremendous water resources that any successful nation needs to feed its people and take care of its people.

Finally, the Iraqi people themselves are a robust people; and proof of that is they have spent 30 years living under a Stalinist tyranny, living under terrible circumstances, but they have survived. Almost half the population is literate, so with the resources they have, with the personality of the people, what we are doing for them over there, giving them the opportunity to live free and to create a democracy, we are giving them hope. That is what any nation needs. Giving the people hope is going to take them off that path of strapping on a bomb to themselves and killing themselves.

We need to make sure that we are putting enough money into this situation. We talked about the $87 billion. It is a lot of money when we look at it as $87 billion, but when we look at the

losses that America suffered after 9/11 and the losses we could face in the future if we are not able to help build a stable and democratic Iraq, this is something we must do. We cannot fail in this endeavor. We need to move forward swiftly to make sure that the Iraqi people can build that stable, democratic country.

□ 2100

Mr. CHOCOLA. I thank the gentleman for his comments. As you mentioned, one of the highlights of this experience was the opportunity to share a meal with the fine men and women in uniform. We can sit here, and we can say how proud we are of them, but until you are actually there with them and seeing the tremendous work that they are doing, I do not know that we can appreciate their efforts and their competence.

During one of the meals, again I always ask, what do you want me to share with people when I go back home? We were in Babylon in this historic city where Saddam had built another palace to himself. A young soldier who had been very quiet during the meal, he looked up and he said, what I want the people at home to know is that the Iraqis that are shooting at us and setting off bombs, those aren't the Iraqi people I know. The Iraqi people I know are very appreciative that we are here. They thank me every day. I go out in the marketplace, and I don't feel threatened. That's what I want the people at home to know, is that the Iraqi people very much appreciate our efforts.

Then later, right after that meal, you will remember we went to a mass grave site. That was probably one of the most moving experiences that I had during the trip, where we visited this mass grave site where up to 15,000 people had been murdered, many of them buried alive. They told us about how that grave site was discovered and the conditions. Do you remember that? Do you want to share that story?

Mr. SHUSTER. Absolutely. That was one of the best stories that I have taken away from Iraq. Not only did we see firsthand the commitment and the bravery, the courage of our young men and women, but the decency of the American soldier. The story we were told was that when they found the mass grave site, the Iraqi people as they do to celebrate or in anger when they come together is they shoot their weapons off into the air. It is very dangerous because when you shoot a bullet up, it has to come down, and when you have several hundred people doing that, there were people being killed. The Marines told these folks that were going up to the mass grave site that they could not celebrate in that way. They were not allowed to shoot guns off into the air, so it was a very heated exchange. The Iraqis were angry because they could not do what they typically do.

So they went to the mass grave site, they collected the remains of many of their family members, and as they came back into the village, they came face to face with a patrol of Marines. It was a tense moment. Without somebody from high up, some bureaucrat in Washington or some general in the Pentagon or some general in the field, a young sergeant decided the best thing to do was to order his men to stand aside, take their helmets off and bow their heads to pay respect to the families, to the people that had perished and to honor them as they passed.

I truly look at that, when I think about the American soldier and we think of, as I said earlier, how courageous they are, truly, how compassionate they are. That is a demonstration of that. It is really a touching story. It makes me very, very proud to be an American, to know that we not only train fierce warriors, but compassionate soldiers, compassionate people.

Mr. CHOCOLA. Again, I thank the gentleman. I think you are right. I think that the secret to our success in Iraq is not just going to be firepower or dollars, it is going to be the content of the character of the men and women in uniform, and, certainly, we saw that they have tremendous character. They represent American ideals and values better than we could ever imagine. I think we certainly owe them a debt of gratitude for their efforts.

Mr. SHUSTER. I think it was General Sanchez that said to us that the way for us to succeed, to win this, to finally win this, is not going to be militarily, it is going to be through the hearts and minds of the Iraqi people, helping them to rebuild a country and giving them back their country.

As you mentioned earlier, the thing we do not hear about in the media, they say that there is no plan. As you mentioned and showed, one of the plans as I recall, we met with General Sanchez who is the head of operations in the Iraqi theater. Then we met with four of the five division generals, commanders in Iraq. Every time we sat down for a briefing with any one of them, they gave us a similar plan.

Even General Dempsey, who controls Baghdad, that is his area of control, he talked about when we were there at the end of August, they were already starting to make plans and starting to move toward taking our control, our base out of the center of Baghdad and moving it to the four corners of Baghdad. That was a month ago. I have not heard about that. I have not heard about it in the national media. I have heard about it in our briefings, that General Dempsey is starting to make those moves, so that we are looking into Baghdad, not looking out. They believe that that is going to be a better way for us to help the Iraqi people, so we are not sitting in the middle and the Iraqi people then can take control of the security of Baghdad.

So there is a plan. We know that, and we have seen that. That is why it is so important tonight for us here and to go back to our districts and talk about these plans, to talk about what we saw. I would encourage every Member of the House of Representatives, all 435 Members, to get on a plane, go to Iraq, see what is over there, because I think as you have pointed out tonight, they come back and tell a different story, or a full story of what is going on in Iraq. I would encourage all of the Members of the House to travel there and see it firsthand.

Mr. CHOCOLA. Again, I thank the gentleman. I share in his encouragement for all Members possible to go there and see for themselves what is happening and share those stories.

EXTENDING TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK GRANT PROGRAM

Mrs. JOHNSON of Connecticut (during special order of Mr. CHOCOLA). Madam Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3146) to extend the Temporary Assistance for Needy Families block grant program, and certain tax and trade programs, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Senate amendment:

Page 10, after line 16, insert:

SEC. 402. EXTENSION OF PROVISION EQUALIZING URBAN AND RURAL STANDARDIZED MEDICARE INPATIENT HOSPITAL PAYMENTS.

(a) IN GENERAL.—Paragraphs (1) and (2) of section 402(b) of the Miscellaneous Appropriations Act, 2003 (Public Law 108–7; 117 Stat. 548) are each amended by striking ''September 30, 2003'' and insert ''March 31, 2004''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Subject to paragraph (2), the amendments made by subsection (a) shall take effect as if included in the enactment of the Miscellaneous Appropriations Act, 2003.

(2) AUTHORITY TO DELAY IMPLEMENTATION.—

(a) IN GENERAL.—If the Secretary of Health and Human Services (in this subsection referred to as the ''Secretary'') determines that it is not administratively feasible to implement the amendments made by subsection (a), notwithstanding such amendments and in order to comply with Congressional intent, the Secretary may delay the implementation of such amendments until such time as the Secretary determines to be appropriate, but in no case later than November 1, 2003.

(B) TEMPORARY ADJUSTMENT FOR REMAINDER OF FISCAL YEAR 2004 TO EFFECT FULL RATE CHANGE.—If the Secretary delays implementation of the amendments made by subsection (a) under subparagraph (A), the Secretary shall make such adjustment to the amount of payments affected by such delay, for the portion of fiscal year 2004 after the date of the delayed implementation, in such manner as the Secretary estimates will ensure that the total payments for inpatient hospital services so affected with respect to such fiscal year is the same as would have been made if this paragraph had not been enacted.

(C) NO EFFECT ON PAYMENTS FOR SUBSEQUENT PAYMENT PERIODS.—The application of subparagraphs (A) and (B) shall not affect payment rates and shall not be taken into account in calculating payment amounts for services furnished for periods after September 30, 2004.

(D) ADMINISTRATION OF PROVISIONS.—

(i) NO RULEMAKING OR NOTICE REQUIRED.—The Secretary may carry out the authority under this paragraph by program memorandum or otherwise and is not required to prescribe regulations or to provide notice in the Federal Register in order to carry out such authority.

(ii) LIMITATION OF REVIEW.—There shall be no administrative or judicial review under section 1869 or 1878 of the Social Security Act (42 U.S.C. 1395ff and 1395oo), or otherwise of any delay or determination made by the Secretary under this paragraph or the application of the payment rates determined under this paragraph.

Mrs. JOHNSON of Connecticut (during the reading). Madam Speaker, I ask unanimous consent that the Senate amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore (Mrs. MILLER of Michigan). Is there objection to the request of the gentlewoman from Connecticut?

There was no objection.

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

Mr. CARDIN. Madam Speaker, reserving the right to object, I do not intend to object, but under my reservation, I yield to the gentleman from Oregon (Mr. WU).

Mr. WU. I thank the gentleman from Maryland for yielding. Madam Speaker, I rise to express my grave concern with the potential termination of the successful Welfare Waiver Program in my State of Oregon because of Federal action or inaction. Today we are moving forward again on legislation to extend the Temporary Assistance for Needy Families, or TANF, Program through a period of time until we can do the full reauthorization. Also today in Oregon, a successful State-designed welfare-to-work program which has provided a gateway from welfare to work for thousands of Oregonians may expire through our action or inaction.

My State of Oregon currently operates its welfare program under a Federal waiver. In Oregon, the program is known as the Oregon option and in the last 6 years, it has seen caseload reduction rates above the national average. Our innovative program allows Oregon the flexibility to consider individuals on a case-by-case basis. Some folks simply need a little job training or job search skills and then they are ready to transition back into the workforce. Others need more extensive drug and alcohol treatments or basic education before they are able to hold down a job. This combination of rehabilitative services to the most needy and more education and job training activities for others has proved to be a great success. For 18 months, I have sought to protect and extend the successful State innovation. My friends and colleagues have acknowledged the success of the Oregon program and the importance of preserving individual State innovation. However, with the passage of today's extension, we find ourselves punishing, rather than rewarding, innovation.

I ask the gentlewoman from Connecticut to assist the citizens of Oregon and the Nation in this matter, and I am seeking it here tonight.

Mr. CARDIN. Madam Speaker, I yield to the gentlewoman from Connecticut.

Mrs. JOHNSON of Connecticut. I thank the gentleman for yielding. I certainly appreciate my colleague from Oregon's concern with his State's inventive approach and successful program in support of women on welfare, individuals on welfare seeking the independence of returning to the workforce. I am pleased that the next round of welfare reform will allow a great deal more flexibility in State programs.

As the gentleman is aware, a number of State waiver programs have expired in recent years. In June 2003, Oregon Senators were informed by Secretary Thompson that, despite the expiration of Oregon's waiver that month, Oregon was not in danger of failing to satisfy work rate requirements in the future. The reason is because Oregon's caseload reduction credits totally wipe out any effective work rate requirement in the State.

Here is how Secretary Thompson put it:

''Oregon is not in violation and, based on Oregon's history, is not expected to be in violation, and, therefore, Oregon will not be subject to penalties for the next 3 months or until reauthorization. Even without its waiver, Oregon's program would have met its all-family work participation requirement in 2002 because it effectively had no participation requirement. Should reauthorization not occur prior to the end of the fiscal year and current law be extended again, I would remain confident, based on the facts that I have before me, that Oregon could continue to operate its program without becoming subject to participation rate penalties.''

As the gentleman knows, the House-passed welfare reauthorization bill, H.R. 4, includes provisions that would allow States to apply for new waivers of the TANF program. That reflects additional flexibility for States and is a positive step. I will fight in conference for enhanced waiver authority for States in conference with the Senate.

Mr. WU. If the gentleman will yield further, I would make inquiry of the gentlewoman from Connecticut, I would like to make two inquiries, and let me do them separately. Oregon has had a terrible unemployment situation. Out of the last 24 months, we have topped the Nation in unemployment 17 out of those 24 months. We have oscillated between 8.1 percent unemployment and 8.8 percent unemployment. I believe we are currently at a seasonally-adjusted 8.5 percent unemployment rate.

My first inquiry of the gentlewoman from Connecticut is that the factual predicate, upon which the Secretary's letter is written, is based on weighted averages of caseload reduction. Given the terrible situation that our State of Oregon is in, it may take some time for this Congress to reauthorize TANF. If it does take a substantial amount of time, there may come a time that, given our unemployment rate, our caseload reduction may no longer be able to meet some of the current statutory requirements. Is it the gentlewoman's intention to work on a bipartisan basis to encourage the Secretary and the administration to continue to extend those State waivers which are being informally extended currently by the Secretary?

Mrs. JOHNSON of Connecticut. It is simply my belief that within the time frame of this extension, we will be able to permanently reauthorize the welfare program and add to it the more flexible provisions that are in the underlying bill with some interest that the Senate has expressed in additional waivers.

Mr. CARDIN. Madam Speaker, under my reservation, let me just compliment the gentleman from Oregon for raising this issue. There are States that have operated under waiver authority that has expired. I can assure you, although we have not been able to work out a bipartisan bill, there is bipartisan agreement to maintain the flexibility of the States under the waiver authority. I know that there are efforts to extend it and expand it, but at least there is agreement that we want to maintain at least where the States are today in their ability to use authority to tailor programs for their individual State needs. That is a bipartisan understanding, and I believe, also, there is a lot of support in the other body.

I thank the gentleman for raising these issues, because I think they are very important as we move forward in the debate, not only to Oregon but to other States. I know the gentleman is fighting very hard for his own State. We appreciate that very much. We certainly do not want to see a diminished ability of your State to perform its services.

Mr. WU. I thank the gentleman from Maryland. I will take the gentlewoman's response as we certainly aspire to extend this to the full reauthorization within the limits of this extension, but that on a best efforts basis, should we not be able to do that within this period of time, which I believe is March of 2004, that we will endeavor together to continue on this informal basis to extend the waivers under which Oregon and other States have operated.

Mrs. JOHNSON of Connecticut. It will certainly be an issue that we will discuss together before the expiration if we think reauthorization cannot be finalized.

□ 2115

Mr. WU. Madam Speaker, if I may make my second inquiry of the gentlewoman from Connecticut, I would like to inquire of the gentlewoman as to her intent to assist Oregon and other States with an extension specifically for States on welfare waivers in the

TANF reauthorization bill as it is currently being considered before this Congress and this body and the other body.

Mr. CARDIN. Madam Speaker, before I yield to the gentlewoman from Connecticut, it has been the position at least of this body by its formal actions to expand the authority to what is known as a superwaiver. That is controversial, and I am not sure there is certainly not an agreement on a bipartisan basis for a superwaiver; however, the superwaiver sort of consumes the individual State waivers. It is certainly the position of the majority of this House on both sides of the aisle that the States have at least the waiver authorities that they had under the expiring TANF laws. I will be glad to yield to the gentlewoman from Connecticut, but I am not certain that there is an agreement right now as to individual State waivers as compared to broader authority. I can tell the position that I would like to see is individual States, but I understand there is no consensus yet on that issue.

Mrs. JOHNSON of Connecticut. Madam Speaker, will the gentleman yield?

Mr. CARDIN. Further reserving the right to object, I yield to the gentlewoman from Connecticut.

Mrs. JOHNSON of Connecticut. Madam Speaker, I agree with the gentleman from Maryland. There is a lot of interest in the States having flexibility to tailor their programs to their own specific needs, but exactly the structure of that authority is a matter of disagreement at this time; and we will look to see how the Senate resolves those issues and then in conference find an agreement that we think will meet the needs of the majority of the States.

Mr. CARDIN. Madam Speaker, I appreciate what the gentlewoman said. I think it is, in fairness to the gentleman from Oregon, certainly our desire to make sure the States maintain the type of authority Oregon has been able to use to create creative programs, and I really do thank the gentleman for bringing this to our attention. It is a very important issue to our States.

Mr. WU. Madam Speaker, will the gentleman yield?

Mr. CARDIN. Further reserving the right to object, I yield to the gentleman from Oregon.

Mr. WU. Madam Speaker, I thank the gentleman for yielding.

I would like to inquire one more time of the gentlewoman from Connecticut as to her intention to work in this body in conference and with the Senate with respect to specific State waiver authority as we go forward with this reauthorization.

Mr. CARDIN. Madam Speaker, I think the gentlewoman has already answered that. Further reserving the right to object, I yield to the gentlewoman from Connecticut again if she wants to further clarify it.

Mrs. JOHNSON of Connecticut. Madam Speaker, I would indicate to the gentleman that the bill that passed the House has a very broad waiver of authority in it. There are some that think it is too broad and would like narrower waiver authority. We will see what the Senate has done, and then we will see if the conference committee can come to a conclusion about the structure of the waiver authority in the future. But there was a waiver authority in the last welfare bill. I think there is universal agreement that States need flexibility to structure their programs to meet the specific needs and circumstances of their own people, and so this will be a significant issue that will be addressed.

I cannot tell the gentleman at this point whether there will be precisely the narrow State waiver authority there is under current law, but I would also remind the gentleman that that waiver authority under current law has a defect. The waivers expire and are not reauthorizable. Under current law, they have to reapply for them. So under current law there is a problem about how do we move the successful waivered program into the mainstream, and I think that is an issue that the conference needs to resolve as well because my State also has a waiver that has expired as well as the same kind of unemployment rate, unfortunately, that Oregon has.

So there will be a number of people in conference concerned about this issue, but I certainly cannot assure the gentleman that there will be exactly the same kind of state-based waiver authority in the reauthorization that there has been in the past bill. There is a lot more interest amongst many in a broader waiver authority that encompasses a greater variety of bills so that they could better integrate broad services for people coming off welfare. So it is a long debate. We are not going to resolve it here, but I do appreciate the gentleman from Oregon bringing to this floor his concern about his State's rights to tailor its welfare program to meet the needs of its people. In the end that is really what makes a Federal program successful or not successful is that local control and local power, and I agree with the gentleman that that is terribly important to the quality of Federal programs and their success.

Mr. WU. Madam Speaker, will the gentleman yield?

Mr. CARDIN. Further reserving the right to object, I yield to the gentleman from Oregon.

Mr. WU. Madam Speaker, I thank the gentleman for yielding.

The language of this body is beautiful for its specificity and nonspecificity, and I fully appreciate that. I certainly do not expect a solution to the problems of this particular reauthorization this evening. I would like to simply note that under the plenary authority that Congress has over many issues, including this one, that it is within the ability of Congress in this bill to extend expired waivers, and I would just like to log that as a point of departure for States like Connecticut and Oregon, the waivers for which have expired; and if there is a will, there will be a way.

Mr. CARDIN. Madam Speaker, further reserving my right to object, just to respond to the gentleman, I agree completely with what he has said, and it has been the position of some of us to do the extension of individual States that had it prior to the expiration of the bill. There has been a consensus, as I have indicated before, to give States at least that flexibility; and the majority has decided to go beyond that with the superwaiver in this body. So the gentleman's point is very well stated, which I happen to personally agree with; and I appreciate his bringing it to our attention.

Mr. WU. Madam Speaker, I thank the gentleman and I thank the gentlewoman.

THE SECRETARY OF HEALTH AND HUMAN SERVICES,
Washington, DC, June 24, 2003.

Hon. RON WYDEN,
U.S. Senate,
Washington, DC.

DEAR SENATOR WYDEN: Oregon has been operating its Temporary Assistance for Needy Families (TANF) program under a waiver since 1996 and this waiver is due to expire at the end of this month. I thank you for raising with the Administration your concerns about your State's TANF program and its waiver, and I admire the tremendous efforts you have been making on Oregon's behalf to see that your State has the ability to operate the best TANF program it can. I believe that Oregon will be able to maintain its current program through the end of this fiscal year, and ask you to continue working with me to complete reauthorization legislation that will improve TANF for families across the nation.

The rigorous evaluation of your Portland program has documented some of the most impressive impacts on increased earnings, improved job quality and reductions in welfare dependency of any program that has ever been evaluated. This impressive record of accomplishment is one of which you can be proud.

I know that your efforts in support of Oregon's program are grounded in the lessons you have learned from the evaluation of your State's success and these lessons will be important in informing the debate on issues that will be considered in TANF reauthorization. Your commitment and leadership on these issues continues to benefit the people of Oregon.

Oregon's TANF program operates with a waiver granted under the former Aid to Families with Dependent Children (AFDC) program. When AFDC was converted into TANF as part of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), the new law enabled States such as Oregon that had previously approved waiver programs to continue operating those waivers. However, there is no provision in law that would permit the Administration to extend such waivers, as it was anticipated that these programs would eventually align themselves with the larger TANF reforms upon completion of their waivers. Therefore, extending existing waivers would require changing current law.

TANF is currently authorized only through the end of this month, and legislation is before the Senate that would temporarily extend the program through September, 2003,

the end of FY 2003. The Administration strongly supports passage of this emergency measure to keep the current program operating, and enable Congress to complete work on reauthorization. Without this measure, Oregon would be denied access to over $40 million in TANF funding scheduled to be made available for the fourth quarter next week.

I understand Oregon will maintain its current program while Congress completes work on reauthorization. Oregon is not in violation and based on Oregon's history is not expected to be in violation and therefore Oregon will not be subject to penalties for the next three months or until reauthorization.

Let me explain. Oregon's current TANF program has many elements, most of which are accommodated under TANF and are permissible under current law. However, I understand the State is concerned about its ability to continue operating two particular policies when its waiver expires. Oregon's waiver allows the State to count toward its required work participation rate certain types of activities, such as participation in substance abuse treatment and extended education and training, which would not otherwise be countable under TANF. Your State's waiver also permits counting of certain adults who are participating but have not attained at least 30 hours of participation per week, which is also required under TANF law.

Importantly, even without its waiver, TANF would not prohibit Oregon from engaging clients in the activities they currently do, nor does it prohibit the State from assigning hours for particular clients at levels below the current-law standard. These issues are relevant in that States must meet minimum participation rates. However, according to Oregon's current data, the State would be likely to meet its required participation in FY 2003, even though Oregon's ability to count certain activities and clients under its waiver will end at the end of this month.

Oregon achieved a participation rate for all its families of 61.1% in FY 2002. It would have achieved only an 8.0% all-family rate if it had operated the same way, but counted participation without its current waiver. However, because Oregon achieved such a dramatic reduction in TANF caseload over the past several years, it enjoys a caseload reduction credit that reduced its effective all-family participation rate requirement to 0% in FY 2002. Thus, even without its waiver, Oregon's program would have met its all-family participation requirement in FY 2002 because it effectively had no participation requirement.

Oregon's caseload reduction credit in FY 2001 was 56.2%, and in FY 2002 was 58.3%. I would anticipate that this would not change considerably in FY 2003, and because the required all-family rate for FY 2003 remained at only 50%, the State is very likely facing no participation requirement for the current year as well. Furthermore, work participation rates are measured on a full year basis, meaning that for FY 2003 Oregon's rate would be an average of what it achieved throughout the year. Given Oregon's extremely high participation rates under its waiver, and the fact it will have operated under the waiver for three of the four quarters of FY 2003, it should achieve a very high rate even if the final quarter is calculated without the waiver.

Oregon also must meet a separate participation rate for its 2-parent families. With its waiver, the State achieved a 53.8% 2-parent rate in FY 2002, but due to the caseload reduction credit it earned, only needed to meet a 31.7% standard. Again, given the State's likely high 2-parent participation for the first three quarters of FY 2003, it should meet this standard as well.

Based upon this, I am confident that Oregon can continue to operate its current TANF program through the end of this fiscal year without concerns about becoming subject to penalties for meeting its participation requirements. Should reauthorization not occur prior to the end of the fiscal year and current law be extended again, I would remain confident based on the facts that I have before me that Oregon could continue to operate its program without becoming subject to participation rate penalties.

TANF is a great program, and with your help we can make it work even better in the future. TANF provides States tremendous flexibility to fund and operate work and job preparation activities, and to provide supportive services and benefits so clients can find work, support themselves and build a better life for their families. I know you share my interest in seeing the program reauthorized as quickly as possible, and seeing that important improvements are made to enable States to engage all cases in meaningful and helpful activities so they can move into work quickly and successfully. Reauthorization is crucial for Oregon. As you know, the President's reauthorization proposal includes changes that would enable States to count various barrier removal activities toward their participation rates, as Oregon is doing now. It would also eliminate the separate 2-parent participation rate.

I appreciate the impressive work you are doing for the State of Oregon, and particularly your attention to this critical program that has become so important to helping our neediest families build better lives. The State of Oregon has done a wonderful job with its TANF program over the years, and we will continue to work with you on reauthorization legislation to see that we build the best program for Oregon and all of America.

The Office of Management and Budget advises that it has no objection to this letter from the standpoint of the Administration's program.

Sincerely,

TOMMY G. THOMPSON.

Mr. CARDIN. Madam Speaker, this is very important legislation. It extends the TANF programs and related programs for the next 6 months so that we can try to work out a long-term, multiyear extension of the TANF programs and related programs. I thank the gentlewoman for bringing this legislation forward.

Mrs. JOHNSON of Connecticut. Madam Speaker, will the gentleman yield?

Mr. CARDIN. I yield to the gentlewoman from Connecticut.

Mrs. JOHNSON of Connecticut. Madam Speaker, this legislation is nearly identical to H.R. 3146, a bill the House unanimously approved last week. The only change is the addition of a 6-month extension of expiring Medicare payment provisions affecting hospitals in small cities and rural areas. These provisions need to be passed today and signed into law immediately to ensure the continued smooth operation of programs affecting health, welfare, and commerce throughout the country. I urge the support of this body.

Mr. BEREUTER. Madam Speaker, this Member wishes to add his strong support for H.R. 3146 and would like to commend the distinguished gentleman from California [Mr. THOMAS], the Chairman of the House Ways and Means Committee, for introducing this important legislation and for his efforts to extend the authorization for the Temporary Assistance for Needy Families (TANF) program, as well as related welfare reform initiatives, such as the mandatory child care program, the abstinence education program, and the transitional medical assistance program. Moreover, this Member would like to thank Chairman THOMAS for including language in H.R. 3146 to address Medicare payment disparities between rural and urban hospitals.

The Rural Health Care Coalition, which this Member currently leads as the Interim Co-Chairman, has been diligently working to bring equity to the rural health care delivery system. One of the Coalition's key priorities has been to address hospital payment disparities to ensure that facilities in rural areas and small cities can stay in business and continue serving patients who need care.

Medicare pays for inpatient services in large urban areas using a standardized amount that is 1.6 percent larger than the standardized amount used to reimburse hospitals in other areas (both rural areas and small urban areas). The Consolidated Appropriations Act of 2003 (Public Law No. 108–7) provided a six-month base payment increase for rural and small urban hospitals from April 1, 2003 to September 30, 2003. Specifically, this measure raised the inpatient base rate for hospitals in rural and urban areas to the level of the rate for those in large urban areas.

The bill before us today will extend this payment increase until March 31, 2004. Such action is cruical—especially for cash-strapped rural facilities which are near the breaking point and in need of urgent aid. This policy will help maintain access to care in rural and less populated urban areas of the country by better aligning hospitals' payments to their average costs. The estimated impact of eliminating the base rate differential for six more months will result in $3.8 million for Nebraska hospitals, according to the Nebraska Hospital Association. This Member will continue to work on initiatives to bring even greater Medicare equity to Nebraska this year.

In closing, this Member urges his colleagues to support H.R. 3146. Reducing the difference in Medicare reimbursement levels between rural and urban hospitals is critical. Rural hospitals receive less Federal funding than hospitals in urban areas for providing the same services. This legislation will keep base payments at the same level as those in urban areas for six more months.

Mr. CARDIN. Madam Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mrs. MILLER of Michigan). Is there objection to the initial request of the gentlewoman from Connecticut?

There was no objection.

A motion to reconsider was laid on the table.

THE REAL STORY OF IRAQ

The SPEAKER pro tempore. The gentleman from Indiana (Mr. CHOCOLA) has 19 minutes remaining in his Special Order.

Mr. CHOCOLA. Madam Speaker, so far we have heard from three Members

including me that have been to Iraq. We shared some of our stories. But we got back about 3 weeks ago; and in Iraq's history as a free nation, that is a very long period of time since they have only been free of the Saddam Hussein regime for about 5 or 6 months.

I yield to the gentlewoman from Texas (Ms. GRANGER), a Member of Congress who just returned last night.

Ms. GRANGER. Madam Speaker, I appreciate the gentleman yielding.

The night is long; so I will be brief. But I was a part of a 17-member bipartisan delegation that left last Thursday after the last vote and then returned late last night. And as we left and as we arrived many hours later, we knew that there were people that were debating whether we should be in Iraq and how we got there. We spent the next days looking into the faces of men and women who fought there and assuring them that we were not going to cut and run, that we were going to make their sacrifices worth it and we were there to assure them that we would let them finish the job. As was mentioned earlier, General Rick Sanchez, he talked to us about what had occurred there and what needed to occur there, and he also told us the same thing, that winning this war would be winning over the hearts and the minds of the people of Iraq, and I certainly could not agree more.

What we saw in Iraq, first of all, were palaces, over a hundred of them, with beautiful crystal chandeliers and painted ceilings and gilded doors and a gilded thrown. Outside we saw statues and monuments built by Saddam Hussein and built there to glorify Saddam Hussein.

What else did we see? We visited a hospital in Baghdad, and not in my lifetime have I seen a hospital like that except in old movies, World War I and World War II, because we do not have hospitals with equipment that is that old. We saw a predelivery room with women waiting to deliver their babies in a room with a roof that leaked and air conditioners that did not work and faucets with rusted handles. We went to a power plant that was supposed to supply the power to Iraq, and it was held together with hope and rope and rust and baling wire. We were escorted there by a wonderful Marine lieutenant colonel who said as he went through that country he wondered if he would ever see a child with shoes on because none of them had shoes.

Is this a country without natural resources and assets? Is this a country that had no other choices? No, it certainly is not that country. It is a country with oil reserves second only to Saudi Arabia, that had land that was fertile and good for agriculture, had intelligent, caring people who wanted something better than that. Remember, this is a country that helped start the World Bank and at one time had an economy equal to Australia. But what had happened in this country, or what we understood what happened in that country, is Saddam Hussein.

We also visited a mass grave, much as what the gentleman had described; and we stood there and heard the story about that mass grave of 3,000 people identified because they had to put their identification in a plastic bag that was hung around their neck. So when that was discovered along with they think are over 100 graves like that, some as large as what the gentleman said, 10,000 remains, and as they tried to identify those people and go to those families and say to the people that they thought all these years were alive and in prison were in this mass grave, shot in the back of the head and then dumped into a grave and then sometimes, either because they ran out of ammunition or just got tired, they were not shot. They were just dumped into graves. What we saw and what we understood there in Iraq were businesses that were not started and educations that were not finished and babies who did not live. This is a country that has an infant mortality that is equal to India, one of the highest in the world. We saw children whose fathers just disappeared and lives that were lived in utter terror. We saw justice that was not delivered and protection that was not given.

So we came back, I say, as a bipartisan congressional delegation. We came back united in our resolve, regardless of where we were on the resolution before, but united in finishing the job that had been started; and I have thought ever since I got back and all day today, which I cannot get out of my mind, and I know as well as those who have spoken tonight, we have an opportunity to prove who we are and what we stand for. Sure, there are challenges. There are challenges. We could talk about the cost. Is it enough? Is it too little? Where do we get it? But we have an opportunity to help the people experience what we take for granted often, and that is our freedom, our protection, our system of justice, having a future, having a future for our children and grandchildren and say they can be what I am or better, they have that opportunity.

□ 2130

We have the opportunity to help the people of Iraq have that and then, of course, leave them in charge and leave, and leave them with a future that is full of hope. I left with the wonderfully uplifting feeling of being able to do what is right, both what is right for the people of Iraq but also what is right for the people, our people who are serving in uniform there, and just what is right as men and women of principle in this House, the opportunity that we have been given by the people.

So I would say I wish every Member of this House could do what we have done, to be there and to see that and talk to the people of Iraq and talk to our men and women who serve. I am glad the American people have the opportunity for us to tell about this, because it was something that I will never forget as long as I serve in this House, or be able to walk away and say what I am proud of. I appreciate the time to be able to relate that.

Mr. CHOCOLA. Madam Speaker, I thank the gentlewoman very much for joining us tonight and staying up late after a very long trip. But certainly I think that tells how impressed we all were after we had the opportunity to visit Iraq.

One of the things that I think struck us all was the quality of the men and women in uniform and their sense of mission. I get asked often, what is the morale? Three weeks ago when we were there, the morale was very strong. They knew why they were there, and they knew what they were doing. I am curious as to how the gentlewoman found the morale.

Ms. GRANGER. Absolutely. The highlight of any trip like that is to sit and break bread with the people who serve; and we always sit with people who are in our districts, but in my particular case the people of Texas overall. But amongst the men and women the morale was high. They knew why they were there. They were proud of what they were doing, and they could not wait to tell us. The experience and the expertise, the determination of those men and women is always something that is just astounding to me. Yes, the morale is very high. They know why they are there. They are anxious to get home to their families and get back to their jobs but very proud of what they are doing.

As one of the officers related, he said he went to the hospital to visit someone who had been injured badly, and he said he experienced what he always experiences when he says, what can I do for you. They always say, take me back to where I was; I want to finish the job.

Mr. CHOCOLA. Again, I thank the gentlewoman very much for joining us tonight, and welcome home, and I thank her for sharing her stories.

I see the gentleman from Texas is still here, and I think he may have another story he would like to share with us.

Mr. BURGESS. Madam Speaker, I thank the gentleman for yielding, and I certainly thank my colleague from Texas for taking the time to come here tonight. I know what that jet lag is like.

I feel obligated just to make another mention about the situation with the mass graves. I was a private citizen in 1999, but I remember the administration and I remember the news media talking about the necessity for going into Kosovo and how desperate that necessity was, because there were mass graves in Kosovo. Well, we went into Kosovo and we won that conflict, but the mass graves somehow never materialized and somehow that was unimportant. But, Madam Speaker, we found those mass graves. Those mass

graves were in Iraq. When we were busy in Kosovo, we probably should have been concentrating on the regime of Saddam Hussein.

A lot has been made about the weapons of mass destruction and the fact that we have not yet found them. I will tell my colleagues I am impressed, because of the size of the country, with the enormity of that job. But one weapon of mass destruction we have found, and that weapon was the person of Saddam Hussein, and that is attested to by all of the silent voices buried in those mass graves around his country.

I thank my friend from Indiana for yielding me the additional time, and I happily yield back.

Mr. CHOCOLA. Madam Speaker, I think there are a lot of misconceptions about Iraq, that it is a barren desert country, when in fact it is a fertile crescent, truly, and also about the mass graves. When I am at home I ask people, how many mass graves do you think we found in Iraq? And they say, oh, five, six. If I recall when we were there, they found something like 151 already; and they thought that there were maybe as many as 500, maybe over 1 million people had been murdered in these mass grave sites.

The magnitude of the horror of the regime of Saddam Hussein can only be understood by the people who lived under it. I think that is why, when we were in the area of Babylon traveling in a bus along the roadside, people would run up to the bus and give us the thumbs up. Can my colleagues imagine the situation of living under that burden of knowing that your relatives were killed in a field near your village, but you could never go there because you might find the same fate if you tried to go find out what really happened?

Mr. BURGESS. Madam Speaker, if the gentleman will yield, he will remember one of the estimates that we were given about the number of casualties in that mass grave in Al Hilla was based upon the testimony of a physician in that town. I was a physician in my former life. Imagine this doctor whose life was dedicated to saving lives, to healing, to giving life, watching in his village while a bus or a truck was loaded up three times a day and driven out to that site and returned empty, and this continued for a full month. And that was where they got the estimates of the numbers of perhaps in excess of 30,000 people being within that one single mass grave; and then, of course, as the gentleman knows, there are many more like that throughout the country.

Mr. CHOCOLA. Again, I thank the gentleman. As with all things, it is not important what we say or think or observe but what we do. Certainly, our action on supporting the men and women in uniform and the citizens of Iraq rebuild their country, which I think will pay dividends for generations to come, is very important.

I think the gentleman from Pennsylvania has another measure to discuss on what we should do.

Mr. SHUSTER. Madam Speaker, I thank the gentleman for yielding.

Our efforts are on track in Iraq. We do have a plan. But something that is very disappointing to me and, actually, I am angry about is that is in regard to the participation or lack of participation of the world's largest peacekeeping organization.

The United Nations is an organization that was founded on international cooperation and collective security, but it has failed to assist in efforts to remove a growing threat. The failure of this organization to support our efforts against a murderous and extreme dictator is unfortunate and, at times, unforgivable.

What I have done is I have drafted a piece of legislation that I am going to introduce tonight that will take $200 million of our annual dues, which is about $330 million every year, and it directs the administration to take that money and put it towards the humanitarian situation and our troops in Iraq, to improve their environment, whether it is food or shelter or whatever the case may be. But I am to the point that I have watched for years the United Nations talk and not act. In this situation it is quite evident, the situation that occurred in Iraq, and it is quite evident that they need to be there helping us and, to this date, they have done nothing.

So my legislation, as I said, would direct the administration to take $200 million of the $330 million, I believe it is, that we pay to the U.N. annually and send it over for our troops. So I would encourage my colleagues to sign on to this bill and support it as it moves forward. Just to let my colleagues know, there is a provision that if the United Nations decides to stand up and do what is right and support this effort, to go over and take their role in Iraq the way that they should participate, then there is a provision there that will let this legislation lapse. So I plan on introducing that tonight. Again, I would urge all of my colleagues to support this, to say to the U.N., stand up and be counted in this situation.

Finally, I just want to thank my colleague from Indiana for setting up this hour this evening. I think it is important that we not only here on the floor of Congress in the House of Representatives tell the whole story, but that as we travel through our districts, making sure that the people that we represent hear firsthand and unfiltered what is happening there, and that there is a positive plan in place, and that we have young men and women who are committed to doing what is right against sometimes terrible situations, but they are doing what is right and they are doing an absolutely fabulous job. The American people need to support them and need to support this effort. So I thank the gentleman for putting this together tonight.

Mr. CHOCOLA. Again, I thank the gentleman, and I certainly appreciate his efforts. Our men and women in uniform are essentially performing many of the duties of the United Nations by liberating oppressed people and helping them rebuild their nation and really giving them the opportunity of freedom for the first time in their lives, something that I think is contagious and benefits all of us.

Mr. Speaker, let me conclude by pointing out that the bottom line is that Iraq is the frontline of the war on terror, and it is a war we can and must win. As the young woman in Tikrit, the young soldier that I had dinner with, pointed out, this issue is much larger than Iraq itself. It is about the future stability of the Middle East and really about the future stability of our entire world.

If Iraq can become a secular, free, democratic nation, it will give hope and optimism to a region of the world that really has very little today. They are well-equipped to win that war, they are well-equipped to help the Iraqi people build a much better future, because they have every ingredient of success. They have water. They have rich oil reserves, which was pointed out tonight. They have tremendous agriculture capabilities. They can help feed not only themselves but many of their neighbors.

So I think all of us, as Members of Congress, have an obligation to base our decisions on facts, not on rhetoric, not on politics. But with an issue as important as this that has ramifications for generations to come, it is so important that we seek the truth and seek the facts.

What I have observed from every Member who has been there, that they came back with exactly the same story. They come back with hope, they come back with optimism, they come back with support for doing what is necessary to help our men and women in uniform and the men and women, the citizens of Iraq, to help rebuild their country. They do not try to separate out what we spend money on for just guns and bullets and what we spend on infrastructure, because they are really inseparable. Because our success is not really based on firepower, although that is important. It is about winning the hearts and minds of the Iraqi people and showing them American ideals and generosity that has really changed the globe and history over the last 200 plus years.

Madam Speaker, I am sorry to say that since returning home from Iraq I have been criticized by some people for being optimistic. I have been scolded for not sharing the pessimism that we see on TV at night and read about in the paper in the morning.

As I mentioned earlier, I left home with great concern, but I came back with immeasurable hope. If having faith in the power of democracy and the power of freedom and the capabilities of our men and women in uniform

is a sin, I am guilty as charged. I only wish that every American had the same opportunity that we had that went to Iraq. Because I know for a fact, if they went there and they could see the real and the whole story of Iraq, they would share our hope and our optimism, and they would support a very wise investment in the future of not only the Iraqi people, but of this entire world.

I would certainly encourage all of my colleagues as Members of Congress to support the supplemental, because it is a very wise investment.

AMERICAN WORKING FAMILIES BEAR THE BURDEN OF IRAQ BLUNDER

The SPEAKER pro tempore (Mr. BURGESS). Under the Speaker's announced policy of January 7, 2003, the gentleman from New York (Mr. OWENS) is recognized for 60 minutes as the designee of the minority leader.

Mr. OWENS. Mr. Speaker, we are all glad that Saddam Hussein has been dethroned. It is better for the world. It is better for Iraq. But the cost is too great and has been too great in dollars, and we now are considering another $87 billion. We have already invested more than $70 billion. The regular defense budget is also enormous, and that has been expended, and there is no end in sight. We will have more requests for more money.

The cost has been too great. We have not achieved any greater amount of security from terrorism. In fact, we are less secure from terrorism now than we were before we invaded Iraq. We have been forced to concentrate all of our energies, all of our priorities, our best minds, everything has been concentrated in Iraq, ignoring the threat in Afghanistan and the borders of Pakistan.

The overwhelming burden of the Iraq blunder, however, has been placed on the backs of working families. The actual troops out there are from working families. We all support our troops. We all want to do whatever is necessary to make certain that those troops come home. We want to do whatever is necessary to support them to guarantee that they have a chance to come home. The overwhelming burden of the Iraq blunder, however, should not remain on the backs of working families. Mismanagement should not cause more unnecessary suffering and more death among working families, relatives of people who are from working families.

The New York Times documented what we all knew already, that more than 90 percent of the members of the military are from working families. More than 90 percent of the people in Iraq are from working families. This is true for the war in Iraq, as it has been true for most other wars.

□ 2145

We know in the Civil War, the people who had money could buy their way out of the draft and pay someone else to go in their place. But, in general, draft boards and drafts in cases of the war in Vietnam and Korea and so forth have ended up selecting large numbers of working family members.

The greatest generation that celebrated winning World War II had many components, class-wise, but the overwhelming number of people who lost their lives in World War II were also people who were in working families.

Working families are very special to America. Working families have a right to make a claim on America. And what concerns me, and the reason I am here today, is that we do not seem to understand the importance of working families, the people who are in charge, the people who are in power continue to treat working families as if they were expendable, that they are not important.

We heard some discussion of the welfare bill before today. It was technical, and it was probably difficult to understand, but that is one of the greatest harassments of working families you are going to find, the present welfare legislation, which provides a family of four is given a subsidy of $6,000 or $7,000 per year, while at the same time we give subsides to agribusiness of more than $250,000 per year. One more treatment, one more example of the treatment of working families.

We need to take a hard look at this war in Iraq and what it is doing to us. We need to stop the war for many reasons. We need to stop the war because it is absorbing large amounts of cash that can be used for other purposes, for purposes that we need here at home to improve our economy and to improve the lot of all of us, including the lot of working families.

This great Nation's survival and its freedom are directly dependent on the courage and the devotion of men and women from working families. The blunder has been committed already. We are mired in a deep pit. We cannot leave now. The sons and daughters of working families must remain on the dangerous front lines. But at least we could support those troops in a better manner, not in the current superficial manner being mouthed by so many while at the same time they undercut our troops.

We need to understand that in very concrete ways, we are betraying the troops in Iraq who are from working families. The kinds of programs that have been promulgated by the Republican leadership are outrageous. Patriotic and meaningful support means that we must address some of the following issues, and we must do it immediately:

The conflict must be better managed so that there is multinational participation in the decision-making and a clear exit strategy to bring these American troops home. The best we can do for our troops, the most important thing we can do for them, is to bring them home. It has to be an honorable exit. We do not want to leave the job half done. We have to make certain that no other leader like Saddam Hussein is ever able to take control of Iraq.

We want to encourage democracy as much as possible. The first step toward doing that is to share the decision-making with other nations and have other nations get involved because they know they can participate in the decision-making. They will then commit troops and commit equipment and other things. And, most of all, they will be there to send a message to the Iraqi population that Americans are not trying to take over their country, occupy their country, and control the tremendous oil fields that lie beneath that country. That would be one way to say to working families, we care about the troops, we care about your son and daughter. We are going to make that effort.

With regard to the United Nations, this administration has only offered a cold shoulder, despite the difficulty that we are in. We are not moving to try to convince the rest of the world that we are ready to share decision-making with Iraq. We are ready to go some extra lengths, swallow our pride, do some things we said we would never do, put away our anger, and do what will promote a solution, the fastest possible solution in Iraq. That is what we can do for our troops. They deserve it.

There are some other direct benefits that the sons and daughters of working families over there deserve. They deserve adequate equipment and they deserve troops, a troop contingent, enough troops to make it safer for them. There are not enough troops in Iraq. They are not adequately equipped.

We heard some speeches before from some visitors who went over. I found them very interesting. JOHN MURTHA, who has been on the Committee on Armed Services for two decades, made the same trip, came back and was incensed and angered by the fact that the morale was so low and obvious needs in equipment and supplies were not being met. And he immediately demanded that the President fire the people who were in charge of the war in Iraq.

JOHN MURTHA, the gentleman from Pennsylvania, who has long experience in the Committee on Armed Services, saw an outrageous performance in terms of the leadership who planned and executed the war in Iraq.

Rotation rights have been sort of dismissed. Even in the war in Vietnam, there was a right of a soldier not to be placed at risk for more than a year. A year in combat, placing your life at risk, was all that was demanded. You could rotate out of Vietnam after a year. Those rights have not been guaranteed to the people in Iraq, soldiers, regular soldiers or Reservists.

The worst thing is the people who are in the Reserves, who thought they were going for a 6-month stint, have now

had their time extended. Worse still for the people in the Reserves there is no economic justice. People in the Reserves gave up jobs. They were not career people. Yes, they signed up, and they knew that they would have to go in case of an emergency, but they were not career military people. And they did not want to give up their income and their jobs, leave their families indefinitely, but they had to do that. They were forced to do that.

We have behaved so abominably toward those working families that a Washington Post article of yesterday describes it as unacceptable, almost atrocious. It is a legislative atrocity that they described. I am going to read from this article in which the Washington Post described what is being done to Reservists in this war in Iraq. ''A proposal to close any pay gap faced by civil service employees who are called to active duty in the military reserves will not be considered by the House and Senate negotiators working on the fiscal 2004 Defense authorization bill.''

Now, this brings it home to us. We mouth our concern about supporting the troops and here is an example of how little we are supporting the troops, especially the Reservists, how we hold them in contempt really.

''In May the House Government Reform Committee approved an amendment sponsored by Representatives Tom Lantos and Chris Bell aimed at requiring Federal agencies to make up the difference between civil service and military pay for those on military duty.'' The provision was one of several civil service changes but, hear me carefully, a civil servant working for the Federal Government, who happens to be in the military Reserves, goes to Iraq; he is paid at the same rate as any other soldier, but he left a job that was paying far more. He left a family that had been nurtured on an income of more.

If the Federal Government still had him on the payroll, it would cost them a certain amount of money. If they continue to pay him at the same rate, it does not cost them any more money, it just keeps him at the same rate while he is off doing his duty for his country under very difficult circumstances. But they did not agree to that.

''The provision was dropped when the Armed Services panel put together the House version of the defense authorization bill. That version sets out guidelines for weapons and equipment purposes and for troop strength. The Lantos bill amendment stalled because of its cost: $160 million over 5 years including $75 million in fiscal 2004.''

Hear me carefully: It would have cost the government, the Federal Government, $160 million over 5 years, including $75 million in fiscal 2004. But if those same people had remained in their jobs, they would have been paid the $160 million over 5 years and $75 million. And the Federal Government was not called upon to do any more than they would have done if there had been no war in Iraq. I find that atrocious. I find the behavior of this Congress under the Republican majority leadership to be atrocious.

More important, in another outrageous observation, however, were objections from the Defense Department, which argued that making up differences in pay for civil service employees would undercut military morale. You have two sergeants, one a career military and one a Reservist doing the same job. And essentially the government is paying the civilian employee more for that service than the career military guy. That is the heart of the Defense Department objection. Listen to that carefully. It would undercut military morale to have a citizen who was earning an income at a certain level from the Federal Government, who was there against his will, he did it out of duty, has been shipped to Iraq, and he is in units along with career military people.

Now, if you are a career military person, you know what the pay scale is. You have accepted the pay scale. Your family is probably getting some benefits that the civil servant family is not getting. There are a number of ways in which a career person has adapted to a situation that they voluntarily went into. But the Reservist, who happened to have been a civil service employee for the Federal Government, has to hear that he would undercut morale if the government paid him at the same rate that they were always paying him.

About 200 private sector employers, however, and 50 State and local governments make up the difference in pay for their worker. Listen carefully: The Federal Government, the men and women in charge of the blunder in Iraq, who created a situation requiring all these Reservists to go, they are doing less than 200 private sector employers, 50 State and local governments, which now make up the difference in pay for their workers when the workers are forced to serve as Reservists.

This is outrageous. It falls right at the doorstep of us Members of Congress and Members of the other body. About 65,000 Reservists are employed by Federal agencies. Mr. Speaker, 65,000 is a large number that we are depriving of income, we are depriving those working families of their income at a certain level, forcing them to accept the pay of the military service that they are in. Sixty-five thousand Reservists are employed by Federal agencies making the government the single largest employer of Reservists. An additional 48,000 Federal technicians are required, they do not have a choice, to be members of the Guard as a condition of employment.

So we have a huge contingent of citizens, who happen to be Federal employees, who are treated like dirt. Our government, our Federal Government treats this huge number of people and their families like dirt. Working families should not have to bear these kind of burdens. This is a legislative atrocity.

Madam Speaker, I submit this article in its entirety into the record. It is entitled ''Pay Gap Remedy for Military Reserve Appears Doomed,'' in the Washington Post, Monday, September 29th.

[From the Washington Post, Sept. 29, 2003]

PAY-GAP REMEDY FOR MILITARY RESERVES APPEARS DOOMED

(By Stephen Barr)

A proposal to close any pay gap faced by civil service employees who are called to active duty in the military reserves will not be considered by House and Senate negotiators working on the fiscal 2004 defense authorization bill, according to congressional aides.

Most lawmakers feel that the issue was evaluated by the House Armed Services Committee during its deliberations and is now closed, the aides said.

The proposal, pushed by a group of House Democrats, ran into opposition because of its cost, as well as concern that it might cause morale problems among regular military troops.

In May, the House Government Reform Committee approved an amendment sponsored by Reps. Tom Lantos (D–Calif.) and Chris Bell (D–Tex.) aimed at requiring federal agencies to make up the difference between civil service and military pay for those on military duty. The provision was one of several civil service changes proposed for the Defense Department and forwarded to the Armed Services Committee.

But the provision was dropped when the Armed Services panel put together the House version of the defense authorization bill, which sets out guidelines for weapons and equipment purchases, military benefits and troop strength.

The Lantos-Bell amendment stalled because of its cost—$160 million over five years, including $75 million in fiscal 2004—and because it could have triggered jurisdictional questions that would have given the Government Reform Committee a voice in shaping the defense bill, a congressional aide said.

More important, however, were objections from the Defense Department, which argued that making up differences in pay for civil service employees would undercut military morale. ''You have two sergeants, one a career military and one a reservist, doing the same job. And essentially the government is paying the civilian employee more for that service than the career military guy—that is the heart of the Defense Department objection,'' the congressional aide said.

A Pentagon spokeswoman said there would be no comment on the issue.

Supporters of the Lantos-Bell effort argue that National Guard and reserve families are increasingly at risk of financial hardship because reservists are being called up more frequently since the Sept. 11, 2001, terrorist attacks. The Army recently issued a policy requiring Guard and reserve troops to serve 12-month tours in Iraq, meaning that most Army reservists will be mobilized for more than a year.

About 200 private-sector employers and 50 state and local governments make up the difference in pay for their workers and the federal government should serve as an example of the importance of assisting reservists, an aide to Lantos said. But other congressional aides said the issue needs more study. It might be more appropriate to use pay supplements to offset income loss for specific occupations or individuals rather than to take a blanket approach, they said.

Recent studies indicate that between 30 percent and 40 percent of activated reservists face a loss of income during mobilization.

About 65,000 reservists are employed by federal agencies, making the government the single-largest employer of reservists. An additional 48,000 federal technicians are required to be members of the Guard as a condition of employment.

The Office of Personnel Management has called on federal agencies to shoulder the cost of health insurance premiums for employees called to active duty. At last count, about 80 out of more than 100 federal agencies had agreed to pick up the premiums.

Madam Speaker, just treatment for working families left behind ought to be a major goal of a government that has asked people to go and fight in Afghanistan or in Iraq. Just treatment for working families left behind. What is involved in just treatment? I serve as the ranking Democrat on the Subcommittee on Workforce Protections of the Committee on Education and the Workforce. And I am on that committee which has jurisdiction over the minimum wage, over the Wage and Hour Act, and other safety programs related to persons in the workforce. We have had constant harassment since the Republican majority took control of the Congress on all of these fronts.

□ 2200

On the minimum wage, we are still at $5.15 an hour. In the last 3 years, the Republican majority has refused to allow us to bring a bill to the floor to increase the minimum wage. That is what we think of working families that we send off to war in times of war. They go. They die. They fight. They get wounded. They are the backbone of the security for America. But we do not want to increase the minimum wage beyond $5.15 an hour. We have had constant harassment on overtime pay and recently that was sort of intensified. But they do not want to pay people cash for overtime. They want changes in law, so that employers can pay you comp time if they so choose. It is not your choice. It is their choice. Comp time, taking the cash out of your pay check and food off your table, but offering you comp time at some future date they choose.

They pushed that very hard. And even now, although we stopped it in the Congress by executive fiat, the law is being changed to eliminate certain categories of people as being eligible for overtime.

A jobs program is not in sight. Unemployment goes galloping on, and we do not have a jobs program.

Health care, the papers all reported yesterday or today that the number of people who are uninsured in America has jumped dramatically, gone up. Those are working families that are uninsured.

Poverty, three or four days ago, it was reported that poverty has greatly increased. These are the families from which these soldiers come. These are the families that supply the troops out there that we say we care about.

Madam Speaker, at this time I would be glad to yield to the gentleman from Ohio (Mr. STRICKLAND).

Mr. STRICKLAND. Madam Speaker, I thank my friend from New York for yielding to me.

I noted earlier that many of our colleagues had gone to Iraq over the weekend, and they came back and described their experiences. I went to southeastern Ohio over the weekend, and I talked to people in Shady Side, Ohio and in Bel Air, Ohio, and Youngstown, Ohio, and I heard about infrastructure needs in Ohio. I heard about schools that need to be built. I heard about water and sewer systems that small communities simply cannot afford to pay for. And I talked with teachers and principals, talked with about three or four high school classes over this last 4 or 5 days while I was in Ohio.

We are a compassionate people, I would say to my friend from New York. We are compassionate. We care about other people, but we also care about the people that we are charged to represent. And in my district, I have got so many needs.

I found out this past weekend that in one of my communities there is the great danger that we are going to lose an additional 275 good-paying jobs, union jobs, steelworker jobs. This really concerns me. I think there is a bleeding of jobs in this country.

I looked at the headlines in the Columbus, Ohio Dispatch this morning. Iraq Battle Last 8 Hours and then One in Six Uninsured, this U.S. report says. Unemployment is skyrocketing in my district and throughout Ohio. More and more of our constituents are without health insurance. Our schools are being inadequately funded.

I toured a school in my district, I would say to my friend from New York, not long ago; and after that tour was completed, one of the parents on that tour came to me and he said, Congressman, I have two children who attend this school. I had no idea it was in this condition. He said, I am a building inspector, and if I were inspecting any other commercial building that had the problems this school has, I would close it immediately. He said, I saw at least 100 safety violations in this school. And he said, there are violations that cannot be easily fixed because this school has been added on to. It has been patched together over multiple years.

Why is it that we seem so willing to accept the fact that our kids can go to dilapidated schools, our people can be without health insurance, our roads can be unbuilt, our veterans can be shortchanged in the health care we provide to them, and yet we seem so willing, almost casual in talking about billions of dollars for the rebuilding of Iraq?

I might say to my friend from New York, it is not the rebuilding of Iraq. It is the building of Iraq. The President said when he addressed the United Nations that he intends to build 1,000 new schools in Iraq. We did not destroy 1,000 schools in this war. They want to build two 400-bed hospitals in Iraq. We did not destroy hospitals during this war. Talk about nation building. This President, during the campaign, criticized efforts to nation-build. And as I said earlier when I started my comments, we are a compassionate Nation. We care about the needs that exist in other countries. We care about the people in Iraq, but we are charged primarily to represent our constituents right here at home.

I want to state, I do not know if many of my colleagues or the President understand what life is like in southern and southeastern Ohio. It is an Appalachian district. Unemployment in one of my counties is 13.5 percent. People want to work. They are good people. They want to care for their families. They care about their kids as much as any Member in this Chamber cares about his or her children. They want them to get a high-quality education as much as any person in this Chamber wants their children to get a high-quality education.

If I can just take a moment before I yield back to talk about veterans. I am on the Committee on Veterans' Affairs. I keep reminding us in this Chamber that we are underfunding the VA health care system by at least $1.8 billion. Think about that. We have got veterans who are going without health care, who are being denied the ability to enroll in VA health care, who are going to be asked by this administration to pay more copayments for prescription drugs. The President wants to impose a $250 enrollment fee on Priority 7 veterans. And Priority 8 veterans are being told they cannot even enroll in the VA system. They can make as little as $24,000 and be a Priority 8 veteran, and yet we are just, it seems, almost casually talking about spending $21 billion to build schools and roads and bridges and clinics and hospitals in Iraq. I just do not understand what is wrong with this government. I certainly do not understand what is wrong with this President and this administration.

We have got a war going on. We are shortchanging our national needs. We are not caring for our soldiers. We have got about 40,000 soldiers in Iraq tonight that have cheap vests that are not capable of stopping bullets. The more expensive protective vests, my understanding is, cost $571 on average. I got a letter from a young soldier, a West Point graduate. He said, Congressman, they are issuing two kind of vests over here. One is capable of stopping a bullet, and the other only stops shrapnel. My men are asking me why they have the cheap vests.

I wonder how many of our soldiers may have been wounded or killed wearing a cheap vest, inadequate protective body armor. And the British Broadcasting System has reported that we have made a deal with some of these other countries, I think Poland and some other countries, that if they will

contribute soldiers, we will provide them with these higher-cost vests. I want to make doggone sure that no foreign troops get these better vests before every single American soldier that is in Iraq has access to one of these protective garments.

I thank my friend for allowing me to express my opinion on this subject, and I yield back to him and thank him for his graciousness this evening.

Mr. OWENS. Madam Speaker, I thank the gentleman and I would like to add to that discussion on veterans.

Most of us in the House of Representatives were shocked 3 weeks ago to discover that there was a provision where veterans who go to the hospital must pay for their food, their meals. And we immediately passed legislation to end that. I do not know whether it has been signed by the President yet or not. It is just one more administrative atrocity. I use the word atrocity, and I think it is appropriate. It is an atrocity to have veterans treated as they are. Some of my friends earlier are talking about ''you have to go to Iraq to know exactly what is happening.''

I suggest to those who want to know what is happening, go to Walter Reed Hospital and visit the wounded. The wounded also suffer. And in many cases those are wounded one week, and in a few weeks are dead. You can get a good example of what is going on if you look at veterans who, the minute they are off the roster of the Army, they will get no pay. They will be put on disability. Some have totally lost everything in terms of limbs or the capacity to work. They were put on disability, which is a far cry from the salary they earned as a soldier.

So my simple plea is that working families who fight for the security and peace abroad deserve survivable and living wages and a reasonable chance to pursue happiness here at home. We are investing tremendous amounts of money in the rebuilding of Iraq in the Armed Forces, and we are neglecting the needs of our own people in catastrophic proportions.

On March 3, I summarized my concern with the waste of American cash in a rap poem which I call Stop The War—We Need The Cash.

Stop the war, we need the cash.
Tank battles escalate into nuclear ash.
Stop the war.
We need the cash.
Give Medicaid families some of Rumsfeld's stash.
Throw the empty body bags in to the trash.
Stop the war.
Welfare mothers rush to cry.
Soldiers from the ranks of the poor will be the first to die.
Stop the war.
Vietnam had profound lessons to teach.
Empires lose when they overreach.
Stop the war.

One of the greatest monuments related to heroes is the Vietnam War Memorial monument here in Washington. That monument makes a statement that has never been made by any other military monument in the history in the world. Instead of unknown soldiers in a tomb, they have put the names of every soldier who died in Vietnam on the wall for you to see. They have given those individuals a person. They are there. And you must confront the fact that wars take individual humans in large numbers, in the case of Vietnam, 58,000, but regardless of numbers, the individualization of a process, the Vietnam Memorial Wall does that.

The poor are up there. The youngsters who came from welfare families. The numerous youngsters who came out of the big cities because when the draft was on, the largest proportion of young men who went to Vietnam came out of our big city slums. We must stop and think for a moment about the way those soldiers and everybody who was enlisted are treated in terms of the technicalities and administrative requirements of the veterans administration.

They have categories, Category 7, 8, people who served in combat under great risk are given preference. They are different from others. But I say that anybody who has served in the military for the benefit of his country deserves equal treatment, because once you put the uniform on and you take the oath, your life belongs to the military, to the Nation. And where you go and what you do is determined by forces that you have no control over.

□ 2215

If you were needed behind the lines to catalog munitions or run a computer, then you were assigned there because you were needed there. The fact that you were not put on the front line does not make you any less than the people who were put on the front lines, because you could not make that decision.

So everybody who put a uniform on and took the oath should be treated as a hero. They are a small percentage of the rest of us. Even in World War II when such large numbers went to war, the percentage of those who actually went to war was still a small percentage of the overall population. They deserve to be treated as heroes. Those who went to Vietnam deserve to be treated as heroes, regardless of how many hours they spent in combat under fire. They were all heroes. They come from working families, as I said before, most of them; and this classification scheme, these technicalities about how much copayment you have to pay if you are a Category 8 versus Category 7, whether you are eligible at all is part of the insult that working families have been forced to endure; and we should fight against it.

Righteous indignation is in order. The treatment of working families in America is an outrageous abomination and we should fight. We fight on the front lines, and we die on the front lines. We should fight our government.

We should fight Alan Greenspan. Alan Greenspan is against the minimum wage law. Alan Greenspan has been the economic guru of Democrats and Republicans for a long time. Did you know that Alan Greenspan thinks that we should not even have a minimum wage law? Part of the reason we cannot get a minimum wage law to the floor is we have the guru of our economic system saying we do not need a minimum wage law. This is outrageous.

Alan Greenspan happens to be a disciple of Ayn Rand, a woman who was a great individualist, who felt that government was not needed, group action was not needed except in times of war or when you need the police. So when her physical body was threatened, she believed in the group process, we should have police, we should have an Army. Any other time, individuals should be totally left alone; and if they cannot make it, let them die. So that man is a disciple of Ayn Rand, Alan Greenspan. He is one of the reasons we cannot move. Philosophically, there are too many people in Washington who agree that minimum wage laws are not important.

Examine the tax cuts of that situation in terms of what happened at the New York Stock Exchange. The New York Stock Exchange has a big brouhaha because the man who headed the stock exchange, Dick Grasso, had a severance package of $140 million and he wanted another 48; and they made a big brouhaha, and headlines were formed about how dare he ask for another $48 million. Well, what about the first $140 million? These astronomical amounts of money are being tossed around by the people who belong to the kleptocracy. At the time I call them kleptocracy, call them oligarchy, whatever you want to call them. They are the ones who want a tax cut. They do not need a tax cut. It is obscene the kinds of figures that we have heard that corporations throw around among themselves, Enron, WorldCom. The head of WorldCom, one of the directors got a $400 million loan from the company, $400 million. Can you imagine a loan of $400 million? Surely if you get a $400 million loan, it is understood by those who loan it to you that you are never going to pay it back.

But this goes on, and these are the people who will show great indignation if a welfare mother gets extra food stamps. This is the kind of mental attitude that we have allowed to develop.

The workers who are on the front lines in Iraq, Afghanistan and everywhere else have to know they have to come forward and fight, fight this kind of oppression.

On Wednesday, July 16, as a result of my anger following the attempt to stop the payment of overtime to workers, I wrote the following and enter it into the CONGRESSIONAL RECORD:

''Mr. Speaker, the July 10th vote to allow the expenditure of funds to implement radical changes in the overtime provisions of the Wage and Hour Act was an outrageous and devastating attack on working families.

Compounding the horror of this action is the recent announcement that our present complement of soldiers in Iraq, 90 percent of whom come from working families, will be forced into combat overtime for the indefinite future.''

At the same time we were fighting overtime payment for workers here, we were announcing, the President was announcing, Rumsfeld was announcing that they would be extending the time of the soldiers indefinitely.

''Not even the 1-year rotation rule of Vietnam will be applied to relieve their long ordeal under extreme heat and guerilla warfare duress. Overtime in the dangerous defense of the Nation is being mandated without controls while at the same time overtime wages to feed working families is being subjected to new schemes to reduce take-home pay. This is an unacceptable continuation of the gross exploitation and oppression of working families by the Republican scrooges who presently dominate the Congress and the White House.''

I summarize my statement in a rap poem, which is called ''Let the Rich Go First.''

Working Families
Keep your soldiers at home,
For overtime in Iraq
No cash
No comp time
Not even gratitude,
Republicans intrude
To exempt all heroes,
No combat rotation
Life on definite probation
Scrooges running the Nation.
To the front lines
Let the rich go first—
For blood they got a thirst,
Let the superstars drink it
In the glorious trenches;
Leave the disadvantaged on the benches.
Working Families
Let the rich go first:
The battlegrounds they always choose
Their estates have the most to lose;
Send highest IQs to
Take positions at the front,
Let them perform their best
High-tech warfare stunt;
Working Families
Keep your malnourished sons home—
Harvard Yale kids should roam
The world with guns and tanks,
Reserve gold medals
For the loyal Ivy League ranks.
O say can you see
Millionaire graduates
Dying for you and me?
Welfare Moms
Have a message for the masters:
Tell Uncle Sam
His TANF pennies he can keep
For food stamps we refuse to leap
Through your hoops like beasts;
Promise to leave our soldiers alone
And we'll find our own feasts.
To Uncle Sam we offer a bargain—
Don't throw us dirty crumbs
Don't treat us like bums
And then demand
The full measure of devotion;
Our minds are now in motion
Class warfare
Is not such a bad notion;
Your swindle will not last
Recruiters we won't let pass,
Finally, we opened our eyes—
Each family is a private enterprise.
Each child a precious prize;
We got American property rights,
Before our children die in war
This time we'll choose the fights.
Let the rich go first:
They worry about
The overtime we abuse;
The battlefields they always choose
Their estates have the most to lose.
Let the rich go first!

I have stated a divine right of parents that nobody's ever bothered to talk about. We assume that the government, like the kings and the queens of old, have the right to conscript in a time of war and take their sons and daughters. Why do we not have a movement which challenges that? Governments that do not bother to provide food, clothing and shelter for poor youngsters have no right to later on claim their lives in wars that they had no decision-making power to start or stop.

It comes down to a class warfare. There is class warfare in America. The rich have declared war. The powerful have declared war on the poor. The poor do not fight back. They do not know that they are being constantly abused. It is time we took a hard look at how much they are abused in times of war. Like the blunder in Iraq, it is a life and death matter. They are going to die if they do not fight back.

America is a promised land, and America's promised land is being grossly mismanaged. We are as a promised land as man can ever get, human kind will ever get. We have the greatest potential of anything that ever existed on the face of the Earth. While managing a society that provides justice for all provides the right to pursue happiness and the opportunity to pursue happiness for all. That is possible in America, but America's promise is being grossly mismanaged by this Republican administration. The war in Iraq is the most dangerous mismanagement this country has ever experienced.

Preoccupation with $87 billion for the war dooms any realistic effort to revive the economy. There are alternatives, but this mismanagement team will never consider those alternatives.

There was a bill offered by a friend of mine, the gentleman from Oregon (Mr. DEFAZIO), which says if we are going to spend 20-some billion dollars in Iraq to rebuild Iraq, then let us spend an equal amount in the cities and the States to improve our economy. That is a good idea. There are other good ideas along those lines that have been offered.

I think several months ago I offered a bill called the Domestic Budget Protection Act, H.R. 1804. The essence of the Domestic Budget Protection Act is we should have a situation where the domestic budget, the budget for education, for highways and schools, and the budget for health care is not in the same category with the budget for the war. Let the war pay for itself in some other way, and H.R. 1804 says that we should pay for it the way we paid for part of the Vietnam War and part of the Korean War and to some extent World War II. We placed a tax on the profits of corporations. Let a tax be placed on the profits of corporations to pay for the war so that no money is taken out of the other revenue that comes in and there is no threat to the domestic budget from the war budget. That is not a radical idea. We have done it before. Let us consider it now and do it now.

I also had another act which was a twin for that, and this is called the Emergency Targeted Revenue Sharing Act of 2003, H.R. 2335, and that is a simple act which says that we should spend the same amount of money in the States and the cities on job creation programs, education, health care, et cetera, that we spend in Iraq. The gentleman from Oregon (Mr. DEFAZIO) says $20 billion, I said $9 billion was at the time the amount we were proposing for the war in Iraq.

The principle is pretty clear, as my colleague from Ohio stated. We are suffering greatly in our cities and our towns. Our schools are suffering. People are being laid off. Terrible things are happening in terms of taxes being raised on ordinary local people. At the same time, the Federal Government is cutting income tax for the richest people, for the Dick Grassos who earn $140 million and want another $40 million. They are getting tax cuts for the WorldCom president who can borrow $400 million. He is getting a tax cut. For all the Enron criminals who squandered large amounts of money, they are getting tax cuts. But for those who are out there searching for jobs, they are sinking in a quagmire of poverty. The report that came out a few days ago said poverty is increasing. The number of people who are uninsured is increasing. It is not surprising, they are both very much related.

We want to support the troops. The first way we can support them is to support their families. We should manage the war and the economy better, manage the war and the economy better.

The team now in charge is not capable of managing better. I have here an advertisement that appeared in the New York Times last Friday. It is a big, full page advertisement that reads: ''Donald Rumsfeld betrayed my son and our Nation; it is time for him to go.'' It is written by a person who has three sons in the military, three sons in the military. Two of them are in Iraq.

□ 2230

His name is Larry Syverson of Richmond, Virginia. I am going to read it all and submit it for the RECORD.

''I am a patriotic American with three sons in the military, two serving in Iraq. Brandon is a master gunner near Tikrit. Bryce is a gunner stationed in Baghdad. I'm proud of their service, but I'm angry with those who have led us into what can only be called a quagmire.

''Donald Rumsfeld had day-to-day authority for planning the war and its

aftermath. He was the chief architect, and it is his house of cards that is tumbling today. Months after the President declared 'mission accomplished,' Americans are being killed almost daily. On April 13, Rumsfeld said: 'Every hour that goes by, it's getting better and more peaceful and more orderly in Iraq.'

''We know that is not true. Rumsfeld's bad planning has left our troops poorly equipped and vulnerable in an increasingly hostile environment, and Americans are being asked for an additional $87 billion for Iraq. We now know that the President and those who serve him misled us about weapons of mass destruction, about Saddam's supposed nuclear program, about a link between Saddam and September 11.

''I'm in awe at the courage of my sons and the honorable service they give, but the leaders they serve have not acted honorably. They have failed my sons. They have failed all of us. At the very least, Secretary Donald Rumsfeld must go.''

Now this is an ad that appeared in The New York Times and is paid for by MoveOn.org that says we can win without war.

We have a situation where very high-powered leaders with very high-powered advice, almost unlimited funds to pay for the personnel to do the planning, have placed us in a situation which is a quagmire. There is an overwhelming blunder that has taken place in Iraq. Did we not know about the dilemma of Robert McNamara in Vietnam? Were the people who did this not able to read? Did they not see the clippings and the media representations about the war in Chechnya, the Russians trying to contain a very small population, compared to the 24 million population of Iraq? Did we not see that and understand what that was all about? Did we not understand what happened to the Soviet Union in Afghanistan? Did we think the Soviet Union was driven out of Afghanistan because we supplied the Taliban, the al Qaeda at that time, the Mujahadeen? We supplied them with modern weapons. We supplied them with training. We spent billions of dollars that were never recorded in Afghanistan to defeat the Soviets.

I invite anybody who would like to hear more about that to read a book called Charlie Wilson's War. Charlie Wilson's War has gotten very little publicity in terms of what it deserves. Charlie Wilson's War is a story of a Congressman named Charlie Wilson from Texas. He is still alive. He was an amazing character and should be given some kind of medal for being the Member of Congress who controlled and manipulated billions and billions of dollars. He has the record for what he controlled and manipulated, using the CIA and other mechanisms to get money into Pakistan to be used against the Russians in the war in Afghanistan.

Eventually, the modernizing of the Mujahadeen and the Taliban, including Osama bin Laden, who was there at the time, the modernization of that group led them to the point where they were able to drive the Soviet Union out of Afghanistan. Stinger missiles were supplied in tremendous numbers through the efforts of Charlie Wilson. It is something everyone should read. But did Rumsfeld not read it?

Westmoreland, in Vietnam, kept offering optimistic reports and blowing up the body bag numbers for the enemy. Did he not read about that? Later, we found it was not true. The number of enemy that General Westmoreland claimed were being killed in Vietnam was far less than were being killed. Therefore, it threw off all our calculations, and the North Vietnamese were later to mount a tremendous counterattack, and we had to scramble to get out of Saigon. Did no one read that?

Does anybody remember the Tet offensive, the Tet offensive in Saigon? At a time when President Johnson said we were winning the war, the Vietnamese guerrillas, with the help of North Vietnam, launched a massive weekend guerilla attack which shattered once and for all any hope that we could ever win the war in Vietnam. It was called the Tet offensive. In the environment of Iraq it will be easy to mount a Tet Offensive type operation. They have already started down that road.

The guerilla attacks are getting more intense in Iraq. There was an 8-hour firefight yesterday, an 8-hour firefight with the guerrillas yesterday. This is not a hit-and-run suicide bomber situation. They are moving into other levels.

Now, should we cut and run? That is not my proposal. I propose that we immediately move as rapidly as possible to create a situation which will head off the support for these guerrillas. The way to do that is to be able to get help from other nations. Let it be known clearly that we are not oppressors, we are not occupiers, we do not intend to stay there. We need to get help from other nations, move rapidly to establish a constitution for Iraq, and while we are doing that, send in more troops.

We cannot play games the way we are playing now, pretending we do not need more troops. The way to stop the guerrillas is to have more troops. The way to stop the sabotage of the oil wells, the way to stop the sabotage of the water systems, the way to stop the sabotage of the electricity systems is to have more troops to guard them. You cannot escape the need for more troops on a short-term basis.

Naturally, Mr. Rumsfeld does not want to be in a position of exposing that his calculations were all wrong. God forbid he should become a person who has to call for a draft. But he puts our soldiers in harm's way by playing such games, by not agreeing with the generals who are afraid to say so in public but they tell us behind the scenes they need more troops. We need more American troops while we are waiting for those others to come from other nations, who might show up and they might not.

We must understand the degree of the mismanagement. Robert McNamara was a genius, but he got caught up in a situation in Vietnam which drove him to ignore all of his common sense and all of his genius. Lyndon Johnson was a political genius, but ego and the belief that America must never allow itself to be defeated led to a quagmire in Vietnam. Fifty-eight thousand died in Vietnam.

The numbers are much smaller in Iraq, but every life is sacred. And if we do not move now in a decisive way, the numbers will go up, and every soldier killed will have died in vain. I do not think this blunder in Iraq is worth a single American life, and since we are there, we could not avoid being there, let us try to limit the number of lives that are being lost.

So I say to the working families of America and the people who care about all of Americans, who care about our troops who are out there suffering, really care about the troops and not just waving flags but refuse to provide the kind of support the troops need, as veterans, as soldiers out there who need flack jackets at work, and there are a number of things going on which are detrimental to our troops in the field and certainly affect their morale when they look back home and see their families being treated like dirt, I say to all those people who are watching this to not give up.

Now is the time for us to come forward and place ourselves on the front lines for the defense of America. The greatest Americans are the Americans who want peace. The greatest Americans are the Americans who will tell the truth and who will fight the myths that are endangering our security. It is a myth that Iraq is a center for fighting terrorism. That is a myth. We have said it is a center, but it is only a quagmire, a trap, an ambush. The real center is still wherever Osama bin Laden and his network is located, and that network is still our greatest threat in terms of our security. That is a myth. We should fight that myth.

We should fight the myth that the United Nations has nothing to offer; that France, with its French fries and American fries, does not deserve to be a decisionmaker in this situation; that Russia only wants to get involved because it wants to get the money back for its contracts; that Iraq cannot pay for its own reconstruction. That is the biggest myth. Iraq has oil fields beneath the surface that can pay for any reconstruction they need to take. The problem is that many of the people involved in this war are trying to secure the oil of Iraq for the oil barons and the companies that already are involved. They want theirs off the top. They do not want an agreement which says Iraq should pay its own way because they have plans to take their commissions off the top.

There was a time when the Middle East oil flowed out of the Middle East and each country only got 12 cents on the barrel. The rest of it flowed to Great Britain or France or some other country, the dollars. They want to go back to that. They do not want to admit that Iraq can pay for its own reconstruction. We can set up a situation where they wait maybe 10 years, 20 years. Who cares? Charge them low interest. They can pay for their own reconstruction.

We need to come forward and be as fervent, as dedicated as the people who support Donald Rumsfeld. They have fervor. They are bold. But they are wrong.

We need to be fanatics for peace.
We are citizens who ought to volunteer to do our part.
Never mind looking for a military Purple Heart.
We are fanatics for peace.
Our holy assault must never cease.
The Constitution light still shines.
We should launch spit into the fascist face.
Our maneuvers will launch the human race.
Pledge allegiance to the human race.
Pledge allegiance to the civilization that our children deserve.
This is the cause we swear to serve.
Victory without blood in Ghandi's name.
Celebrate Mandela's fame.
The spirit of Martin King again will reign.
Resist a government that has now gone insane.
Commanders of abuses must face the Nuremberg nooses.
We are fanatics for peace.
Run and broadcast the brave news.
Divine mobilization is what working families should choose.
Surrender we unconditionally refuse.
Our vision will not decrease.
Our passion will never cease.
We are fanatics for peace.
We are the greatest Americans.
We want peace.

Madam Speaker, the article I referred to earlier is as follows:

I'm a patriotic American with three sons in the military, two serving in Iraq. Branden is a master gunner near Tikrit. Bryce is a gunner stationed in Baghdad. I'm proud of their service. But I'm angry with those who have led us into what can only be called a quagmire.

Donald Rumsfeld had day-to-day authority for planning for the war and its aftermath. He was the chief architect and it is his house of cards that is tumbling today. Months after the President declared, ''mission accomplished,'' Americans are being killed almost daily. On April 13, Rumsfeld said: ''Every hour that goes by, it's getting better, and more peaceful and more orderly in [Iraq].'' We know that is not true. Rumsfeld's bad planning has left our troops poorly equipped and vulnerable in an increasingly hostile environment. And Americans are being asked for an additional $87 billion for Iraq.

We now know that the President and those who serve him mislead us about weapons of mass destruction, about Saddam's supposed nuclear program, about a link between Saddam and September 11. I'm in awe at the courage of my sons and the honorable service they give. But the leaders they serve have not acted honorably. They have failed my sons. They have failed all of us. At the very least, Secretary Donald Rumsfeld must go.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 29, 2003.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on September 29, 2003 at 12:35 p.m. and said to contain a message from the President whereby he submits a Memorandum of Understanding between the Department of State and the Department of Homeland Security Concerning Implementation of Section 428 of the Homeland Security Act of 2002.

With best wishes, I am
Sincerely,

MARTHA C. MORRISON
(For Jeff Trandahl, *Clerk*).

MEMORANDUM OF UNDERSTANDING BETWEEN SECRETARIES OF STATE AND HOMELAND SECURITY CONCERNING IMPLEMENTATION OF SECTION 428 OF THE HOMELAND SECURITY ACT OF 2002—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 131)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on the Judiciary and the Select Committee on Homeland Security and ordered to be printed.

Message to the Congress of the United States:

Consistent with section 428(e)(8)(A) of the Homeland Security Act of 2002 (Public Law 107–296) (the ''Act''), I am pleased to report that the Secretary of State and the Secretary of Homeland Security have completed a Memorandum of Understanding concerning implementation of section 428 of the Act. The Memorandum of Understanding will allow the Departments of State and Homeland Security to work cooperatively to create and maintain an effective, efficient visa process that secures America's borders from external threats and ensures that our borders remain open to legitimate travel to the United States.

GEORGE W. BUSH.

THE WHITE HOUSE, *September 29, 2003.*

MEMORANDUM OF UNDERSTANDING BETWEEN THE SECRETARIES OF STATE AND HOMELAND SECURITY CONCERNING IMPLEMENTATION OF SECTION 428 OF THE HOMELAND SECURITY ACT OF 2002

This Memorandum of Understanding (MOU) is the agreement between the Secretary of State and the Secretary of Homeland Security that shall govern the implementation of section 428 of the Homeland Security Act of 2002, P.L. 107–296 (hereafter the Act), by the Department of State (DOS) and the Department of Homeland Security (DHS).

1. INTENT OF THE PARTIES

a. The Secretary of State and the Secretary of Homeland Security will work cooperatively to create and maintain an effective, efficient visa process that secures America's borders from external threats and ensures that our borders remain open to legitimate travel to the United States. Such travel is important to our international, economic, and national values and interests.

b. Accordingly, the Secretary of Homeland Security will establish visa policy, review implementation of that policy, and provide additional direction as provided by this memorandum, while respecting the prerogatives of the Secretary of State to lead and manage the consular corps and its functions, to manage the visa process, and to execute the foreign policy of the United States. The Secretary of Homeland Security will rely upon the expertise of the Department of State with respect to foreign policy, and the Secretary of State will respect the expertise of the Department of Homeland Security concerning threats to American security.

2. VISA GUIDANCE

a. Definition. As used in this MOU, the term ''visa guidance'' refers to regulations, Foreign Affairs Manual provisions (including all interpretive and procedural notes) and ALDACs (DOS cables to all diplomatic and consular posts) implementing the provisions of the Immigration and Nationality Act (INA) or other immigration and nationality laws pertaining to visas.

b. Continuity of existing visa guidance. All existing DOS visa guidance shall remain effective unless and until superseded in accordance with this MOU.

c. Issuance of visa guidance. (1) DOS may propose and issue visa guidance subject to DHS consultation and final approval as discussed below. DHS will have authority to issue or approve (hereinafter ''final responsibility over'' visa guidance, except for those matters that are the specific responsibility of the Secretary of State as prescribed in section 428 (c)(2) and (d)(2) of the Act, in existing statutes related to foreign policy or management of the visa process, in future statutes, Presidential proclamations and executive orders, and in paragraphs 3 and 10 of this MOU. DHS will exercise its final responsibility over visa guidance subject to consultation as discussed in paragraph 2d.

d. Notice and consultation.

(1) DHS and DOS will provide notice to the other when either determines that serious consideration should be given to development of new visa guidance. DHS will also provide notice to DOS when it begins drafting rules, policies or procedures affecting the visa process. Each will designate a point of contact for this purpose who may or may not be a liaison identified in paragraph 9a below.

(2) DHS and DOS will each offer the other the opportunity to consult regarding security, legal, operational, resource, or foreign policy or foreign relations issues associated with such guidance.

e. Publication of regulations. The Secretary of Homeland Security may elect to publish any and all visa regulations in 6 C.F.R. in an appropriate form. All visa regulations shall be published by the Secretary of State in 22 C.F.R. using State Department procedures for the issuance of visa regulations and shall become effective on the effective date specified in the Federal Register when published as interim final or final regulations. Each notice of rulemaking will indicate whether the rule is being approved by or being issued on behalf of DHS. DOS will expeditiously publish notices of rulemaking that are approved by or directed by DHS in accordance with paragraph 2c, and will expeditiously implement interim final or final

regulations that are approved by or directed by DHS. Regulations prepared by DOS and requiring DHS approval will be expeditiously reviewed and approved by DHS. Wherever possible, the Secretaries will jointly issue regulations affecting the visa process.

3. AREAS OF PARTICULAR INTEREST

a. Classification, admissibility and documentation.

(1) Classification. The Secretary of Homeland Security will have final responsibility over visa guidance to consular officers concerning eligibility for classification for nonimmigrant and immigrant visas, except that:

(a) The two Secretaries will have joint responsibility over visa guidance concerning approval of cultural and training programs under INA section 101(a)(15)(Q)(ii) and eligibility for classification under INA section 101(a)(15)(S)(ii); and

(b) The Secretary of State will have final responsibility over visa guidance concerning eligibility for classification for nonimmigrant and immigrant visas under INA sections 101(a)(11), 101(a)(15)(A), 101(a)(15)(C) (determine who is eligible to pass in transit to and from the U.N. headquarters district), 101(a)(15)(E) (determine what is a qualifying treaty of commerce and navigation), 101(a)(15)(G), NATO and other defense or arms control agreements, 101(a)(15)(I) (determine whether qualifying reciprocity exists), 101(a)(15)(J) (designate qualifying exchange visitor programs), 101(a)(27)(D), and 101(a)(45)(establish, after consultation with appropriate agencies, amount of trade or capital that is ''substantial'' for purposes of INA section 101(a)(15)(E)).

(2) The Secretary of Homeland Security will have final responsibility over visa guidance concerning grounds of inadmissibility for visa applicants, except that:

(a) The two Secretaries will have joint responsibility over visa guidance concerning the exception to the material support provisions established in INA sections 212(a)(3)(B)(iv) and 212(a)(3)(F); and

(b) The Secretary of State will have final responsibility over visa guidance concerning the suspension or restrictions on entry pursuant to Presidential proclamations under INA section 212(f) and the grounds of inadmissibility for visa applicants specified in section 428 (c)(2) of the Act; INA section 212(a)(2)(G) (determine who is a foreign government official who was responsible for or directly carried out particularly severe violations of religious freedom); INA 212 section (a)(3)(B)(i)(determine whether an alien is an officer, official, representative or spokesman of the PLO); INA section 212(a)(3)(B)(vi)(II); INA section 212(a)(3)(E) (define participation in Nazi persecution and genocide); INA section 212(d)(8); section 2225 of the Foreign Affairs Reform and Restructuring Act of 1998 (found in Div. G, Title XXII of P.L. 105–277); and the exception to the retroactive application of section 411 of the USA PATRIOT Act (P.L. 107–56) established in section 411(c)(4) of that Act.

(3) DHS will have sole responsibility for determining when waivers of grounds of inadmissibility are granted, except that:

(a) The two Secretaries will have joint responsibility for waivers under INA section 212(d)(4)(B); and

(b) The two Secretaries will have joint responsibility, with the Secretary of Interior, for waivers under INA section 212(1).

(4) Consular officers or the Secretary of State may recommend waivers to DHS under such guidance as the Secretary of State may establish.

(5) The Secretary of Homeland Security will have final responsibility over visa guidance prescribing information, evidence, or other documentation collected to establish eligibility for a visa, admissibility to the United States, and to classify an alien as an immigrant or nonimmigrant, provided, however, that DHS will not require foreign-source documents from any country without establishing the reliability and availability of such documents in close consultation with the Secretary of State. DHS will otherwise consult with DOS concerning the reliability and availability of documentation and DOS will identify resource implications for collecting, maintaining, and evaluating additional or different documentary requirements. The Secretary of Homeland Security will prescribe only documentary requirements that the Secretary determines are germane to visa adjudication or core homeland security interests.

b. Place of visa application. The Secretary of Homeland Security will have final responsibility over visa guidance prescribing the circumstances in which aliens applying for an immigrant or nonimmigrant visa, other than aliens applying for visas for diplomatic or official purposes, may make application at a place other than a consular post having jurisdiction over the alien's country of origin or principal, actual dwelling place, provided that the Secretary of State shall have final responsibility for specifying, in consultation with the Secretary of Homeland Security, the place or places of visa application for nationals of a country in which there is no visa processing post.

c. Discontinuing granting visas to nationals of country not accepting aliens. The Secretary of Homeland Security will have authority to notify the Secretary of State pursuant to INA section 243(d) when a foreign government denies or delays accepting an alien who is a citizen, subject, national, or resident of that country. When so notified, the Secretary of State shall order consular officers to discontinue granting nonimmigrant and/or immigrant visas, as the Secretary of State deems appropriate.

d. Personal appearance. The Secretary of Homeland Security will have final responsibility over visa guidance prescribing when a consular officer may waive a visa applicant's personal appearance, except that the Secretary of State will have final responsibility over guidance applicable to aliens applying for visas for diplomatic and official purposes.

e. Visa validity periods and multiple entry visas. The Secretary of State will continue to prescribe periods of validity for a category of nonimmigrant visas based on reciprocity but will consult with the Secretary of Homeland Security before increasing any period of validity or establishing a period of validity in the first instance. Once a validity period is established by the Secretary of State, the Secretary of Homeland Security, in consultation with the Secretary of State, may prescribe a shorter period of validity or place other restrictions upon the validity period for an individual applicant or class of applicants within a category, based on security interests.

f. Visa waiver program. In accordance with INA section 217, the Secretary of Homeland Security, in consultation with the Secretary of State, will designate countries that may participate in the visa waiver program, and the two Secretaries will carry out their other responsibilities as specified in that section.

g. Notices of visa denials. The Secretary of Homeland Security will have final responsibility over visa guidance pursuant to INA section 212(b) prescribing when and under what conditions a consular officer may waive notice of denial of a visa, but the Secretary of State will have final responsibility over guidance applicable to diplomats or other official government representatives, and may provide for notice in cases in which advising the applicant of the ground of denial would advance the foreign policy of the United States.

h. Persons from state sponsors of terrorism.

(1) A country is a ''state sponsor of terrorism'' for purposes of section 306 of the Enhanced Border Security and Visa Entry Reform Act of 2002, P.L. 107–173 (8 U.S.C. 1735) if the Secretary of State determines, under any of the laws specified in section 306(b)(2), that the country's government has repeatedly provided support for acts of international terrorism.

(2) After the Secretary of State has designated a country as a state sponsor of terrorism, DOS and DHS will jointly, in consultation with other appropriate agencies, develop standards and procedures for administering section 306 with respect to nationals of that country, keeping in mind the Secretary of State's expertise with respect to foreign policy and the management of the visa process and the Secretary of Homeland Security's expertise concerning threats to homeland security. The standards and procedures for nationals of each country designated as a state sponsor of terrorism will be specifically tailored to the nationals of each country, taking into account the reasons why the Secretary of State designated the government of the country as a state sponsor of terrorism and the relevance of those reasons to the individual nationals of that country. The standards and procedures will not preclude a national of the country from applying for a visa and providing information to show that the applicant does not pose a threat to the safety or national security of the United States. The Secretary of Homeland Security will have the final responsibility over the standards and procedures for administering section 306. Should DOS object to a standard or procedure and articulate specific U.S. foreign policy objectives or interests that will be compromised relevant to the country or nationals concerned, however, the matter will be referred to the Secretaries of both departments to consult and reach agreement.

(3) Any determination by the Secretary of State or designee that an alien from a country that is a state sponsor of terrorism does not pose a threat to the safety or national security of the United States will be made in accordance with the standards and procedures for nationals of that country and in consultation with the Secretary of Homeland Security or designee (unless otherwise provided for in procedures), and shall be without prejudice to the Secretary of Homeland Security's authority to refuse or revoke a visa in accordance with law.

4. ADVISORY OPINIONS

a. Continuation of DOS advisory opinion guidance and DHS review. The Secretary of State will continue to prescribe guidance concerning advisory opinions that may be sought by consular officers, but will consult with the Secretary of Homeland Security concerning changes in that guidance. Except with respect to security advisory opinions (SAOs) relating to matters to which paragraph 3a(2)(b) of this MOU refers, the Secretary of Homeland Security must concur in changes in policies and procedures involving SAOs, including when an SAO is requested and when an SAO may be transmitted to a consular officer, and may direct changes in SAO policies and procedures when it serves the interest of homeland security.

b. Continuation of DOS issuance of advisory opinions and DHS review. DOS will continue to provide advisory opinions, including SAOs, after appropriate interagency coordination. DHS will be copied on all security advisory opinion requests. DHS will be copied on all outgoing advisory opinions whether or not relating to security. Cases in which

a third agency to which such an SAO request is referred believes that denial of a visa is appropriate and DOS believes the information is legally insufficient will be referred to the Secretary of Homeland Security to decide whether the facts support denial of the visa in accordance with law. DOS advisory opinions are without prejudice to the authority of the Secretary of Homeland Security to refuse or revoke a visa. DHS will have access on site at the Visa Office or remotely, as may be appropriate, to any advisory opinion and may seek consultation concerning any opinion that may affect homeland security.

c. Involvement of Overseas DHS employees in advisory opinions. A DHS employee assigned to an overseas post who performs section 428 functions will have access to all advisory opinion requests transmitted by the post of assignment to DOS, unless the Chief of Mission or Deputy Chief of Mission determines that the sensitivity of the matter requires that access be limited in the case of a particular advisory opinion request under a ground of inadmissibility specified in paragraph 3a(2)(b) of this MOU. If the COM or DCM limits the access of a DHS employee assigned to an overseas post who performs section 428 functions to an advisory opinion request, the COM or DCM will advise DOS, which will advise DHS headquarters of the request as appropriate. A DHS employee who performs section 428 functions may recommend that the post submit security advisory opinion requests.

5. NOTIFICATION AND COORDINATION OF REFUSALS AND REVOCATION

a. If the Secretary of Homeland Security decides to exercise the authority of the Secretary of Homeland Security to refuse a visa in accordance with law, or to revoke a visa, the Secretary of Homeland Security shall request the Secretary of State to instruct the relevant consular officer to refuse or revoke the visa and specify the grounds and factual basis for refusal or revocation. The refusing consular officer shall note in the Consolidated Consular Database entry that the refusal or revocation has been directed by DHS. Notwithstanding paragraph 17, the Secretary of Homeland Security's authority to direct refusal or revocation of a visa may be delegated only to DHS headquarters staff.

b. If the Secretary of State directs a consular officer to refuse a visa on the grounds that refusal is deemed to be necessary or advisable in the security or foreign policy interests of the United States, DOS shall notify DHS of the exercise of such authority by including DHS on the distribution of the instruction cable and making a notation in the Consolidated Consular Database entry, and/or by any agreed upon means of communication.

c. If the Secretary of State decides to revoke a visa pursuant to his authority under Section 221(i) of the INA, DOS will notify DHS of the exercise of such authority by including DHS on the distribution of any cable reporting the visa revocation decision, by making an entry in the Consolidated Consular Database, by forwarding to DHS a copy of the certificate of revocation, and/or by any agreed upon means of communication.

6. ASSIGNMENT OF DHS PERSONNEL TO DIPLOMATIC POSTS AND THEIR FUNCTIONS

a. Selection of posts to which DHS personnel will be assigned and assignment of DHS personnel. DHS shall identify the diplomatic and consular posts where it considers the assignment of DHS personnel to be necessary to perform section 428(e) functions, including posts where it wishes to have existing DHS personnel perform section 428(e) functions. DHS will establish criteria by which posts will be selected and will consult with DOS concerning the selection of posts. DOS may recommend posts to which assignment of DHS personnel to perform section 428(e) functions would be beneficial. DHS may assign employees pursuant to section 428(e) to perform functions of regional or worldwide scope or functions related to a particular post to which they may be assigned. Each position and assignment shall be justified and described in accordance with National Security Decision Directive 38, and communicated to the Secretary of State and relevant chief(s) of mission. DHS will consult with DOS and relevant chief(s) of mission before assigning section 428(e) functions to DHS employees already assigned to diplomatic posts to perform other functions. Assignment of DHS personnel will be made consistent with resource availability.

b. Qualifications for overseas DHS personnel.

(1) Any DHS employee selected for assignment overseas after the effective date of this MOU to perform section 428(e) functions should have:

(a) broad knowledge of immigration law, including visa law,

(b) experience or training in counter-terrorism,

(c) experience or training in interviewing individuals during investigations, including fraud, or in similar contexts, and

(d) experience or training in identifying tampered documents.

(2) DHS will exercise best efforts to provide training for personnel who are assigned to perform section 428(e) functions who are selected for such assignments prior to the effective date of this MOU or who are already assigned overseas to perform other functions.

(3) DHS training and assignment policies will emphasize identification of persons with the following skills, experience or knowledge, or developing them before or during assignment:

(a) the ability to speak the host country language, and

(b) experience in or knowledge of the host country, and extensive understanding of terrorism or other homeland security concerns in the host country.

(4) Prior to being assigned to an overseas post, a DHS employee must obtain a minimum security clearance of Top Secret.

(5) The assignment of DHS employees to a particular post to perform section 428(e) functions, the scope of their functions, and who and how many DHS employees are assigned will be determined in accordance with the authority of the relevant chief(s) of mission and the Secretary of State. The Assistant Secretary of State for Consular Affairs will use best efforts to facilitate and assist the assignment of qualified DHS employees and the Assistant Secretary of State for Administration will assign a high priority to the expeditious provision of administrative arrangements to accomplish these assignments.

c. Temporary duty of DHS personnel.

(1) DHS may also send DHS employees to overseas posts in temporary duty status to perform functions under section 428(e) from time to time.

(2) Whether a DHS employee may go to an overseas post on temporary duty status is subject to the authority of the relevant chief(s) of mission and country clearance procedures.

d. Support of DHS employees.

(1) In addition to participating in basic mandatory shared administrative costs overseas, DHS may at its option enter into reimbursable support agreements under the International Cooperative Administrative Support Services (ICASS) established under sections 13 and 23 of the Department of State's Basic Authorities Act (22 U.S.C. §§2687 and 2695), which provides administrative services to agencies performing functions overseas. DHS may participate in the ICASS system on the same basis as other participating agencies. DHS may utilize the ICASS system where appropriate to procure such equipment, facilities and supplies as are normally purchased by individual agencies, at its costs.

(2) DHS will be provided with necessary office space and Embassy housing as available on the same basis as other agencies represented in the relevant mission overseas. To the maximum extent practicable, DHS employees performing visa duties shall be collocated with consular officers. DHS employees who are properly cleared will have access to secure equipment and facilities, and be provided work space in such controlled access areas, that may be available at particular posts and that is necessary for the performance of their section 428(e) duties.

(3) DOS will take such steps as may be appropriate and necessary so that DHS employees performing visa duties pursuant to section 428 receive from the host country legal privileges and immunities appropriate to their functions and the post to which they are assigned.

e. DHS overseas functions. DHS employees assigned to overseas posts who perform section 428(e) functions will:

(1) Provide expert advice to consular officers regarding specific security threats relating to the adjudication of individual visa applications or classes of applications. This may include but is not limited to:

(a) Gathering and reviewing intelligence reports and coordinating with other agencies at post to consolidate up-to-date information with respect to terrorist groups or other entities or individuals in the host country who pose a threat to homeland security and their connections with individuals and groups in other countries and making this information available to consular officers in a timely and useful manner.

(b) Briefing consular officers and providing training sessions to consular officers, as appropriate, concerning terrorist groups or other entities that pose a threat to homeland security and questions and interview techniques useful in detecting persons who may be a threat or whose applications may be fraudulent.

(c) Consulting with consular officers on particular visa applicants who raise homeland security concerns.

(2) Review any such applications, either on the initiative of the DHS employee in accordance with procedures prescribed by DHS under paragraph 6(f)(1) below, or upon request by a consular officer or other person charged with adjudicating such applications. This may include but is not limited to providing input to or recommending security advisory opinion requests based on their expertise.

(3) Conduct investigations with respect to consular matters under the jurisdiction of the Secretary of Homeland Security, in accordance with paragraph 6g of this MOU.

f. Performance of DHS overseas functions.

(1) DHS, in consultation with DOS, will develop policies and procedures by which DHS employees assigned to posts abroad who perform section 428(e) functions will perform the functions listed in paragraph 6e of this MOU. DHS may conduct the functions listed in paragraph 6e of this MOU with regard to some or all nonimmigrant visas and, at its option, some or all immigrant visas. DHS, in consultation with DOS, will develop standards by which it may direct DHS employees at post to review classes or quantities of visa applications based upon worldwide threat assessments, or by which DHS employees at post may initiate, in consultation with the

Deputy Chief of Mission or senior consular officer, review of classes or quantities of visa applications based on local threat assessments. In accordance with section 428(i), DHS employees assigned to Saudi Arabia to perform section 428 functions shall review all nonimmigrant and immigrant visa applications.

(2) A DHS employee assigned to an overseas post and performing section 428(e) functions may recommend to the chief of the consular section or the most senior supervisory consular officer present that a visa be refused or revoked. If the chief of section or supervisory consular officer does not agree that the visa should be refused or revoked, the post will initiate a request for a security or other advisory opinion and the DHS employee will be consulted in its preparation. No visa will be issued in the interim. No advisory opinion will be issued thereafter without the full consultation of DOS and DHS. Nothing in this subparagraph prejudices the authority of the Secretary of Homeland Security to direct refusal of the visa at any time in accordance with the procedures specified in paragraph 5 of this MOU.

(3) DHS employees assigned to overseas posts and performing section 428(e) functions may communicate directly with consular officers and other DOS employees assigned to overseas posts and other DHS officials in carrying out their functions, provided that their interactions are consistent with the authority of the senior consular official at post over the consulate or consular section. DHS employees will not serve under the supervision of consular personnel, and DHS employees will not supervise consular personnel, or otherwise give binding instructions or directions to consular officers.

(4) DHS employees assigned to overseas posts and performing section 428(e) functions are subject to the authority of the chief of mission and the Secretary of State in the same manner as all other executive branch employees serving abroad. They must also comply with the Interagency Security Policy Board's security guidelines.

g. Investigations by DOS and DHS.

(1) DHS employees assigned to overseas posts and performing section 428(e) functions may in accordance with policies and procedures established by DHS under paragraph 6f(1), recommend investigations, participate in investigations conducted by consular officers (with their consent), or conduct investigations involving visa matters, such as the eligibility of any visa applicant. Consular officers will, in any event, make available their investigative reports or conclusions. However, such DHS employees shall not conduct law enforcement investigations or activities, investigations concerning matters that are within the jurisdiction of the Bureau of Diplomatic Security or the Inspector General of the Department of State, or take action in relation to allegations of misconduct by an employee of the United States Government, other than to report such allegations. This does not affect DHS investigative functions performed under other authorities. DHS employees performing investigative functions under section 428(e) authority will consult and cooperate with consular officers and Regional Security Officers with respect to any investigative activity. DHS employees performing investigative functions under other authority will ensure appropriate coordination with other law enforcement elements. DHS employees will ensure that the COM or the COM's designated representative is fully and continually informed regarding such activity.

(2) If the DOS becomes aware of an allegation of visa fraud or other misconduct in relation to the issuance of visas, any allegation of misconduct by such DHS employees, contractors or grantees or by DOS consular employees in relation to the visa function, any other matter in relation to the visa function that creates a potential security vulnerability, or any allegation of fraud, waste or abuse of DHS funds or involving DHS programs or operations, the DOS shall promptly notify the DHS IG of such allegation. If the DHS becomes aware of an allegation of visa fraud or other misconduct in relation to the issuance of visas, any allegation of misconduct by such DHS employees in relation to the visa function or by DOS employees, contractors or grantees, any other matter that affects the security of the mission or that creates a potential security vulnerability, or any allegation of fraud waste or abuse of DOS funds or involving DOS programs, the DHS shall promptly notify the DOS and, unless determined to be inappropriate, the COM.

(3) When allegations concern matters over which the DHS IG and the DOS both have investigative jurisdiction, they shall consult regarding how best to pursue the investigation. Unless otherwise decided in a given case, DOS shall investigate allegations concerning DOS employees, contractors, grantees and funds and DHS IG shall investigate allegations concerning DHS employees, contractors or grantees. DHS IG and DOS may, as agreed, also develop more detailed guidelines and procedures with respect to the conduct of such investigations.

(4) Any DHS investigation conducted abroad must be conducted in compliance with local law (unless it is an activity routinely authorized by senior host country officials and ground rules established by the host country), unless otherwise authorized by the Secretary of Homeland Security, or his designee, and by the Secretary of State, or his designee, and the Chief of Mission.

h. Participation in Lookout Committees. DHS employees assigned to overseas posts and performing section 428(e) functions shall participate in the terrorist lookout committee established under Section 304 of the Enhanced Border Security and Visa Entry Reform Act of 2002 (8 U.S.C. §1733), and other relevant groups.

7. PERFORMANCE STANDARDS AND EVALUATIONS FOR CONSULAR OFFICERS AND FOR DHS EMPLOYEES ASSIGNED ABROAD TO PERFORM SECTION 428 FUNCTIONS

a. Performance standards for consular officers. The Secretary of Homeland Security may develop performance standards for evaluating the performance of consular officers with respect to the processing and adjudication of applications for visas. If the Secretary of Homeland Security wishes to develop such performance standards, the Secretary will consult with the Secretary of State in their development. The Secretary of State will also consult with the Secretary of Homeland Security in developing or revising other performance standards relating to the issuance of visas by consular officers. Once any such standards are developed, the Secretary of State will take the necessary measures to incorporate the standards into the DOS evaluation process in a manner consistent with the Foreign Service Act of 1980 and applicable labor-management consultation or negotiation requirements.

b. DHS input to consular officer evaluations. DHS employees assigned abroad and performing section 428(e) functions may, as deemed appropriate by the Secretary of Homeland Security, provide the rating and/or reviewing officer with input relevant to the evaluation of a consular officer in light of any performance standards developed by the Secretary of Homeland Security pursuant to this paragraph. The rating or review officer will take such input into consideration in preparing the annual employee evaluation report.

c. Performance standards for DHS employees. The Secretary of Homeland Security will develop performance standards for DHS employees who are assigned to posts abroad pursuant to section 428, and will consult with the Secretary of State concerning them prior to issuance.

d. DOS input to DHS employee evaluations. The chief of mission or deputy chief of mission may provide the rating and/or reviewing officer of a DHS employee assigned abroad pursuant to section 428(e) with input relevant to evaluation of the employee. The rating or reviewing officer will take such input into consideration in preparing the annual employee evaluation report. The senior DHS employee at post shall be subject to evaluation by the COM and/or DCM in the same manner as other agency senior representatives.

8. TRAINING

a. Availability of DOS training to DHS employees and families.

(1) At the request of DHS, DOS shall, on a reimbursable and space-available basis, make available to DHS employees identified for assignment to overseas posts to perform functions under section 428(e) training relevant to such functions, including training in foreign languages, interview techniques, fraud techniques, conditions in the country of assignment and other appropriate areas of study, and shall give priority to these employees after DOS employees, and ahead of other personnel of other agencies. DHS employees may train with consular officers and undergo the same consular function training on a reimbursable and space-available basis.

(2) DOS shall afford the families of DHS employees assigned to overseas posts access to language and culture training on the same basis as the families of employees of other agencies, i.e., on a reimbursable, space-available basis.

(3) All DHS employees assigned to overseas posts must attend the DOS Security Overseas Seminar, or such training as may be required in the future of persons assigned overseas, on a reimbursable, space-available basis. Eligible family members of DHS personnel are also encouraged to attend the Security Overseas Seminar, on a reimbursable, space-available basis. In addition, DHS employees assigned to overseas posts are strongly encouraged to attend the Introduction to Working at an Embassy seminar prior to departure, on a reimbursable, space-available basis.

b. DHS training development.

(1) DHS may develop other training, as appropriate, to enable DHS employees to carry out their functions. Such training will be made available to consular officers on a reimbursable basis and equal basis with DHS employees.

(2) DOS will consult with DHS, as appropriate, to ensure that DOS consular officer training incorporates homeland security concerns, and DHS may propose changes in DOS curricula to better prepare consular officers to perform their functions in connection with the granting or refusal of visas. DHS may also develop programs of homeland security training for consular officers in addition to other DOS training programs. Such programs may be conducted by or under the auspices of DHS and facilitated by DOS, or DOS may conduct such programs under the guidance of DHS, as DHS and DOS may agree. DHS shall bear the costs of developing and delivering such training and cooperate with DOS to schedule such training in conjunction with other DOS training DOS personnel are required to take or give under DOS auspices. DOS will use best efforts to

make available DOS facilities for such training that may include Foreign Service Institute space, subject to DOS resources and other commitments. DOS shall otherwise bear the costs of travel and per diem of its personnel who participate in training either as instructors or students for the purpose of improving the skills or knowledge of consular officers. DOS shall determine in consultation with DHS the appropriate timing for participation in such training, either as instructors or students, based on staffing requirements of the DOS employee's post of assignment, so as not to impede the ability of the post to carry out essential functions assigned to the employee. DOS will ensure attendance of DOS personnel in a manner consistent with effective and efficient training management and to ensure training is received in a timely fashion.

(3) DHS employees assigned overseas to perform section 428 functions may develop local training programs in whose development post consular personnel will cooperate. The chief of the consular section or the most senior supervisory consular officer present will facilitate the attendance of consular personnel at such training, provided that the nature and timing of such training shall not impede the ability of the post to carry out essential consular functions.

c. Joint training development. DHS and DOS agree to cooperate in the joint development of training that will be useful to the employees of both agencies, that may be conducted at DOS facilities, or in other institutions.

d. Resource availability. Training activities under this paragraph are subject to resource availability.

9. INTERAGENCY COOPERATION

a. Establishment of liaisons. The Secretary of Homeland Security, or designee, and the Secretary of State, or designee, may designate persons to serve as liaisons between the headquarters of both departments, who may or may not be stationed in the other's headquarters. Any DHS liaison assigned to work in the Visa Office will have access to any advisory opinion that may be issued.

b. Management reports. DHS will have access to standard workload reports generated by the automated visa systems of the Bureau for Consular Affairs. DHS will also have access to such systems to determine the status of specific visa cases and accompanying notes. The Bureau will respond to requests from DHS for periodic reports on how DHS or other visa policies are being implemented and will cooperate with DHS in generating special queries when necessary and practicable.

c. On-Site Monitoring of field operations. DHS employees may participate in Consular Management Assistance Teams and travel with regional consular officers as may be practicable. DHS shall bear the cost of travel of its employees.

d. Cooperation in interagency and international matters. DOS and DHS agree to cooperate and coordinate as appropriate in interagency and international matters that may affect the function of consular officers in connection with the granting or refusal of visas.

10. SYSTEMS AND RECORDS

a. Maintenance of DOS systems; DHS systems authority. The Secretary of State has the authority to create, maintain and operate all information systems used by consular officer and other DOS employees in visa adjudication and issuance processes. These systems are DOS systems.

b. Maintenance of visa applications and visa issuance records. DOS has the authority to create and maintain all records pertaining to the issuance or refusal of visas or permits to enter the United States. DOS is the originating agency and retains custody and control over such records for purposes of the requirements of the Federal Records Act, the Freedom of Information Act, the Privacy Act, Executive Order 12958 and section 222(f) of the Immigration and Nationality Act, as well as for purposes of all document production and information requests. To the extent that the DHS obtains copies of such records in connection with its duties, DHS shall refer questions concerning the above requirements to DOS, in accordance with normal third agency referral procedures. DHS shall be responsible for such records as it may create and maintain and that are not made a part of DOS records.

c. Systems compatibility and biometric requirements.

(1) The Secretary of Homeland Security and the Secretary of State recognize that each has statutory authorities related to the maintenance of electronic databases and use of biometrics for border security purposes and that they must exercise these joint and separate authorities in full coordination to ensure interoperability and effectiveness. Each agrees to coordinate closely with the other and to work together toward the maximum possible compatibility of the DHS and DOS information technology systems and data related to the issuance of visas to and the entry to and exit from the U.S. of aliens.

(2) In particular, each Secretary agrees to keep the other fully informed in a timely fashion about decisions and actions that his Department is contemplating with respect to such database systems related to the issuance of visas to, and the entry to and exit from the U.S. of, aliens, including the use of biometrics, legal interpretations and policy implementation decisions and datasharing (the sharing of information electronically). Toward this end, each Secretary will designate an employee of his Department to serve as a liaison on such systems development, interoperability and datasharing with the other Department. These systems liaison persons shall keep each other fully informed of applicable systems initiatives being taken within each home agency and will serve as the point of contact for reception and transmission of such information between the two Departments.

d. Coordination with DHS concerning systems. DOS will consult with DHS concerning what visa data will be contained and maintained within DOS systems. DOS will give serious consideration to implementing DHS recommendations concerning collection and maintenance of visa data, as well as DHS recommendations concerning management controls in automated systems that audit or support visa adjudication, consistent with resource availability. DHS and DOS will increase and expand data share between agencies. DHS will be consulted and, where possible, participate in modification of existing systems and development of new systems that remain under DOS control.

e. Access of DHS personnel to DOS systems and records. DOS will provide appropriate DHS personnel with access to DOS information systems used in visa adjudication and visa issuance processes as well as to DOS records pertaining to the issuance or refusal of visas or permits to enter the United States, as necessary and appropriate for implementation of DHS functions under section 428. In the case of classified information, such access will require both an appropriate security clearance and a need to know the information. DHS personnel who are provided such access will abide by applicable restrictions on the use of such systems and records and the disclosure of the information contained therein. In particular, such DHS employees will not disclose the information in such systems or records to anyone not authorized to receive it. DHS will make available to consular officials and other DOS officials involved in the visa issuance process all data maintained by DHS that is pertinent to the security and integrity of the visa issuance process, but DOS will respect restrictions on dissemination of sensitive law enforcement information.

11. RESOURCES

DHS and DOS shall bear their own costs in the performance of responsibilities under section 428 except as otherwise provided in this MOU, or other written agreement. Activities included in this MOU are subject to resource availability.

12. LITIGATION

The Legal Adviser to the Secretary of State and the General Counsel for DHS shall cooperate as appropriate in support of litigation conducted by the Department of Justice for or against the United States on account of actions taken or not taken by consular officers related to the issuance or refusal of visas or by DHS personnel performing functions under section 428.

13. STUDIES AND REPORTS

a. DOS will assist DHS as appropriate in the preparation of the study of the role of foreign nationals in the granting or refusal of visas and other documents authorizing applications for entry of aliens into the United States that is required by section 428(g)(1) and in the report containing the findings of the study conducted under section 428(g)(1) that is required by section 428(g)(2). DHS and DOS will jointly draft and submit to Congress, as required by section 428(e)(7), the report on the implementation of section 428 and any legislative proposals necessary to further the objectives of section 428.

b. In any case in which the Secretary of Homeland Security directs refusal of a visa on the basis of INA section 212(a)(3)(B), DHS will provide DOS with sufficient information (including the factual basis for the refusal) for the Secretary of State to fulfill his reporting requirements under section 51 of the State Department Basic Authorities Act (22 U.S.C. §2723).

14. DISPUTE RESOLUTION

Disagreements concerning the interpretation or implementation of this MOU will be resolved at the lowest level possible. Failing that, matters will be referred successively to higher authorities.

15. MODIFICATION AND TERMINATION

This MOU may be modified or terminated upon the mutual agreement of the parties in writing. The parties shall review this MOU not later than 24 months after it becomes effective. Any amendments to it shall be by mutual agreement.

16. EFFECTIVE DATE

This MOU becomes effective on the date on which the President publishes notice in the Federal Register that he has submitted a report to Congress setting forth the MOU.

17. DELEGATIONS OF AUTHORITY

a. Except for paragraph 5, references in this MOU to the Secretary of Homeland Security or the Secretary of State or specific subordinate officers or components thereof shall not be construed to limit the authority of the Secretaries of Homeland Security or State to direct and control the activities of their departments and delegate or re-delegate authority as may be appropriate.

b. The Secretary of Homeland Security and the Secretary of State shall keep each other informed on a timely basis of the persons to whom they have delegated their authority under this MOU.

c. Each Secretary hereby delegates to the other such authority as may be necessary to implement the provisions of this MOU.

18. ENFORCEABILITY

Nothing in this MOU is intended, or should be construed, to create any right or benefit, substantive or procedural, enforceable at law by any person against the United States, or any of its agencies, officers, or employees.

IRAQ WATCH

The SPEAKER pro tempore (Mrs. MILLER of Michigan). Under the Speaker's announced policy of January 7, 2003, the gentleman from Pennsylvania (Mr. HOEFFEL) is recognized for 60 minutes.

Mr. HOEFFEL. Madam Speaker, the Iraq Watch is back tonight. We look to have an interesting discussion in store for the next hour. We have been holding these hours of debate on Iraq for the past 2 months or so, once a week, in which we gather on the floor to talk about our policies in Iraq, suggest changes, as we would recommend changes in those policies, and ask questions to try to learn for the Congress and for the American people what the administration's plans are in Iraq.

□ 2245

I would like to open up briefly this evening with a brief report on the appearance by Ambassador Paul Bremer before the Committee on International Relations on September 25. He came before the committee to justify the administration's request for $87 billion of military occupation and reconstruction dollars in Iraq.

I asked the Ambassador, who I think is a fine public servant who is doing the best he can, a career diplomat, one of America's finest, but I believe his political masters are making it difficult for him to give us the information which I believe Congress is entitled to. I asked the Ambassador when we would get timetables and information and when would the President level with the American people about plans to internationalize the security challenges and the reconstruction challenges in Iraq, when we would get timetables and plans for giving the Iraqi government back to the Iraqis, and when would we get an exit strategy; when would the administration tell us when they believed we could bring our troops home and what standards we would want to achieve in Iraq before making that decision, and how would we know if we were succeeding or failing with those goals.

The Ambassador could not answer those questions. He said in his opening statement, ''We have a definite plan with milestone and dates,'' and I asked him about that. First off, he was only talking about how to spend the $87 billion. But, secondly, that definite plan with milestone and dates that he referred to in his opening statement is not yet available for Congress. He may have the milestones and dates, the administration may know what the milestones and dates are, but he could not tell the Committee on International Relations, or any other committee in Congress, what those milestones and dates are. So it was not really a successful explanation to our committee about what is coming down the pike and what the administration plans in Iraq.

He did say with some pride that 61 countries have pledged their support for reconstruction in Iraq. I asked him how much that pledge amount totaled, and he said $1.5 billion. Now $1.5 billion is a lot of money, but from 61 countries it is not much of a contribution. If we compare it to what we have spent and will spend in Iraq, it is less than 1 percent of what America is spending on the military occupation and on the reconstruction. And if we only add up what America is spending on reconstruction, what we have already spent and what the President is asking, this $1.5 billion from 61 countries is only about 5 percent of what we will spend and have spent on reconstruction.

Clearly the administration has not received from the international community anything close to what we ought to get in terms of their financial support for reconstruction and for what we are trying to do in the name of freedom and liberty in Iraq.

I would suggest that the heavy-handed diplomacy, the arrogance, the unilateral approach of this administration has resulted in our allies and international organizations not yet stepping up to the plate.

I would simply say that I believe that the $87 billion needs to be handled separately by the Congress; and I would suggest that while we need to grant that money for the support of our troops in the field, that the part of that request, some $21 billion that is designed for reconstruction costs in Iraq, should be handled differently. I believe we ought to provide those dollars as loans to Iraq and not as outright grants to be repaid by Iraqi oil revenue. Everyone believes within 2 or 3 years the Iraqi oil industry will be generating at least $2 billion a year in revenue, hopefully within a few years up to $3 billion to $5 billion in revenue. And Iraq has the ability to repay loans, and I believe our reconstruction aid should be in the form of loans. Some have said that this would only put Iraq further in debt, and international organizations and our allies have already lent $200 billion to Iraq when Saddam Hussein was in power and they would not take kindly to us creating more debt.

Well, if we give this money as loans, it is my view that we should be the first in line for repayment. If the French and Germans and Russians do not like that and feel they have a higher claim on repayment of the money they loaned to Saddam Hussein, let them find Saddam Hussein and ask him for the money. We are the ones that pushed him out of office and have made that investment. I believe we should not put our country deeper into debt, and it should be loans, not grants.

Madam Speaker, I yield to the gentleman from Massachusetts (Mr. DELAHUNT), a senior member of the Committee on International Relations.

Mr. DELAHUNT. Madam Speaker, I thank the gentleman for yielding me this time, and I think it is ironic when I hear representatives of the administration say we do not want to load down the Iraqi people with debt. Well, I wish that they would share the same concern for the American people because recent reports in the media indicate that here in the United States poverty has increased dramatically. More than 1 million Americans, an additional 1 million Americans are now below the poverty line. That is a historical first, the median income, the median household income, that is halfway if you count all of the households in the United States, right at the 50 percent mark, the median income for an American family has gone down for 2 consecutive years. Ironically, there has been a significant increase in the number of millionaires. That went up some 14 percent. Of course, they have benefited from the recent series of tax cuts put forth by the President and enacted by this Republican Congress.

But debt, the deficit, is breaking all historical records. This year it will exceed $500 billion, and we are not talking about this particular supplemental, this so-called war supplemental. So when we talk about debt, let us remember the American people because we are going to have to answer to those people when they ask us who pays the bill. Well, it is you folks and your children and grandchildren, and possibly your great grandchildren because while we were projecting a $5.6 trillion surplus, we are now looking at a $3.3 trillion public debt.

Let me tell you what the cost of that $87 billion will do to the communities that the gentleman from Massachusetts (Mr. MEEHAN) and I both represent. The $87 billion in additional war spending will cost Massachusetts taxpayers $2.6 billion. If that money were spent on other priorities in our home State, it could pay for $334 million for school construction resulting in over 8,000 new jobs; almost 1,900 new affordable housing units creating 4,500 jobs; $445 million for local and State roads and bridges, creating 10,000 new jobs; and 9,300 new firefighters; and health care coverage for 150,000 people in the Commonwealth of Massachusetts who are not currently receiving it. That is what it means to our home State, the Commonwealth of Massachusetts.

Mr. HOEFFEL. Madam Speaker, I yield to the gentleman from Ohio (Mr. STRICKLAND).

Mr. STRICKLAND. Madam Speaker, I just want to elaborate on what the gentleman from Massachusetts (Mr. DELAHUNT) has said. He talked about the increase in poverty. In the New York Times today, ''Big Increase Seen

in People Lacking Health Insurance, Largest Rise in a Decade.'' The number of people without health insurance shot up last year by 2.4 million, the largest increase in a decade, raising the total to 43.6 million Americans without health insurance.

We have a crisis in this country. Unemployment, health care, prescription drug coverage, an exploding deficit, an ever-increasing debt, we are not building our roads, our bridges, our water and sewer systems, our schools, our VA hospitals, our medical clinics; and yet the President seems so determined to take resources from the American taxpayer and send them to Iraq. And I will tell Members something else which concerns me, and that is the possibility of profiteering off this war. I think we will talk about some of the contracts that have been let a little later tonight, but it troubles me that some people are getting rich off this war. We have young soldiers over there without protective armor. About 40,000 are without the best protection we can provide.

Madam Speaker, when they get wounded and come back to Walter Reed Hospital or the Bethesda Naval Hospital and they spend a week or 2 weeks or a month there, when they leave, they are presented with a bill totaling $8.10 a day for the food they have consumed. What has become of us. We have gotten our priorities really confused. That is why I am glad we are talking about this. The American people need to know and I look forward to the gentleman's further elaboration on what is happening to the money we have already appropriated.

Mr. DELAHUNT. Madam Speaker, if the gentleman would yield, we talked earlier about the support that France and Russia and Germany provided Saddam Hussein. That particular chart represents the support that previous Republican administrations provided to Saddam Hussein from 1982 to 1990. I thank the gentleman for yielding.

Mr. HOEFFEL. Madam Speaker, I appreciate the comments of the gentleman, and we look forward to hearing more about the chart. We will now turn to the gentleman from Hawaii (Mr. ABERCROMBIE).

Mr. ABERCROMBIE. Madam Speaker, what we have attempted to do over these weeks is to bring the hammer of truth down on the anvil of inquiry, and that is the object of these discussions. People have sometimes asked me, and I know they have asked other Members, why is it that we have these sessions late at night during what is called Special Orders. And because we are used to it, we may take it for granted that everyone knows what that is. The people who may be perusing through the various channels on their television set may come upon C–SPAN, and they see the regular order of business is concluded for the day, and now we are in Special Orders.

What that means is in this people's House, membership of which is restricted, restricted to those who have been elected, not appointed, elected by their constituents across this country, the faith and trust of their constituents have put all of us on this floor.

□ 2300

We are here under Special Orders because this is our opportunity to speak to our colleagues and to the Nation about those matters which we consider most important and which we may not have had the opportunity during the regular course of business to discuss at length or in-depth. Unfortunately, as I have mentioned over and over again, we are dependent on the people of this country, on the people of our Nation, to pay attention to what may be said here, not because we necessarily know more than others, but because we have been privileged to occupy these positions and accept this responsibility and meet the obligations of carrying forward an inquiry for the Nation at large, so that we can determine what the best course of action is. Over and over, we reach out to the country here on this most important of issues, our Iraq Watch, because the media, and you see my arm reaching back to those who cannot see it, the galleries are here for a free press to join us, to observe us and they are never here. They are never here because they are occupied with those matters which they consider most important. They are chasing after a circus out in California, they are trying to determine whether or not they can start a fight, a verbal fight, some verbal fisticuffs between politicians, they are preoccupied with process and politics is entertainment. But that is not what our charge is, and that is why we are here at 11 o'clock at night on the east coast, not because we have nothing else to do in terms of our responsibilities and our commitment, but meeting our most important responsibility, which is to reach out to the citizens of this country to let them know that their Members here in the People's House are focusing in on those items not just of interest, but of most immediate concern to their welfare and to the welfare of peace throughout the world. And so we meet here tonight, and we meet here every week, determined to bring forward from our inquiry not just a measure of truth, but hopefully a sense of insight and to bring forward the facts, as best we know them, to let people draw their judgments.

And so the gentleman from Massachusetts (Mr. DELAHUNT) has here this evening a chart. Maybe we cannot all see it on the television screen, so he is going to explicate for us what is on that chart, and what it means. The reason that we are doing it is because we have a deep and abiding desire to share with the entire citizenry of the country our profound concern that we are moving in the wrong direction. The fact is that there is no higher degree of patriotism, especially when you think your country is moving in the wrong direction and the price of that moving in the wrong direction is the blood and grievous wounding of our young people. We have to speak out under those circumstances, and that is why we are here this evening. I am particularly pleased to be joined as the gentleman from Massachusetts (Mr. DELAHUNT) indicated by his colleague, the gentleman from Massachusetts (Mr. MEEHAN), and a former president of the Connecticut State Senate and now the ranking member, the senior Democrat on our Committee on House Administration, the gentleman from Connecticut (Mr. LARSON), joining with us tonight. They are here, I think, at this stage to back up the issue, the issue at hand which is can we put forward a policy and analyze the circumstances under which these policies are presently being put forward by the administration, can we put forward an analysis and analyze these policies in such a manner as to give some direction that will see that this comes to an early end?

Mr. HOEFFEL. I thank the gentleman for his eloquent comments. I am happy to recognize the gentleman from Massachusetts (Mr. MEEHAN).

Mr. MEEHAN. I compliment my colleague the gentleman from Pennsylvania (Mr. HOEFFEL) for his leadership and the gentleman from Massachusetts (Mr. DELAHUNT) and the gentleman from Hawaii (Mr. ABERCROMBIE). We were at a House Armed Services Committee meeting tonight and the press was not there, either. We were looking to mark up House Resolution 364, which is a resolution of inquiry that I know that the gentleman from Massachusetts (Mr. DELAHUNT) is familiar with, introduced and cosponsored by the gentleman from Florida (Mr. WEXLER) and many of us cosponsored that, including myself, that would ask the President to send to the House of Representatives a report prepared by the Joint Chiefs of Staff that has been widely reported in the press entitled Operation Iraqi Freedom, Strategic Lessons Learned. These are documents about the reconstruction and security of postwar Iraq. This report was compiled by the Chairman of the Joint Chiefs of Staff with interviews from senior U.S. military officials, including Army General Tommy Franks, that outlines the deficiency in the Bush administration's postwar planning for Iraq.

According to a Washington Times article that appeared a few weeks ago, this report includes a scathing analysis of the Bush administration's lack of planning for postwar Iraq. No matter which side people were on at the resolution that was voted on a year ago, all of us, I think, said that the challenge was not necessarily in the military mission in Iraq that all of us as members of the Committee on Armed Services knew could be completed because we had prepared for it for 10 years, the question was whether or not we were prepared for the postwar Iraq. I think

the evidence is overwhelmingly, in fact even the Bush administration has acknowledged that the stabilization and reconstruction of Iraq is turning out to be a disaster.

Nobody can seriously doubt that the world is a better place without Saddam Hussein in power. But I think the evidence is clear that if we are not careful, and if we do not ask questions, if we do not have inquiries, we risk turning Iraq into a breeding ground for terrorism. According to the Washington Times report, prepared by the Joint Chiefs of Staff, this is a comprehensive analysis of the Bush administration's postwar strategy. Everyone on this floor today knows that this administration botched the planning for how to deal with postwar Iraq.

The only question we face now is, how can we fix it before more damage is done? There is good reason to think that this report, if made public, would help us to do that, because it looks at the planning for the war and its aftermath through interviews with senior military officials. The report is in final form. According to the Washington Times, it was stamped that it is a final draft. I cannot understand why we would not get a copy, why the Committee on Armed Services would not get a copy, before we decide how to handle the Bush administration's request for yet another $87 billion to secure and rebuild Iraq. With everything we know now about the absence of intelligence on weapons of mass destruction and the failure to plan for a significant resistance, I do not think the Bush administration is in any position now to ask us to trust them to give us the information that we need. All of us on the Committee on Armed Services have a responsibility to the Republic, to the Constitution, to get to the bottom of the Bush administration's planning on Iraq and what went wrong.

As the gentleman from Hawaii (Mr. ABERCROMBIE) would attest to, more than 6 months have gone by since the Joint Chiefs of Staff initiated this report. Three months have gone by since the draft was handed over to the Department of Defense stamped final draft. And it has been 1 month since the Washington Times has reported this. I do not see any reason why the Pentagon should not be able to give the Congress of the United States this report. We need it now, before we make any decisions about another $87 billion as we are cutting back, this administration, cutting back on health care for Americans, cutting back on veterans' services, $1.8 billion to make sure that we meet our commitment to veterans across this country, cutting back on Head Start and other programs. We ought to know what this report says before we move further.

I was disappointed at what the Committee on Armed Services did tonight because we reported that bill out with an ought-not-to-pass the bill. I do not know why the American people do not have a right to know what is in this report that the Joint Chiefs of Staff have put together. But instead there is more stonewalling, we do not want to tell the truth, we do not want to let it out, we want to keep it secret. If there is anything that all of us Members of Congress have come to understand it is we have a responsibility to make sure that this administration hides behind the truth no longer.

Mr. ABERCROMBIE. Now that everyone understands what the gentleman from Massachusetts (Mr. MEEHAN) was referring to in terms of what is called an adverse reaction, an adverse recommendation, I want to make sure that everybody understands what is going to come to the floor, and I think the Committee on International Relations had to deal with this issue the same way.

□ 2310

What is coming out of the Committee on Armed Services and what is coming out of the Committee on International Relations, if I understand correctly, is the recommendation to all the Members when it comes to the floor to vote down, vote down a request for information that is vital to our understanding the direction that we should take with respect to Iraq and the post-war activities therein.

Mr. DELAHUNT. Just trust us. That is what the administration is saying. Just trust us.

Mr. ABERCROMBIE. Madam Speaker, more than that, there is going to be a recommendation to vote down. That is the recommendation. To me it seems that it would have been a far more straight-up approach to simply say, no, we are not going to do it and take it from there. But I know this is going to strike the American people as an awfully strange way of doing business, but I hope that the media will pay some attention, that we will be able to bring attention hopefully through Iraq Watch tonight to say tune in, listen in, pay close attention when this vote comes up in the House because for the first time in my memory, and, in fact, next year I will be 30 years in public service and I cannot ever recall an instance in which a legislative body which is bound to determine what the policy of the Nation should be or what the State should be or whatever legislative jurisdiction that it has actually is asked to turn down the opportunity to receive information that can help it make a judgment.

Mr. HOEFFEL. Madam Speaker, I thank the gentleman from Hawaii (Mr. ABERCROMBIE) for his comments.

Before yielding to the gentleman from Connecticut (Mr. LARSON), I want to compliment the gentleman from Massachusetts (Mr. MEEHAN) for waging this fight with the gentleman from Connecticut (Mr. LARSON) in the Committee on Armed Services, and inform them that the gentleman from Massachusetts (Mr. DELAHUNT) and I waged the same fight in the House Committee on International Relations with the same pathetic response and result, that it was approved with a negative recommendation to the floor.

I share the gentleman from Hawaii's (Mr. ABERCROMBIE) outrage at that. And the Republican leadership of the committee and the rank and file on the committee took great delight in saying to the Democrats they just have to ask questions and they can get answers and come back later this afternoon. This was last Thursday, September 25, and ask Paul Bremer and they will get all the information they need about the administration's plans in Iraq. And as I said at the beginning of Iraq Watch tonight, we went back and asked Mr. Bremer questions, and we did not get answers at all. It was just more, We do not know, we have got our plans and our timetables but we will not tell you what they are, and it is a sad day for Congress when we cannot get information that we need to make a decision.

Mr. MEEHAN. Madam Speaker, there was an amendment by the gentleman from South Carolina (Mr. SPRATT) tonight before the Committee on Armed Services, and I know the gentleman from Connecticut (Mr. LARSON) can attest to this, where all we are asking is how have they spent the $80 billion we have already sent to them. Where has this money gone? There is a controversy around the country because some leaders in this body and the other body have said the money went for this or the money went for that. Tell us what has happened to the money. They will not tell us. They do not want to tell us. The gentleman from Connecticut (Mr. LARSON) was there for that debate on that amendment. They do not want to justify the $80 billion they have already spent. They want to pass another $87 billion before they even justify where the first $80 billion went.

Mr. HOEFFEL. Madam Speaker, I yield to the gentleman from Connecticut (Mr. LARSON).

Mr. LARSON of Connecticut. Madam Speaker, I thank the gentleman from Pennsylvania and the gentlemen from Massachusetts and Hawaii who have been integral in organizing these nightly hearings and providing the American public with an opportunity they otherwise would not receive to hear about what is going on.

I am fortunate, aside from serving on the Committee on Armed Services, to have recently traveled to Iraq with the gentleman from Pennsylvania (Mr. MURTHA), probably this body's most learned individual with regard to foreign policy and military issues, especially as they relate to intelligence. We were very disturbed this evening to find in a partisan manner that we were unable, as the gentleman from Pennsylvania (Mr. HOEFFEL) has indicated, frustrated, in fact, by the fact that we can just not even get information to come forward in this body. Even more disheartening is the fact that apparently The Washington Post, CNN, the

Washington Times, and others have information that the United States Congress cannot even obtain.

I am particularly concerned because of our troops that are in the field; and one would think at home that there would be an accounting, recognizing that there is a creditability gap that exists here in this country with our own people, clearly one around the world, but with our own people and with our troops that we would be doing our very best to level with them.

Let me explain that anecdotally I was before a group of Reservists and National Guard families in Connecticut last Thursday evening as the adjutant general from Connecticut struggled to try to explain to them why their deployment has been extended. And unfortunately, the adjutant general gets about the same kind of information that Members of Congress do. And the American people are beginning to understand that this administration simply will not level with them. And whether it is the deployment of our troops, whether it is the actual costs that are involved, as the gentleman from Massachusetts (Mr. MEEHAN) has pointed out, whether it is an accounting for the $80 billion already appropriated, forget about the $87 billion that they are asking for, and some are saying it is more than that, but not even being able to account for that in a very reasonable amendment that was put forward by the gentleman from South Carolina (Mr. SPRATT).

Tommy Franks in front of our committee made a very telling point that the gentleman from Hawaii (Mr. ABERCROMBIE) observed. We queried him about whether or not these policies, some of the very issues contained in this report, the policies of preemption and unilateralism, whether they are working; and to be quite frank and honest, he said, look, these are issues that are above my pay grade. But I will say this: there is a big difference between those who wave the flag and those who salute the flag. Those who salute the flag, the men and women of our armed services have performed extraordinarily for this Nation. They deserve such a debt of gratitude to us; we all should drop to our knees nightly and thank them and praise them for their effort. But those who are waving the flag over here, the neoconservative preemptive unilateralist movement that has given this Nation a hard right turn away from the policies of deterrence, diplomacy, and containment and towards the policies of preemption and unilateralism are taking the country in the wrong direction. All we are doing is asking for information and data that this country and this body needs in order to make an informed decision.

That is why I am so proud of our colleagues who have come here nightly to make sure that the American public at least know that this is not a Congress that is sleeping. It is just a Congress that has been muffled by virtue of the fact that we are in the minority.

Mr. HOEFFEL. Madam Speaker, I thank the gentleman from Connecticut (Mr. LARSON) for his comments and eloquence, and I want to thank the gentleman from Connecticut (Mr. LARSON) and the gentleman from Massachusetts (Mr. MEEHAN) for joining us in the Iraq Watch tonight from the Committee on Armed Services. They have reinforced us, and we are glad that they are here.

Before going to the gentleman from Massachusetts (Mr. DELAHUNT), I yield to the gentlewoman from Texas (Ms. JACKSON-LEE), who has been waiting very patiently, her second appearance I think with Iraq Watch and we welcome her back.

Ms. JACKSON-LEE of Texas. Madam Speaker, I thank the distinguished gentleman for his leadership on this issue, and I think it is important to note that a singular theme that is appearing amongst all of our Members, members of the Committee on Armed Services, and members of the Committee on International Relations is that we are united in our respect and support for those troops that are on the frontlines in Operation Iraqi Freedom.

I bring a different perspective as a member of the Select Committee on Homeland Security that some of my colleagues are also members of to really ask the question to the American people and to explain why we all are on the floor because we do have an obligation, we have taken an oath of office, and that is to the American people and as well our responsibility internationally; and I have been asked by even my constituents and I have asked them rhetorically do they feel safer today than they felt before 9/11, the tragic incident, and do they feel that this war has placed America in a safer position.

□ 2320

I hope that as they listen to our debate and our inquiries that we are making and the resolutions that were passed, though unfavorably out of the Committee on Armed Services and the Committee on International Relations, they are really asking the question: are we better placed because of the war in Iraq. I would simply give a resounding ''no.''

So one of the requests that I am going to ask of all of my colleagues is that we go home to our districts and hold forums or town hall meetings on this very question. Because I think the American people, the American public have been belt-tightening, they have to keep budgets, they know they can only spend their certain amount. They take their certain amount in by salaries and then they spend a certain amount out. I think they will understand that what we are doing in this debate on the $87 billion is putting conditions on the expending of these dollars. We are putting conditions on it, primarily because we respect the American people and their pocketbook.

We already know this administration has given a reckless tax cut to the 1 percent rich, and most of the American people have not experienced it. So we are suffering on the domestic end because there are Americans who are suffering with Social Security and lack of Medicare prescription drug benefits and lack of Medicaid, and lack of resources to their schools. There are students who are telling me that they are not getting Pell grants.

What I want to see happen in this body is that I cannot vote, and I believe that the Members of this Congress are reasonable to ask for certain conditions, on the expenditure of the $87 billion. I am going to be putting in a resolution, a sense of Congress resolution to ask a simple question: would you simply bifurcate the vote, give us the expenditures or the requests as relates to the security and safety of our troops, whether it be equipment or whether it be bullet proof vests, whether it be Hummers, whatever it might be, give us that amount and let us all come running to the floor to support that. Then, let us respond to the request by the Committee on International Relations and the Committee on Armed Services on a detailed report of data that we have not been able to receive on the strategies that are taking place in Iraq.

I, for one, would like to have the following, if I might share this with my colleagues, the gentleman from Pennsylvania (Mr. HOEFFEL) in particular. First of all, I said I want the separate vote, and I think that is fair, so we can understand what the $20 billion plus will be and, I think the administration should present the case, what will be the next request? When will we have the next request of $75 billion or more? I say this on the backdrop because I know my good friend, the gentleman from Hawaii (Mr. ABERCROMBIE) was here and that was during the Gulf War which was a war when we went in to liberate Kuwait because Iraq had invaded Kuwait. But if we look at it militarily or scientifically, the interesting point about that, I thought that was the greatest effort of coalition maybe since World War II, when we had a coalition that ranged across the spectrum, across the regions of the world from as far south as South America and we spent $62 billion on that war. The United States spent $7.5 billion, $7.5 billion and with no debt on that, but we did what we needed to do and we did it with a coalition.

So I am asking for a separate vote, I am asking for a direct exit strategy as a condition, and I am asking to find out what is the plan for postwar Iraq. I would like to see a resolution to the United Nations that would include the number of allies, the troops, and the amount of monies that would be expended. I believe still, a lot of people said to me, well this is bygones be bygones. We are in Iraq because of the administration; specifically, Secretary Rumsfeld. Because I am not indicting my colleagues; this is the separate branch of government that provides oversight and receives its information

from the administration and does it in a way that each of us have to rely upon the truth and the integrity of each body of government. We were presented evidence that there were weapons of mass destruction and there was a need for a preemptive attack against Iraq. I cannot let that be bygones.

I think if we present this in the way that the American people understand; maybe in the way they raise their children. Maybe a child has done a bad act. The parent does not just say they did a bad act. If they are parenting that child, they bring them in and they say, can you explain, Johnny, why did you have to do this? Why did you think this was the right way to go? So that in the parent's discipline of that child, you can do it in a way that is instructive and it does not happen again. They came, the administration came to this Congress and indicated to us that there were weapons of mass destruction pointed toward the United States.

Let me share with my colleagues the claims of Vice President CHENEY who indicated in Meet The Press, whenever he was talking, that Iraq was reconstituting its nuclear arms program, and we continued to hear this over and over again. Well, my friends, let me just say this. We have David Kay returning back from a long period of time in Iraq. He has 1,400 weapons experts and he reports to George Tenet. And the basic draft is going to suggest that the report by the Americans leading the hunt for banned weapons in Iraq says, his team has not found any of the unconventional weapons cited by the Bush administration as a principal reason for going to war, Federal officials acknowledge the findings and acknowledged today. That is in a New York Times report.

Let me just say this as well. The team who spoke said that Mr. Kay's team had not found illicit weapons. They may have found precursors, but they found no illicit weapons.

So I believe we have a 2-pronged responsibility. One, to condition the request for the $87 billion, as my colleagues and friends have been doing; explaining to the American people by going, spreading out across this Nation, I want Republicans and Democrats to do it, because I want them to know that there are people in all districts who are concerned about Reservists who have no time certain to come home, troops who have no time certain to come home, and a report that says that by March 2004, we will not have enough troops continue this if we do not get allies.

Let me just simply close this portion by saying this: we need friends. We need a United Nations resolution that says these allies are joining us with troops and with money. Because it is clear that we only have 20,000 troops from other countries in Iraq right now. Those are the coalition of the willing, allegedly, and we thank them for their efforts, but it is 20,000 very small countries, including Britain. And what we are hearing is there are not too many favorable fans, allies trying to join us. I think the administration owes the United States military, the United States Congress, and the American people a commitment that they will have new, fresh allies coming in to help maintain the peace, provide troops and money. I believe that it is extremely important, and I join my colleagues in saying this, that we condition any expenditures, and it is a shame on our friends who do not see that this is the responsibility of this Congress to stand up on behalf of the American people. I hope we will do this, and I hope we will go out and listen to our constituents as well.

Mr. HOEFFEL. Madam Speaker, I yield to the gentleman from Massachusetts.

Mr. MEEHAN. Madam Speaker, we have a simultaneous war on Afghanistan and Iraq, and I will be brief, but I had to call a family today in my district. Evan O'Neill, a 19 year old, great kid, was killed in Afghanistan, and I had to talk to his father, Mike. His mother, Barbara is a nurse. His father is a firefighter in Andover, Massachusetts. A Vietnam war veteran, he was injured himself.

I think this has nothing to do with partisan politics, but we have to think about the uprising in Afghanistan of the Taliban and al Qaeda, and consider the fact that while we have the Taliban on the run and while we have certainly put a dent into al Qaeda, there are many in this chamber who have asked the question whether or not we could conduct 2 simultaneous wars. And I just want to take a moment to reflect on Evan O'Neill and his heroic fight for our country in tracking down the Taliban in al Qaeda. He gave the ultimate sacrifice today: his life.

The point I want to make is, and my colleagues recognize this, what we are talking about on this floor is serious business. It is about life and death, and the decisions that we make and this administration make about war and peace is about dollars, it is about investment, but it is also about human life. And I, for one Member of Congress, am tired of having to talk to families who have lost loved ones.

On September 11 I had 31 of them from my district. We have to think about these issues. One of the reasons why inquiry is important, discussion is important is because this is serious business, and it is about life and death. And we owe constituents the responsibility of having an honest, intelligent, nonpartisan discussion about the issues that affect our country.

Mr. HOEFFEL. Madam Speaker, I want to thank the gentleman from Massachusetts (Mr. MEEHAN) for putting a human face on what we are discussing. I am happy to yield to the gentlewoman from Texas (Ms. JACKSON-LEE).

□ 2330

Just for a moment, Congress Meehan, I want to join you in that. I had sitting next to me at a weekend event Saturday a father who had lost his 19-year-old. He was sitting next to one of our well-known POWs who suffered, Shoshanna Johnson. He got a chance to sit next to her. He happened to be a constituent of the gentlewoman from Ohio (Mrs. JONES). And without the details of it, he just simply wanted to sit next to someone who had returned. His son did not. She happened to have known his son and was able to share with him some of those, unfortunately, last hours of his life. The parent was just grappling to have some connection to that young boy who no longer lives, who had a future.

I am disturbed by commentators, media, administrations saying it has been 200. No, this is not Vietnam. We lost, as I understand it, 50,000. But what we are trying to do on behalf of the American people is to not have this be a Vietnam. In Afghanistan we hear that the Taliban is reorganizing and coming back.

So that young man's life was not in vain, we have got to be able to ask the hard questions of this administration: What are you doing in Afghanistan to make sure that we have a victory and what are you doing in Iraq? Because fathers and mothers and relatives are coming and sitting next to people and going to churches and synagogues and parishes to try to find comfort about their deceased loved ones. We should not diminish what it means to lose a child.

That is why this discussion is so vital, and that is why I think it is imperative that we have answers from the administration to pay tribute to those who have given the ultimate sacrifice.

Mr. HOEFFEL. Madam Speaker, I want to thank our colleague, the gentlewoman from Texas (Ms. JACKSON-LEE), particularly for her enumeration of conditions that you want to see the administration provide before we vote for the requested money; and I think that is a fundamental theme that we have to provide for.

Mr. STRICKLAND. I know my colleague from Washington (Mr. INSLEE) has been waiting patiently and would like to speak. Can I just have 30 seconds? Then I will hear what my good friend and colleague has to say.

Mr. HOEFFEL. If the gentleman from Washington does not mind, I will yield the gentleman from Ohio (Mr. STRICKLAND).

Mr. STRICKLAND. What we just heard about this being serious business is absolutely true. I was watching TV not many days ago, and William Crystal, who is one of those who beat the war drums leading up to this war, said something. I was so stunned by what he said and I took a pencil and I wrote it down because I was so offended by it. He said, ''This is our war and we have just got to suck it up, spend some money, and take some casualties.''

I thought to myself, it is easy for him to sit in the safety of that TV studio and talk like that. But what about

the moms and dads who this very night who are crying themselves to sleep, worrying about their sons and daughters who may be in harm's way?

This is serious business. That is why we are here, and that is why I am looking forward to hearing what my good friend and colleague, the gentleman from Washington (Mr. INSLEE), has to say to us.

Mr. HOEFFEL. Madam Speaker, I yield to the gentleman from Washington (Mr. INSLEE), a regular participant in Iraq Watch.

Mr. INSLEE. I went home to the Seattle area this weekend and got a real earful from my constituents who in the words of this one veteran I talked to said, ''You know, I know war is hell, but it is double hell if you do not plan on what you are going to do in it and after it.'' And I got an earful from my constituents who were concerned that this administration, in at least Federal employee respects, has not done adequate planning on how we are going to move forward in Iraq.

I want to talk about those three. First, I met with a group of reservist families and active duty families who tonight are worried about their sons and their husbands and their wives in Iraq. They live with this 24 hours a day worrying about if they are going to get that phone call, and they told me that they were offended at the lack of planning that has gone into the deployments that their families have been involved with, post-war. They told me that they were told they would be home in 4 months, then 6 months, that they would be 8 months in country and 12 months overall; and now they have changed the rule that they have to be 12 months in Iraq, in country, past the time of retirement of some reservists.

They told me that they believe this is because there essentially was a gross misunderstanding, understanding of what was going to happen in Iraq, where we were told we would be welcomed with rose petals and kisses and parades. As a result of that, those mothers and sisters and brothers and wives and husbands tonight are worrying about their family members getting home; and they want some answers about how we are going to take care of reserves.

Let me tell you one thing that this administration needs to work with us on: How are we going to increase the incentive for these families to deal with these incredibly long deployments? That is why this administration made a mistake putting millions of dollars into this $87 billion to establish a zip code in Iraq but not a dime to improve the health care for our reservists, and we are going to make an effort on this floor to improve that situation because that is where our priority needs to be.

Second issue where they are seriously deficient is they are asking us to spend $87 billion in the hopes of establishing a democracy in Iraq. But have you seen the plan for establishing democracy in Iraq, about how a constitution is going to be developed? Who is going to vote on it? How we are going to get this together? I will tell you what I saw. This weekend's report out of Iraq was that there is a deadlock between the Shias and the Sunnis and the Kurds about how to go forward; and they are making zero progress, unfortunately.

This administration has not shown us a plan to get from here to there, to have a meaningful constitution with real democracy in Iraq; and we have asked for it now for over 8 months. Show us the plan for getting democracy in Iraq. And they want to send $87 billion without a plan. It is a problem.

Third issue I want to mention, I think this is very important, we need good ideas from Americans on how to go forward in Iraq. But when Ambassador Joe Wilson at the request of the CIA went to Africa as a patriotic duty and discovered that the claim that Saddam was buying uranium from Africa was patently false and reported it to the CIA, and despite the fact that the CIA told the White House it was false, and the President of the United States stood right there and told us that in fact Saddam was buying uranium from Africa even though our CIA knew that that was false, and Ambassador Joe Wilson does his patriotic duty by writing an article in the New York Times blowing the whistle on this falsehood, which the President of the United States now agrees was false and should never have been in the State of the Union address, what did this administration do? Did it write him a thank you letter for pointing out that they made a huge mistake preceding this war? Did they recommend the Congressional Medal of Honor for stepping forward when he knew he was going to get nothing but flak from people in a very contentious issue?

That is not what this administration did. This administration, we are now told, tried to punish his wife who we are told works for the CIA by blowing her cover, calling Robert Novak who printed a story identifying her as a CIA agent, to punish an American who brought the truth to this country.

That attitude has got to stop real quick. And we are appreciative that there is now, belatedly, after 2 months, apparently going to be an investigation about this potential crime. But this is not enough.

Let me mention something to you: I do not think the President has done enough on this. I heard him speak today, and I appreciate his interest in it, but his spokesperson says we do not need an internal review of this. In other words, the President is not going to demand of people that he wants to know by 5:00 tomorrow whether he or she was the person who talked to Robert Novak. He is not going to do that. And the reason is, the President's secretary said, quote, on September 29, 2003, ''There has been nothing, absolutely nothing brought to our attention to suggest any White House involvement, and that includes the Vice President's office as well,'' close quote.

Well, that is very curious. Because the day before that in the Washington Post, which you can buy for 25 cents, it is an incredible deal, maybe 35 cents now in Washington, I am sure they have got it at the White House, which said, quote, yesterday, ''A senior administration official said that before Novak's call, two top White House officials called at least six Washington journalists and disclosed the identity and occupation of Wilson's wife.''

□ 2340

That senior administration official of the Bush administration went on to say, ''Clearly it was meant purely and simply for revenge,'' the senior official said of the alleged leak.

The President of the United States needs to demand by 5 o'clock tomorrow that his senior people answer to him, not just the Justice Department, to him, whether they had anything to do with this to get this issue resolved. We have got problems in Iraq. We do not need this distraction, and the President needs to get to the bottom of this right now, pronto, so we do not have 2 years of investigations.

Mr. HOEFFEL. Madam Speaker, I thank the gentleman from Washington (Mr. INSLEE) for bringing up this very important matter about Mr. WILSON. I assume the gentleman understands about what he was describing. The blowing of a CIA cover is a Federal offense. It is illegal. It is dangerous and wrong and morally reprehensible.

Madam Speaker, I yield to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Madam Speaker, I want to thank the gentleman from Washington (Mr. INSLEE) for bringing this up.

I would close by saying it is absolutely obligatory for the administration to recognize and to insist, in consultation with Attorney General Ashcroft, to go forward and to appoint a special counsel, because any decision that is reached by the Department of Justice, clearly, will raise questions as to, not just its thoroughness, but whether it was done to protect certain individuals, whomever they may be, in the White House.

Sometime in the near future, if there is no action to appoint a special counsel, I know that the gentleman from Massachusetts (Mr. MEEHAN), and I am sure the gentlewoman from Texas (Ms. JACKSON-LEE) and myself, who serve on the Committee on the Judiciary, will file a resolution expressing the sense of Congress that there ought to be a special counsel in this case.

This is not an administrative matter. This is far more serious than just a simple felony. I agree with the President's father, who uttered these words, this is President George Herbert Walker Bush, ''I have nothing but contempt and anger for those who betray the

trust by exposing the names of our agents. They are, in my view, the most insidious of traitors.''

This is about treason. This is not a simple misdemeanor. This is not about having the President take someone into the wood shed and admonish him or her. The American people have to understand that there are no traitors in this administration or in this White House. And that is going to be absolutely a precondition, to have an appointment of a special counsel to maintain the integrity of the Presidency, of the executive branch, and the Department of Justice.

Mr. HOEFFEL. Madam Speaker, I thank the gentleman. I now yield to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Madam Speaker, I say to my colleague, let me give a resounding yes. I believe that the idea of a special counsel is long overdue. And I want to add to both the gentleman's intellectual analysis, but also his passion to the American people. Outing a CIA agent can be a ripple effect to losing many, many lives of patriotic Americans who are helping secure the homeland. That is what the CIA represents. We based a war on the CIA. But it is clearly, I think, our obligation to file a sense of the Congress resolution on this matter.

Mr. HOEFFEL. Madam Speaker, I yield to the gentleman from Hawaii (Mr. ABERCROMBIE).

Mr. ABERCROMBIE. I think our time has concluded, but it is clear to me this evening that we perhaps are going to have to have more time. I am pleased that so many are joining us, and I hope we can take up that issue in the future.

Mr. HOEFFEL. Madam Speaker, I thank the Members here tonight. Iraq Watch will be back next week.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. ESHOO (at the request of Ms. PELOSI) for today on account of family illness.

Mr. REYES (at the request of Ms. PELOSI) for today on account of personal reasons.

Mr. BOEHLERT (at the request of Mr. DELAY) for today on account of attending the funeral of the Hon. Donald J. Mitchell.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. STUPAK) to revise and extend their remarks and include extraneous material:)

Mr. HINCHEY, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. GREEN of Texas, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. STUPAK, for 5 minutes, today.

Mr. CONYERS, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Ms. EDDIE BERNICE JOHNSON of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. JONES of North Carolina) to revise and extend their remarks and include extraneous material:)

Mr. OSBORNE, for 5 minutes, October 1.

Mr. HENSARLING, for 5 minutes, today.

Mr. FEENEY, for 5 minutes, today and October 1.

Mr. BURTON of Indiana, for 5 minutes, today, October 1 and 2.

Mr. MORAN of Kansas, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, October 1.

Mr. ROHRABACHER, for 5 minutes, today.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1244. An act to authorize appropriations for the Federal Maritime Commission for fiscal years 2004 through 2008; to the Committee on Transportation and Infrastructure.

S. 1301. An act 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; the Committee on the Judiciary.

S. 1591. An act to redesignate the facility of the United States Postal Service located at 48 South Broadway, Nyack, New York, as the ''Edward O'Grady, Waverly Brown, Peter Paige Post Office Building''; to the Committee on Government Reform.

ENROLLED BILL SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly an enrolled bill of the House of the following title, which was thereupon signed by the Speaker.

H.R. 3146. An act to extend the Temporary Assistance for Needy Families block grant program, and certain tax and trade programs, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on September 29, 2003 he presented to the President of the United States, for his approval, the following bills.

H.J. Res. 69. Making continuing appropriations for the fiscal year 2004, and for other purposes.

H.R. 2657. Making appropriations for the Legislative Branch for the fiscal year ending September 30, 2004, and for other purposes.

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

H.R. 3161. To ratify the authority of the Federal Trade Commission to establish a do-not-call registry.

H.R. 3087. To provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

ADJOURNMENT

Mr. HOEFFEL. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 45 minutes p.m.), the House adjourned until tomorrow, Wednesday, October 1, 2003, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4469. A letter from the Principal Deputy, Department of Defense, transmitting a report on the Family Subsistence Supplemental Allowance (FSSA) program, covering the period October 1, 2001, through September 30, 2002, pursuant to 37 U.S.C. 402(a)(f) Public Law 106—398, section 604(a); to the Committee on Armed Services.

4470. A letter from the Attorney, RSPA, Department of Transportation, transmitting the Department's final rule — Hazardous Materials: Approval Program for Certain Persons Performing Visual Requalification of DOT Specification Cylinders; Extension of Compliance Date [Docket No. RSPA-03-10373 (HM-220D)] (RIN: 2137-AD86) received September 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4471. A letter from the Attorney Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4472. A letter from the Attorney, RSPA, Department of Transportation, transmitting the Department's final rule — Pipeline Safety: Further Regulatory Review; Gas Pipeline Safety Standards [Docket No. RSPA-02-13208; Amdt.192-93] (RIN: 2137-AD01) received September 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4473. A letter from the Attorney, RSPA, Department of Transportation, transmitting the Department's final rule — Pipeline Safety: Recommendations To Change Hazardous Liquid Pipeline Safety Standards [Docket No. RSPA-97-2717; Amdt. 195-78] (RIN: 2137-AD10) received September 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4474. A letter from the Trial Attorney, FRA, Department of Transportation, transmitting the Department's final rule — Roadway Maintenance Machine Safety [Docket No. FRA-2000-8156, Notice No. 2] (RIN: 2130-AB28) received September 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4475. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Robert E. Rust Models DeHavilland DH.C1 Chipmunk 21, 22, and 22A Airplanes [Docket No. 2000-CE-64-AD; Amendment 39-13291; AD 2003-17-16] (RIN: 2120-AA64) received September 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4476. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model MD-11 and MD-11F Airplanes [Docket No. 2002-NM-74-AD; Amendment 39-13287; AD 2003-17-12] (RIN: 2120-AA64) received September 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4477. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B2 and B4; A300-B4-600, A300-B4-600R, and A300 F4-600R (Collectively Called A300-600); A310; A319; A320; A321; A330; and A340 Series Airplanes; Equipped with PPG Aerospace Windshields [Docket No. 2002-NM-50-AD; Amendment 39-13289; AD 2003-17-14] (RIN: 2120-AA64) received September 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4478. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Improved Flammability Standards for Thermal/Acoustic Insulation Materials Used in Transport Category Airplanes [Docket No. FAA-2000-7909; Amdt. Nos. 25-110, 91-275, 121-289, 125-43, 135-85] (RIN: 2120-AG91) received September 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4479. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Disposition of Comments to Final Rules: Noise Certification Standards for Subsonic Jet and Subsonic Transport Category Large Airplanes; Transition to an All Stage 3 Fleet Operating in the 48 Continguous United States and the District of Columbia; and, Equivalent Safety Provisions for Fuel Tank System Fault Tolerance Evaluations (SFAR 88) [Docket Nos. FAA-2000-7587, FAA-2002-12771, and FAA-1999-6411] (RIN: 2120-AI01) received September 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4480. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Reports by Carriers on Incidents Involving Animals During Air Transport [Docket No. FAA-2002-13378; Amendment No. 119-9] (RIN: 2120-AH69) received September 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4481. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Revised Requirements for Material Strength Properties and Design Values for Transport Airplanes [Docket No. FAA-2002-11345; Amdt. No. 25-112] (RIN: 2120-AH36) received September 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4482. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Special Air Traffic Rules in the Vicinity of Los Angeles International Airport [Docket No.: FAA-2002-14149; SFAR No. 101] (RIN: 2120-AH92) received September 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. TAUZIN: Committee on Energy and Commerce. H.R. 1260. A bill to amend the Federal Food, Drug, and Cosmetic Act to establish a program of fees relating to animal drugs (Rept. 108–287). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee of Conference. Conference report on S. 3. An act to prohibit the procedure commonly known as partial-birth abortion (Rept. 108–288). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. KENNEDY of Minnesota (for himself, Mr. ROSS, Mr. HOUGHTON, and Mr. SIMMONS):

H.R. 3197. A bill to provide for the reimbursement of air fare costs incurred by members of the United States Armed Forces for domestic travel while on leave from deployment overseas in support of Operation Iraqi Freedom and Operation Enduring Freedom; to the Committee on Armed Services.

By Mr. YOUNG of Alaska (for himself, Mr. OBERSTAR, Mr. LATOURETTE, and Ms. NORTON):

H.R. 3198. A bill to amend the John F. Kennedy Center Act to authorize appropriations for the John F. Kennedy Center for the Performing Arts, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. RAMSTAD:

H.R. 3199. A bill to expand the Rest and Recuperation Leave program for members of the Armed Forces serving in the Iraqi theater of operations in support of Operation Iraqi Freedom to include travel and transportation to the members' permanent station or home; to the Committee on Armed Services.

By Mr. HAYWORTH:

H.R. 3200. A bill to expand the travel and transportation allowances available to members of the Armed Forces granted leave under the Rest and Recuperation Leave program for Operation Iraqi Freedom and Operation Enduring Freedom to cover travel and transportation to the members' permanent station or home of record; to the Committee on Armed Services.

By Mr. ANDREWS (for himself and Mr. MCGOVERN):

H.R. 3201. A bill to amend title 10, United States Code, to provide for the award of a military service medal to members of the Armed Forces who served honorably during the Cold War era; to the Committee on Armed Services.

By Mr. ANDREWS:

H.R. 3202. A bill to amend title 38, United States Code, to require that employers of members of the National Guard and the reserve components of the Armed Forces who are called to active duty continue to offer health care coverage for dependents of such members, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BAKER (for himself, Mr. MCCRERY, Mr. JOHN, Mr. NETHERCUTT, Mr. JEFFERSON, Mrs. MCCARTHY of New York, and Mr. FALEOMAVAEGA):

H.R. 3203. A bill to amend the Public Health Service Act to authorize grants for education, screening, and treatment with the goal of preventing diabetic foot complications and lower extremity amputations, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CASTLE (for himself and Mr. HOEFFEL):

H.R. 3204. A bill to require the Secretary of the Treasury to mint coins in commemoration of the tercentenary of the birth of Benjamin Franklin, and for other purposes; to the Committee on Financial Services.

By Mrs. JO ANN DAVIS of Virginia:

H.R. 3205. A bill to provide for a report on the parity of pay and benefits among Federal law enforcement officers and to establish an exchange program between Federal law enforcement employees and State and local law enforcement employees; to the Committee on Government Reform.

By Mr. DEFAZIO:

H.R. 3206. A bill to provide for the conveyance of a small parcel of Bureau of Land Management land in Coos County, Oregon, to the Oregon International Port of Coos Bay, and for other purposes; to the Committee on Resources.

By Mr. HASTINGS of Washington:

H.R. 3207. A bill to direct the Secretary of the Interior to conduct a study on the preservation and interpretation of the historic sites of the Manhattan Project for potential inclusion in the National Park System; to the Committee on Resources.

By Mr. HENSARLING (for himself, Mr. SESSIONS, Mr. PORTER, Mr. BARTLETT of Maryland, Mr. TOWNS, Mr. SCOTT of Georgia, Mr. MARKEY, Mr. VITTER, Ms. HOOLEY of Oregon, Mr. GARRETT of New Jersey, Mr. TAYLOR of North Carolina, Mr. SHIMKUS, Mr. MARIO DIAZ-BALART of Florida, Ms. BORDALLO, and Mr. ROGERS of Alabama):

H.R. 3208. A bill to ensure that the travel and transportation allowances provided in connection with rest and recuperative leave granted to a member of the Armed Forces serving in Iraq or Afghanistan cover travel to and from the permanent duty station or home of record of the member, not simply to and from a port of entry in the United States; to the Committee on Armed Services.

By Mr. OSBORNE:

H.R. 3209. A bill to amend the Reclamation Project Authorization Act of 1972 to clarify the acreage for which the North Loup division is authorized to provide irrigation water under the Missouri River Basin project; to the Committee on Resources.

By Mr. WALDEN of Oregon:

H.R. 3210. A bill to authorize the Secretary of the Interior, acting through the Bureau of Reclamation, to conduct a water resource feasibility study for the Little Butte/Bear Creek Subbasins in Oregon; to the Committee on Resources.

By Mr. YOUNG of Alaska (for himself and Mr. OBERSTAR):

H.R. 3211. A bill to amend title 49, United States Code, to provide for stable, productive, and efficient passenger rail service in the United States, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. SHUSTER:

H.R. 3212. A bill to provide additional funds for deployment rotation and other relief for United States troops serving in Iraq; to the Committee on International Relations, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HASTINGS of Florida:

H. Res. 381. A resolution expressing the sense of the House of Representatives that

the United States Postal Service should issue a postage stamp commemorating the Fisk Jubilee Singers; to the Committee on Government Reform.

By Mr. HONDA (for himself, Mr. UDALL of New Mexico, Mr. TAYLOR of North Carolina, Mr. RODRIGUEZ, Mr. FROST, Ms. LOFGREN, Mr. ABERCROMBIE, Mr. JOHNSON of Illinois, Ms. CARSON of Indiana, Mr. FARR, Mr. SCHIFF, Mr. ROSS, Mr. SANDLIN, Ms. NORTON, Mr. MOORE, Mrs. MCCARTHY of New York, Mr. FRANK of Massachusetts, Mr. MCINTYRE, Mr. MATHESON, Mr. LANTOS, Mr. ENGEL, and Mr. SKELTON):

H. Res. 382. A resolution expressing the sense of the House of Representatives concerning war crimes committed by Japan during World War II and the liability of Japanese companies to former prisoners-of-war used by such companies as slave labor during World War II; to the Committee on International Relations.

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PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, FIRST SESSION

Vol. 149 WASHINGTON, TUESDAY, SEPTEMBER 30, 2003 No. 136

Senate

(Legislative day of Monday, September 29, 2003)

The Senate met at 9:15 a.m., on the expiration of the recess, and was called to order by the Honorable JOHN E. SUNUNU, a Senator from the State of New Hampshire.

PRAYER

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

Let us pray:

Majestic God, our hope of eternity, thank You for sunshine and cool breezes. Thank You also for knowing us and accepting us as we are. Make us today instruments of Your glory. Help each of us to pursue righteousness, godliness, faith, love, perseverance, and gentleness. Lord, take from us pride and conceit that make us legends in our own minds. Fill our Senators with Your spirit that their feet will not wander from the path of integrity. Give them comfort and direction when they are troubled or perplexed. Keep them from selfishness and give them the courage to live each day as Your children and as brothers and sisters to one another. Whisper words of counsel for their moments of decision. We pray this in Your holy name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JOHN E. SUNUNU, led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 30, 2003.

To the Senate:

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

TED STEVENS,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. FRIST. Mr. President, this morning the Senate will immediately proceed to executive session and vote on two judicial nominations. The first vote will be on the nomination of Marcia Crone, to be a United States District Judge for the Eastern District of Texas. The second vote will be on the nomination of Ronald White to be a United States District Judge for the Eastern District of Oklahoma.

Following the two judge votes, the Senate will begin a period of morning business until 11:30 a.m. Following morning business, the Senate will resume debate on H.R. 2765, the District of Columbia appropriations bill.

I reiterate that it is our desire to complete the DC appropriations bill today. The managers have been here awaiting further action on the bill; however, Members have not come forward with their amendments. If Senators have concerns regarding the legislation, if Senators disagree with the underlying bill, I hope they will offer their amendments and allow the Senate to decide the issue and ultimately complete this bill.

Also, today the Appropriations Committee will be marking up the emergency supplemental request for Iraq's security. It is my intention to turn to the consideration of that measure as soon as it is available. Rollcall votes are therefore possible today and throughout the remaining sessions this week as we consider and complete our business with respect to the Iraq supplemental.

The Senate will stand in recess from 12:30 p.m. to 2:15 p.m. today for the weekly party conferences.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

EXECUTIVE SESSION

NOMINATION OF MARCIA A. CRONE, OF TEXAS, TO BE UNITED STATES DISTRICT JUDGE

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The legislative clerk read the nomination of Marcia A. Crone, of Texas, to be United States District Judge for the Eastern District of Texas.

The ACTING PRESIDENT pro tempore. Under the previous order, there are now 2 minutes for debate equally divided prior to the vote on the nomination.

The Senator from Texas.

Mrs. HUTCHISON. Mr. President, it is my pleasure to speak in support of the confirmation of Judge Marcia Crone. She is a native of Dallas and alumna of the University of Texas. She will preside over a newly created seat

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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in Beaumont where she has agreed she will make her home and stay for the duration of her term.

I know she will serve with distinction. Judge Crone is currently a U.S. Magistrate Judge in the Southern District of Texas serving in that capacity since 1992.

Marcia was valedictorian of her high school, Hillcrest High School in Dallas, a National Merit Scholar, and the valedictorian of the University of Texas class of 1973. She also graduated first in her class from the University of Houston Law Center in 1978.

Her outstanding educational accomplishments are also joined by accomplishments in her professional life. After graduating from law school, she joined the Houston-based firm Andrews & Kurth. Her specialities included product liability, breach of contract, oil and gas, and securities law. She became a partner in that firm where she remained until her appointment to the Federal bench.

Mr. President, is there another minute, or am I the only speaker?

The ACTING PRESIDENT pro tempore. One minute remains in opposition. The Senator's time has expired.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent, if there is no opposition, to take the final minute.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, as a U.S. Magistrate, Judge Crone has presided over a number of civil and criminal cases, ranging from employment discrimination to pretrial arraignments and detention hearings in felony cases. In her more than 10 years on the Federal bench, she has authored approximately 700 opinions, over 130 of which are published. She is an active member of the Houston community and bar association. She serves on the board of directors of the Garland Walker Inn of Court and is a mentor to Houston area law school students. She is also active in her church.

Marcia Crone meets the high standards to which we hold all Federal judges, and she has quite an impressive record. I am pleased that JOHN CORNYN, the other Senator from Texas, joins me in supporting the nomination of Marcia Crone, and I urge our colleagues to join us.

I yield the floor.

Mr. HATCH. Mr. President, I am pleased to speak in support of Marcia Crone, who has been nominated to the U.S. District Court for the Eastern District of Texas.

Judge Crone received a bachelor of arts degree, summa cum laude, from the University of Texas at Austin, graduating with a 4.0 grade point average and as valedictorian in 1973. She then graduated first in her class from the University of Houston Law Center in 1978, receiving a juris doctor degree, summa cum laude. After graduating from law school, she entered private practice, first as an associate and later as a partner at the law firm of Andrews & Kurth, L.L.P. During her years in private practice Judge Crone represented both individuals and corporations, litigating primarily in the areas of labor law, employment law, products liability, and commercial litigation.

Judge Crone was appointed in 1992 as a Federal magistrate judge in the Southern District of Texas. She has presided over numerous trials in civil cases involving a wide range of issues, including securities fraud, employment discrimination, intellectual property rights, personal injury claims, contract disputes, admiralty, civil rights, insurance matters, social security appeals, and prisoner litigation. In her more than 10 years on the Federal bench, Judge Crone has authored approximately 700 opinions.

Judge Crone devotes substantial amounts of time to programs mentoring students from the three local law schools, giving them the opportunity to serve as interns in her chambers, judging mock trial and moot court competitions, and participating annually in the American Bar Association's Minority Judicial Externship Program. She previously served on the board of directors of the southeast Texas Chapter of the National Multiple Sclerosis Society and has performed volunteer work for a local adoption agency.

I have no doubt that Judge Crone's elevation to the district court will greatly benefit the Eastern District of Texas. I urge my colleagues to join me in supporting her nomination.

Mr. CORNYN. Mr. President, I rise in support of the nomination of Judge Marcia A. Crone to serve as U.S. District Judge in the Beaumont Division of the Eastern District of Texas.

Judge Crone is an outstanding nominee with a fine legal mind and fair judicial disposition. She has served as a U.S. magistrate judge in the Southern District of Texas since 1992. During her tenure on the Federal bench thus far, she has already authored approximately 700 opinions, over 130 of which are published. Prior to her service as a U.S. magistrate judge, she practiced law for 14 years.

She is an active member of several legal organizations in the Houston area. She is a native Texan and a mother of two. And she is an active participant in her community. She is a member of the Chapelwood United Methodist Church, the Houston World Affairs Council, and the P.T.A. at Second Baptist School, and a former member of the board of directors of the National Multiple Sclerosis Society.

In short, Judge Crone is an outstanding nominee with solid credentials and a reputation of fairness and impartiality. I support her nomination, and look forward to her distinguished service on the bench of the Eastern District of Texas, where the citizens of Beaumont need her good legal judgment and wisdom.

The ACTING PRESIDENT pro tempore. All time has expired. The question is, Will the Senate advise and consent to the nomination of Marcia Crone, of Texas, to be United States District Judge for the Eastern District of Texas?

Mrs. HUTCHISON. Mr. President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Tennessee (Mr. ALEXANDER) and the Senator from New Mexico (Mr. DOMENICI) are necessarily absent.

Mr. REID. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Illinois (Mr. DURBIN), the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from Vermont (Mr. JEFFORDS), the Senator from Massachusetts (Mr. KERRY) and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote ''yea.''

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 91, nays 0, as follows:

[Rollcall Vote No. 369 Ex.]

YEAS—91

Akaka	Dodd	McConnell
Allard	Dole	Mikulski
Allen	Dorgan	Miller
Baucus	Ensign	Murkowski
Bayh	Enzi	Murray
Bennett	Feingold	Nelson (FL)
Bingaman	Feinstein	Nelson (NE)
Bond	Fitzgerald	Nickles
Boxer	Frist	Pryor
Breaux	Graham (SC)	Reed
Brownback	Grassley	Reid
Bunning	Gregg	Roberts
Burns	Hagel	Rockefeller
Byrd	Harkin	Santorum
Campbell	Hatch	Sarbanes
Cantwell	Hollings	Schumer
Carper	Hutchison	Sessions
Chafee	Inhofe	Shelby
Chambliss	Inouye	Smith
Clinton	Johnson	Snowe
Cochran	Kennedy	Specter
Coleman	Kohl	Stabenow
Collins	Kyl	Stevens
Conrad	Landrieu	Sununu
Cornyn	Lautenberg	Talent
Corzine	Leahy	Thomas
Craig	Levin	Voinovich
Crapo	Lincoln	Warner
Daschle	Lott	Wyden
Dayton	Lugar	
DeWine	McCain	

NOT VOTING—9

Alexander	Durbin	Jeffords
Biden	Edwards	Kerry
Domenici	Graham (FL)	Lieberman

The nomination was confirmed.

NOMINATION OF RONALD A. WHITE, OF OKLAHOMA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF OKLAHOMA

The PRESIDING OFFICER (Mr. SMITH). Under the previous order, the clerk will report the next nomination.

The assistant legislative clerk read the nomination of Ronald A. White, of Oklahoma, to be United States District Judge for the Eastern District of Oklahoma.

The PRESIDING OFFICER. Under the previous order, there are now 2 minutes for debate equally divided.

The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I am happy to recommend, along with Senator INHOFE, the nomination of Ron White to be United States District Judge for the Eastern District of the State of Oklahoma.

Ron White has been a partner in a prestigious law firm in Tulsa, OK, for 17 years. He is eminently qualified.

He has considerable experience in major corporate litigation in Tulsa with sixty percent of his court appearances taking place in Federal court. He is a man of outstanding individual character, and the President could not have picked a more qualified person for this job.

A native of Sapulpa, Ron is a 1983 Phi Beta Kappa graduate of the University of Oklahoma. He earned his Juris Doctorate (Cum Laude) from the University of Oklahoma College of Law in 1986, where he was a member of the Order of the Coif Honor Society.

Ron is also very active in his community as a member of both the Philbrook Museum of Art Masters Society and the Tulsa Ballet Founders Society. In addition, he is on the Board of Directors of the Margaret Hudson Program, an organization that helps pregnant teens and young mothers finish high school.

Ron has been admitted to the Oklahoma Supreme Court, the U.S. District Court for Northern, Western, and Eastern Districts of Oklahoma, and the U.S. Court of Appeals. Furthermore, he has been rated ''unanimously qualified'' by the American Bar Association.

Ron is exceptionally qualified to serve as Eastern District Judge for the State of Oklahoma. The judicial system and our nation as a whole will benefit from his service. Senator INHOFE and I are pleased to recommend confirmation of Ronald A. White to the Senate.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I don't think there is any doubt but Ronald White is one of the most qualified nominees that we have been able to act on and confirm.

In addition to that, he comes from my hometown of Tulsa. I know him well and I know what he does. This is a generous person. He is famous for taking indigent cases and not charging fees.

The Margaret Hudson Program is a program to give alternatives to pregnant teens, and he gives his free legal counsel to that.

He is the type of person certainly deserving from his own personal lifestyle as well as his professional qualifications.

I heartily endorse him.

Mr. HATCH. Mr. President, I rise today to express my unqualified support for the nomination of Ronald White to the Eastern District of Oklahoma and to urge my colleagues to confirm this fine nominee.

Mr. White is a distinguished litigator. After graduating from the University of Oklahoma law school in 1986, Mr. White joined the law firm of Hall, Estill, Hardwick, Gable, Golden & Nelson in Tulsa. His practice has focused on litigation in the areas of tort and insurance defense, medical malpractice, corporate litigation, ERISA, and telecommunications. Mr. White is a well respected legal practitioner in his home State and he will make a fine addition to the Federal bench.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, with our votes on two more judicial nominees today, the Senate will have confirmed 60 judges in the 15 months that Republicans have controlled the Senate majority. In 17 months, when the Democrats were in the majority, we confirmed 100 judges. So that means between those confirmed under Republican leadership—60—and the 100 under Democratic leadership, we now have confirmed 160 in less than 3 years.

Incidentally, it approaches the 4-year total of President Reagan's first term.

I have expedited confirmation of another Oklahoma nominee, as I accommodated Senator NICKLES with four nominees when I was chairman, and I am happy to accommodate him now.

I hope the leadership will look to the two much needed nominees for the Southern District of California. That is the most overworked district in the entire Nation. For some reason, the leadership has not brought them up.

I wish they would. They should be considered on an expedited basis.

Last night, the Senate unanimously confirmed Judge Carlos Bea of California to a lifetime position on the United States Court of Appeals for the Ninth Circuit. He is the 29th circuit court nominee of President George W. Bush to be confirmed. With this number of confirmations, we have reduced the number of vacancies we inherited in the summer of 2001 in 8 of the 13 circuit courts and the number of vacancies in the other 5 courts has not increased, despite more than a dozen additional vacancies that have arisen since then. In contrast, during the Clinton administration, Republicans allowed the number of circuit court vacancies to more than double, increasing the number of vacancies on 9 of the 13 circuit courts.

As I mentioned last night, the Senate has confirmed 12 circuit court nominees of President Bush in this year alone, which is more circuit court confirmations than Republicans allowed in 5 of the 6 full years they controlled the Senate during the Clinton administration. Last night, the Senate confirmed the 58th judicial nominee of President Bush this year, which is the same number as Republicans allowed in all of 1995. With the two confirmations we expect this morning, we will have confirmed more judicial nominees of this President this year than in 5 of the 6 years of Republican control of the Senate.

At the conclusion of the confirmation votes today, a total of 60 judicial nominees of President Bush will be confirmed this year, in addition to the 100 confirmations during 17 months of the Democratic majority in the Senate. This number of confirmations, 160, is significantly higher than Republicans allowed by the third year of President Clinton's second term, the most recent Presidential term, when they allowed 135 judicial nominees of that President to be appointed from 1997 through the end of 1999. That year, because the Republican chairman insisted that President Clinton nominate Utahan Ted Stewart to the district court, no nomination hearings were even held until the summer. In all, during the prior 6 years of Republican control of the Senate, 248 of President Clinton's district and circuit court nominees were confirmed but more than 60 were blocked form getting confirmation votes.

Despite this recent history, Democrats have supported the confirmation of 160 of President Bush's judicial nominees. As Senator FRIST observed on the floor of the Senate last week when six additional judicial nominees were confirmed: ''Again, steady progress has been made with respect to these judicial nominations.'' The number of confirmations in the two home States of the nominees being voted on today supports that observation of the majority leader.

We have already confirmed 13 district court judges to the State of Texas and today we vote on the 14th judge appointed to the Federal trial courts in Texas, Magistrate Judge Marcia Crone. Despite her 11 years of service in the Southern District of Texas, Magistrate Judge Crone earned a partial ''Not qualified'' rating from the American Bar Association, ABA. In all, 23 of President George W. Bush's judicial nominees have received minority or majority ratings of ''Not qualified'' from the ABA, which is cause for concern. Sometimes we are able to deduce the basis of those ratings, but sometimes we cannot. It is too bad that the ABA will not provide us with the facts and factors behind such ratings. Without that information and based on the record we have before us, Magistrate Judge Crone garnered the bipartisan support of the Judiciary Committee.

Magistrate Judge Crone is nominated to 1 of the 15 new seats Democrats created to address increased caseloads around the country, and once she is sworn in there will be no vacancies in the district courts in Texas, a situation that Republicans would not allow when a Democrat was in the White House. In fact, had Democrats not created 15 new seats on the Federal courts when we

were in the majority last year, there would be fewer than 30 vacancies in the Federal courts today. As it stands, with the confirmations today, there will be 44 vacancies on the Federal bench, the lowest level reached for this President and indeed the lowest number of vacancies since 1990.

Similarly, with the confirmation of Ronald White to the district court in Oklahoma, Democrats will have supported the confirmation of a judge to a vacancy that arose last Thursday. Senator NICKLES has been eager to fill this vacancy, which occurred just four business days ago and we are accommodating him. When I chaired the committee we similarly worked hard to confirm four judicial nominees to vacancies in Oklahoma.

I must express concern, however, that the Republican leadership has chosen to move Mr. White's nomination to such a short-lived vacancy ahead of the nominees to the Southern District of California, seats that have been greatly needed for years. During the last period of Republican control of the Senate, they refused to create seats in California to address the growing crisis to that border court. As a consequence, this Federal court in San Diego has the highest caseload per judge in the Nation, by a significant margin; senior judges have been called into continued service handling a large number of cases; and one retired judge even passed away in the midst of the stressful and pressing caseload of that court. Republican neglect was part of their efforts to deny a Democratic President and any opportunity to fill those much-needed judgeships. I hope that the Republican leadership will turn to the southern California nominees it has now skipped without more delay.

Finally, I note that Mr. White is receiving far more favorable bipartisan consideration than the last Ronald White to be nominated to the U.S. District Court. Mr. White of Oklahoma is being confirmed within 4 months of his nomination, while Missouri Supreme Court Justice Ronnie White waited 28 months for a confirmation vote. Justice White, who now serves with distinction as the Chief Justice of the Missouri Supreme Court, was nominated by President Clinton to the Federal district court in June of 1997. The White House consulted at length with the home-state Senators and other officials in Missouri to find a consensus nominee and chose Justice White who was the first African American to serve on the highest court in Missouri. Senator BOND supported Justice White's confirmation and then-Senator Ashcroft advised that he would not hold his nomination.

However, the Republican chairman did not schedule a hearing for this district court nominee for almost a year. Then, after Justice White's nomination was reported favorably by the Judiciary Committee, which occurred almost a year after his nomination, the Republican leader refused to schedule a vote on the nomination. Justice White's nomination languished on the floor from May 1998 until the end of that year. He was renominated by President Clinton in January 1999, and the Republican chairman refused to place his name on the calendar for a vote for 6 months. Once his nomination was reported out favorably a second time the Republican leader again delayed a vote on his nomination for about 3 months.

Then, in a surprise move following a Republican caucus meeting in October 1999, Justice White nomination was defeated with every Republican voting in lock-step against his confirmation, without warning and even though some of these Senators had previously voted to report his nomination favorably to the Senate. Senator Ashcroft maligned Justice White as ''pro-criminal,'' even though Justice White's record in criminal and death penalty cases on the Missouri Supreme Court was better than some of Senator Ashcroft's appointees to that court when he was governor. When President Bush nominated John Ashcroft to be Attorney General the outrageousness of the attack on Justice White was one of the issues we explored. Senator SPECTER apologized to Justice White for the way he was treated by the Senate.

Of course, more than 60 of President Clinton's other judicial nominees were never allowed a confirmation vote of any kind. Those 63 other nominations were scuttled by Republicans in the dark of night, through secret or anonymous objections. This was their preferred modus operandi. Republicans perfected the art of delay by defeat for President Clinton's circuit and district court nominees, blocked 63 while confirming 248 in the 6½ years of Senate control.

I think if is time that fair-minded Republicans acknowledge those Clinton nominees who were blocked from getting votes, nominations that constituted 20 percent of all judicial nominees in those 6 years. That record stands in stark contrast to ours, with 160 of President Bush's judicial nominees confirmed in less than 3 years, with only three blocked so far. The Senate's record on President Bush's judicial nominations is now 160 to 3. The Republican record on President Clinton's judicial nominees is 248 to 63. The facts demonstrate how effectively Republicans prevented confirmation votes on judicial nominees, behind closed doors and in secret. Democrats have voted and continue to vote on President Bush's judicial nominees in the light of day, with full discussion of the serious concerns that surround the extreme nominees of this President.

With a Republican making nominations, the Senate votes today to confirm Mr. White of Oklahoma to a seat that has been vacant for less than a week. With the delay and attack on President Clinton's nominee Justice White, Republicans were content to allow the Missouri District Court to remain vacant for 5½ years, like many other judicial vacancies that arose when a Democrat was in the White House and Republicans last controlled the confirmation process.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Ronald A. White, of Oklahoma, to be United States District Judge for the Eastern District of Oklahoma.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Tennessee (Mr. ALEXANDER) and the Senator from New Mexico (Mr. DOMENICI) are necessarily absent.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from Vermont (Mr. JEFFORDS), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote ''yea.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 93, nays 0, as follows:

[Rollcall Vote No. 370 Ex.]

YEAS—93

Akaka	DeWine	Lugar
Allard	Dodd	McCain
Allen	Dole	McConnell
Baucus	Dorgan	Mikulski
Bayh	Durbin	Miller
Bennett	Ensign	Murkowski
Biden	Enzi	Murray
Bingaman	Feingold	Nelson (FL)
Bond	Feinstein	Nelson (NE)
Boxer	Fitzgerald	Nickles
Breaux	Frist	Pryor
Brownback	Graham (SC)	Reed
Bunning	Grassley	Reid
Burns	Gregg	Roberts
Byrd	Hagel	Rockefeller
Campbell	Harkin	Santorum
Cantwell	Hatch	Sarbanes
Carper	Hollings	Schumer
Chafee	Hutchison	Sessions
Chambliss	Inhofe	Shelby
Clinton	Inouye	Smith
Cochran	Johnson	Snowe
Coleman	Kennedy	Specter
Collins	Kohl	Stabenow
Conrad	Kyl	Stevens
Cornyn	Landrieu	Sununu
Corzine	Lautenberg	Talent
Craig	Leahy	Thomas
Crapo	Levin	Voinovich
Daschle	Lincoln	Warner
Dayton	Lott	Wyden

NOT VOTING—7

Alexander	Graham (FL)	Lieberman
Domenici	Jeffords	
Edwards	Kerry	

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business until the hour of 11:30 a.m., with the first half of the time under the control of the Senator from Texas, Mrs. HUTCHISON, or her designee, and the remaining time under the control of the Democratic leader or his designee.

Who yields time?

The Senator from Wyoming.

SUPPLEMENTAL APPROPRIATIONS REQUEST FOR IRAQ

Mr. THOMAS. Mr. President, obviously one of the issues before us and the issue we will be grappling with for the remainder of the week—perhaps longer—is the question of supporting our troops in Iraq and continuing to deal with the war on terror in Iraq and Afghanistan. Certainly everyone agrees that these things have to be done. There are different views as to how they should be done. All of us have to review in our minds where we are, what the basic issues are that have us there, and certainly what is necessary to succeed in our efforts in the Middle East, particularly in Iraq and Afghanistan.

We have before us a request for $87 billion for the war on terror. That will be dealt with this week, the division there between what is required for the military aspect and then what is required to complete our job in terms of leaving Iraq and Afghanistan in the condition in which democracy and freedom and a lack of terrorism will be where we are in the future.

It is good to go back and review some ideas. I would like to talk about where we have been, where we need to go to complete the task we undertook, and talk a little about what we are seeking to do in terms of leaving Iraq in a position to govern itself and to support freedom and peace, and about the fact that we hear all the time that there was no plan after combat was over. That is not true. There is a plan. The plan is in process. We certainly will continue to carry out that plan. We need resources to do that.

All of us are concerned about spending. All of us are concerned about the deficit. We find ourselves in a deficit situation for reasons that are fairly apparent. It started, of course, with September 11, which was something we had no control over, which increased special spending we would not otherwise have had. Then we were faced with an economic turndown which caused additional impacts on our deficit and the economy. Then, of course, we continued to have more terrorism and our troops in Iraq.

I guess probably no one in this body is more conservative than I am in terms of spending, in terms of government's role and what we ought to be doing, but I do recognize that when you have special things, whether it is your business or your family or your government, then spending is done in a different way. That is where we are.

The stakes are high in Iraq, certainly. It is the center front now for the war on terrorism. Critical work remains to be done in Afghanistan as well. Terrorists and regime remnants are making a desperate attempt to maintain themselves and continue in these countries. The U.S. and its allies are confronting them where they live and where they seek refuge, rather than leaving the terrorists in the safe havens where they would like to gather strength and resources and come back as they did before.

Our troops—no one would disagree, I am sure—have to have the necessary resources for the war on terror, and the spending requests will give our troops in Iraq and Afghanistan the equipment they need to increase their safety and security, which happens to be the most important thing for us. This includes funding to replace equipment used that was destroyed during combat operations, to protect our forces, better housing for our troops deployed overseas, and enhanced pay, reflected in the dangers that we face.

Of course, we have been through these things before. Stabilizing Iraq and Afghanistan will increase our security at home and certainly help win the war.

As we understand, the war was not just combat but to change things in that part of the world. The costs of fighting terrorists are significant, but they still are a relatively small percentage of the overall economy compared to that of previous conflicts. According to an analysis done by USA Today, the cost of fighting the war is 5 percent of the GDP compared to 30 percent for World War II and 15 percent for the Korean war. The $87 billion request is less than 4 percent of our entire Federal budget next year. Yet it is a critical part of this stabilization area we are in.

Initial estimates of Iraq's total need range from $50 billion to $75 billion. The administration believes $20 billion represents our reasonable share as to what we ought to be doing to put the country back in reasonable shape, and we expect the rest of the costs, of course, to be filled by the international community, or by Iraq's own reserves, which are potentially very large.

So these funds will be carefully targeted to the immediate security needs, as well as the share of the critical infrastructure that has to be replaced in order to get the kinds of support there that we are looking for.

Iraq oil reserves are estimated at approximately $12 billion in 2004 and $19 billion for each of 2005 and 2006. So unlike many of the countries in that part of the world, there are sizable resources that we hope will be part of this rebuilding exercise, and indeed should be.

President Bush has held the line on nondefense spending growth. In 2001, the last budget before President Bush took office, nondefense spending grew nearly 15 percent. He cut that growth to 6 percent in 2000, less than 5 percent in 2003, and 2 percent in 2004. Obviously, there is always controversy and different views and things that we would like to do in our home States and in our country. But, of course, obviously, they have to be balanced with our ability to pay and our willingness to tax.

Today's deficits are larger than anybody wants. No one wants deficits, but they are certainly still less than 5 percent of the GDP and are manageable if we put them into a steady downward path by strong economic growth and spending restraints. These are the issues with which we have to deal.

Certainly, the war on terrorism has to be funded. Freeing Iraq is the key to winning the terrorism war and vital to America. President Bush has asked for $87 billion in emergency funding—a large amount, of course. The majority—$65 billion—will go to directly support troops in Iraq and Afghanistan, give them more resources that they need. Again, no one would argue against giving our troops what is necessary for them to go forward. And $21 billion would go to create a secure environment. It is high, but as I mentioned, things have changed and we need to do the job right and continue to work at doing it.

From time to time we hear that there really wasn't a plan or there is not a plan. There is a plan and we are following it. One of the issues, of course, is time. I don't know how you could plan that anybody would have a definite timeframe in terms of a plan for a place such as Iraq. But I think Secretary Rumsfeld covered it well when he commented some time back, a few days ago. These are some of his comments that I think are correct. He said the coalition has certainly, in less than 5 months, racked up a series of achievements in both countries and civil reconstruction that may be without precedent. Today in Iraq virtually all major hospitals and universities have been reopened; hundreds of secondary schools—until a few months ago many were used for weapons storage—have been rebuilt and are ready for the start of the fall semester. This is part of the plan to put these entities, of course, back into place.

Fifty-six thousand Iraqis have been armed and trained in just a few months. They are contributing to the security and defense of the country. Today a new Iraqi army is being trained, and 40,000 Iraq police will join with that army to conduct joint controls with the coalition. Contrast that to the 14 months it took to establish a police force in postwar Germany and

the 10 years it took to begin training a new German army.

Again, this is part of the plan to add stability and provide the opportunity for Iraqis to be able to control their own country and their own people and move forward. As security improves, so does commerce. Five thousand small businesses have opened since the liberation on May 1. An independent Iraqi central bank was established and new currency was announced in just 2 months. These are accomplishments which took years before in Germany. The Iraq governing council has been formed and they appointed a cabinet of ministers—again, something that took years to do in other times.

So this is the plan and the movement to get government back into place there, to have security for themselves, to have people trained to do what has to be done in a country that is independent and standing alone. In major cities and most of the towns, villages, and municipalities, councils have been formed to make the decisions on local matters. That is something that it took a great deal of time to do before, and you would imagine that it would.

But all this has taken place in just 5 months. Again, I don't think anybody can specifically say we are going to be done by the 14th of March in 2005, or whatever, but we are moving very quickly. There is a plan as to what needs to be in place. The Iraqi people are providing intelligence now for our forces every day. Division commanders consistently report an increased numbers of Iraqis coming forward with intelligence that makes it more likely that we can find the terrorists and get them out of positions, and so on. So there has been a great deal of advancement.

There has been great talk about the need for more troops. Those in the military have declared that is not necessary. If we are going to have more, they need to come from other countries that are involved. The commander of the Marine division in the south area decided to send home 15,000 troops and explained if there is a point when he needs them, he can get them. So there hasn't been the shortage that is felt by the military.

Again, we are moving forward and making some progress in that area. That is what it is all about—to continue to reach the visions that we have for Iraq and against terrorism.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I thank the Senator from Wyoming. We are beginning a very important week. We are going to be talking about what is happening in Iraq and the President's request for $87 billion and added funding.

A lot of people are saying: Wow, $87 billion. But it is important for us to look at what that $87 billion is going to do.

First of all, $66 billion is for our troops. That is for our troop protection, equipment, making sure they have everything they need to do the job we are asking them to do over the next year. I don't think there is anyone in this Congress who would deny the President a dime of the money that is going to our troops to make sure they have everything they need to do one of the toughest jobs I have ever seen.

I was in Iraq and I was in Afghanistan in August. In Iraq and Afghanistan, our troops are in harm's way every day—every moment, really. I just woke up this morning to the news that two of our wonderful military personnel have been assassinated in Afghanistan. It is a very tough place. We are having to deal with a Taliban that has rejuvenated its efforts, and they are now into drug dealing. They are preying on the police in Afghanistan. If somebody doesn't deal with them, they are murdering them, assassinating them because they want the drug trade.

Why do they want the drug trade? They want the drug trade because that is how they are going to finance the terrorist operations around the world. That is why they are trying to raise money in this illicit way. What could be more important to the security of our people than to stop the drug trafficking in Afghanistan and stop the resurrection of the Taliban?

In Iraq, we see on a daily and weekly basis the harm our young men and women are in. We need to make sure they have the capability to do the job we are asking them to do. That is what the President is asking for, and that is what we will give him.

The other $20 billion is what most people are talking about. How much should we be giving to rebuild Iraq and how should it be done? Those are the questions we are going to hear on the floor. The Appropriations Committee right now is marking up the bill that will come to the floor, hopefully tomorrow.

This is a legitimate area of disagreement. Most certainly people can reasonably ask the question: Why are we putting $20 billion into Iraq? There are things we need in America.

The first responsibility of the Congress of the United States and the President is to provide for the security of our people, to provide for a national defense. This is national defense. If we can stabilize Iraq and stop Iraq from being a breeding ground for terrorism, that is a United States security interest. That is why putting the money into the rebuilding of Iraq so that the people will be able to start having an economy, and if they have electricity, water, and basic living conditions, we also will begin to see the startup of business. We hope the oilfield infrastructure will be repaired or rebuilt. It is in much worse shape than we ever thought it would be. We want to rebuild the oil infrastructure so when the Iraqis get the oil out of the ground, it will give jobs to the Iraqi people. They will be able to use it and export it, but it also means other businesses will crop up to service those oil wells and the delivery of that oil.

We are talking about the beginning of an economy for Iraq. If we don't put $20 billion into the rebuilding of Iraq, what will those people have to do? How can they start their economy from scratch? How can they start the creation of jobs if the oil pipelines are being held together with rags and cannot deliver the oil?

It is a package of $87 billion that will be for the security and support of our troops, and for the rebuilding of Iraq which, in turn, will allow our troops to leave earlier but with the knowledge that the people of Iraq will have stability, that Iraq will not be a breeding ground for terrorism, and that they will have a justice system and a security system in place with their own policemen and their own army to protect their borders from the terrorists who are infiltrating their borders from Syria, Saudi Arabia, and Iran.

This is a very important bill, it is a very important request from the President, and it is important that we give to the President what he needs to do the job Congress has given him the authority to do. Congress gave the President the right to declare war on terrorism. Congress declared the war. The President is implementing that war, and we are going to have to give him the support he asks us to give. It would be unthinkable to walk away with the job not yet completed.

I am very pleased to be supportive of the President and this effort, even though it is a difficult situation and a lot of questions have been raised.

Mr. President, we have had a good beginning. We have had the beginning of 6,000 individual reconstruction projects. Schools, universities, and hospitals have been opened. They are not up to the standards we hope they will be, but it was important for the Iraqi children to start school; it was important they have health care services. We have gone in to augment the opening of those facilities.

Iraq is also in the process of transitioning to a governing council. We hope they will be able to form their own government, create their own constitution, have representatives of their people for whom they can vote. That is what we hope to leave them.

We have made a very strong beginning. If we look at where we started, which was absolutely a deteriorating infrastructure, we are making progress. What we hear about in the news is very disconcerting. We hear about a terrorist putting a landmine in a road and it blows up one of our people or one of their people. We hear of terrorists tearing down the electricity grids and cutting the water supply. This shows, if nothing else does, that this is the terrorists' last stand. They do not want the United States to succeed. They do not want the Iraqi people to have a stable lifestyle. They want there to be foment and unrest. They

want people who are desperate for change. We are not going to let them win. That is why this bill is so important.

I am pleased to talk about the important accomplishments and the importance of what we are doing in Iraq. The President and Congress must come together and do what is right for the security of the American people, and doing what is right means we will give the President the money which he has asked for the rebuilding of Iraq and for the protection and support of our troops in the field.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, I thank the Senator from Texas. She certainly expresses the view of at least all of us on this side of the aisle in terms of the challenge we have before us and our willingness to take on that challenge and to complete this task we have begun in the protection of our country.

There are probably a number of questions that are frequently asked with regard to this issue. They should be discussed, and indeed they have been discussed. So, frankly, I hope we do not string this issue out any longer than it needs to be. We should have a reasonable debate and get on with what we need to do. I am very hopeful, as well, that the idea of some of the discussion is not designed to be political. Unfortunately, many issues do that. These are genuine issues. They are not political issues.

Some of the questions that are asked: Why can we not provide the resources for the troops and let the Iraqis do their own thing with their infrastructure? I think one of the differences we have, that we might not have with some other place, is Iraq has suffered from decades of corruption and mismanagement from Saddam, where he built dozens of lavish palaces for himself and his family and funded destruction programs. He involved himself in war in Kuwait, and he failed to invest in the country's critical infrastructure. As a result, more than $100 billion in debt is unable to be tapped for their own resources. The stability of Iraq and Afghanistan is what is important so that they are no longer the breeding grounds for terrorism.

So it is important that we are helpful in restructuring the things that have not been done for many years prior to our involvement there.

Some ask: Why is rebuilding Iraq costing more than the administration said it would? Has the administration been honest about their analysis of the costs?

Again, that is a legitimate question. Under Saddam, Iraq was one of the most tightly controlled and secretive societies in the world. Until the country was liberated, it was hard to know exactly how much internal damage or neglect had been suffered in everything from the electrical grid to water and sewage. In addition, rebuilding efforts have been hampered, of course, by the remnants of the regime and foreign terror groups that are there. It has been very difficult, in the long term, to understand what these costs would be.

What are other countries realistically going to contribute to the reconstruction effort, and what are the expectations for the Madrid donor conference? It seems as if there is now more support for doing something in terms of restructuring than we had in the combat stage. We expect that many members of the community will participate, as well as some international financial institutions and organizations, such as the United Nations. Quite frankly, when we start doing this I believe we will see some of the European economic interests there. Some of them were there before in a business sense, and they will return again. We have had discussions with these donors individually, and they are planned for the conference. We also need to review the assessments being done by the U.N.

What is our exit strategy? Again, that is a very difficult issue, particularly on timing. We know what we want to accomplish, but it is not always easy to know how long it will take to achieve those kinds of things.

After 9/11, the President told the American people that he would confront the threats to our Nation before they reached our shores. Our troops are performing a vital task right now, and that is what they are doing. They are liberators, not occupiers. We bring freedom to those oppressed people and help the Iraqi people. It is interesting that all we hear about are the difficult times—and there are difficult times, and I understand that. The media, or whoever it is, speaks of those difficult and tragic things at the top of the news. The improvements that are being made and the support that is there is not always as well understood as are the difficulties.

So I think we are making good progress. As we have pointed out, in just 5 months many things have happened that need to be done. The more that happens, the more support we will have from the Iraqi people, and we can begin to move rather soon.

We have enough forces in the region. That is always a question that is being asked. I mentioned it before, but in the professional judgment of the military commanders, who are the ones who really know, the 130,000 troops recently in Iraq can carry out the mission. Some of the marines have been sent back to the United States, knowing that if they are needed, of course, they could go there.

One of the last figures I heard was about 25,000 troops from other countries are there, and that is a good thing. Of course, we are dealing with an action at the United Nations, so there will be more input from the United Nations into what we are doing, and I think that is good.

So these are some of the questions that are asked, and I think they are indeed legitimate questions.

No one wishes we were there. We all wish the whole terrorism thing had not happened, but it has, and the Senator from Texas mentioned why we do not want it to happen in our country. We need to deal with terrorism where it exists and not to let it happen here. I am hopeful that this is an issue we can deal with, and deal with it in a timely way.

THE UNFINISHED AGENDA

Mr. THOMAS. We have a lot of work to do. We have six or seven appropriations bills that we have passed. We have 13 total to do. This is the last day of the fiscal year. We will have to pass a continuing resolution to go on into October, but we certainly need to continue to work on that and get that completed as soon as we can. It is very important we do that.

There are several other bills, of course, that are pending that all of us feel strongly about. The Medicare bill is pending and we need to do something with pharmaceuticals. There is a great difference of opinion as to how we do that. The bottom line is that everybody knows we need to do something for Medicare, particularly pharmaceuticals, to make them available at a reasonable cost to as many people as we possibly can. So those issues are pending.

I have a particular interest in energy because of my committees and because of where I live. Wyoming is an energy-production State. We look forward to being able to do more of that. We are in the process of an energy policy and had planned to get that completed this week. The House and the Senate have both passed energy bills. Most everyone knows we need an energy policy. We have not passed one for a good many years, and things have changed substantially. So we really need to deal with it.

One of the issues I believe is important, that we are talking about, is an energy policy. We are not talking about every detail. We are not talking about everything tomorrow. We are talking about an energy policy that will give us some guidance into where we are 10, 15, 20 years from now. Obviously, things are going to change and indeed have changed. We have seen a number of the problems: the blackouts, the cost of gasoline, the shortage of natural gas, the things that happened in California. Those are part of what we are talking about, but we are also talking about the future. In this bill, we have things that have to do with renewable energy, finding ways to use wind energy, finding ways to use ethanol to extend the use of gas. We are talking about renewables. We are talking about doing some things with hydro and making that more accessible to much of the country.

Obviously, one of the questions we have is how to move energy around the country. It has to do with the blackouts and has to do with California. We

are talking about, how transmission can be operated, how to get new transmission incentives to invest in transmission costs. We find ourselves in a position of using more electricity, for example, but not really keeping up production to meet our demands. In some parts of the country—for instance, Wyoming—where we have lots of coal, we could generate a great deal of electricity, but then there has to be a way to move it to the market. Those have been very difficult things.

We have to have research. I mentioned coal. We ought to have more research so we can ensure that coal is clean and we can have clean air as we generate that fossil resource that is the most abundant resource we have in fossil fuel. We need then, of course, in the shorter term, to continue to encourage production. We find ourselves almost 60 percent dependent on foreign oil. We have a good deal of oil in our country and we need to find ways to extract more of that, keeping in mind at the same time the protection of the environment.

We can do that. There is ample evidence we can do that. So we have to deal with things such as incentives for unusual kinds of oil and gas that are more expensive to discover and to produce. We have to look at what we can do with the potential resources in Alaska, for example, whether it be having gas available from there, build a pipeline down so it is there, or whether we talk about ANWR. These are places where there are substantial sources of energy but they are not really available to us. These are some of the things we need to talk about.

We had a bill last year in both Houses. We had a committee working on it last year. We were not able to produce a policy. This year, the same thing is happening. We passed something in the Senate; there was something else passed in the House. We need to put together the differences, and there are differences, quite a few in terms of the amount of ethanol we use and the subsidies that are there for ethanol.

We have been talking about what to do about electricity and how much authority they have in the Federal Energy Regulatory Commission. That is controversial—how we can develop techniques, given regional differences in energy, without having the Federal Government in charge of everything we do. These are called regional transmission organizations, where the States can make the decisions within that for interstate movement. Then when you move between the RTOs, there has to be some Federal involvement.

These are some problems that are not insurmountable. We can get them done. Of course, not everyone is going to agree on every detail, but that is not uncommon in the Senate. We have to give away some things. Some things are different in Alabama or Oregon, and we need to reconcile those differences and put together a national energy policy.

That is our challenge. I mention that to emphasize that hopefully we will not be here forever. We will be able to adjourn this session, hopefully in November sometime—early November, if we are lucky, or later. We have a lot to do prior to that time, but we can do it if we will bring it to the floor, if we have our legitimate concerns voiced in legitimate debates, but not just hold up legislation for various political reasons. I think that makes us look inefficient and unaware of what we have to do, and we have a great deal to do.

I believe our time has expired. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ENZI). Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I further ask unanimous consent that I may speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

FUNDING FOR IRAQ

Mr. SPECTER. Mr. President, I have sought recognition to discuss the pending administration request for $87 billion, including some $20 billion for the rebuilding of Iraq. At the present time, the Appropriations Committee is considering this request and soon the matter will be on the floor. I urge my colleagues to give consideration to the proposition that the $20 billion to be advanced to rebuild Iraq ought to be in the form of either a loan or a loan guarantee. I understand this is contrary to the administration's position at the present time, but there may be some receptivity in the administration or, in any event, it is my thought that the Congress ought to consider this as an alternative in the spirit of trying to be helpful to the administration in working through the very difficult issues we are facing at the present time.

There is no doubt that the appropriation for the military is a matter of necessity as it has been outlined by the President. There is a strong universal commitment in the Congress to backing our troops. We compliment them on the extraordinary job they have done in the military victory in Iraq, and we compliment them further on their ongoing efforts to try to restore law and order, try to establish a peace to maintain. It is a highly regrettable situation that our military find themselves in a position of being police, responsibilities for which they are not trained and responsibilities which ought to be undertaken by others.

It is my hope that there will be assistance from countries such as Turkey and Pakistan, Muslim countries, to give more confidence to the Arab world, or that we will work through an arrangement with the United Nations so that there will be some sharing of the burden of rebuilding Iraq, so that when it comes to the funding for the military, there is universal agreement and certainly my support for that appropriation.

The issue as to rebuilding Iraq, I submit, stands on somewhat different terms. As I think through the issue of funding the rebuilding of Iraq, I think about the analogy of a bankruptcy proceeding. There is no doubt that Iraq as a country is bankrupt. They have latent assets, sitting on the second largest oil pool in the world, but they do not have a government in existence. They cannot function. They are bankrupt.

When the argument is made that we should not further burden Iraq beyond the $200 billion in debts which they have at the present time, the analogy to bankruptcy would say that those debts are owed to creditors that are general creditors, unsecured. When there is a bankruptcy, there are no funds to pay those creditors. They come last in line. If there are no funds, they simply get no funds.

On that subject, while not dispositive and not critical, I think it ought to be noted that some of these debts were incurred in a context where the lending parties knew they were supporting a totalitarian and dictatorial regime which had used chemical warfare on their own people, the Kurds, had used chemical weapons in the Iran-Iraq war, a regime which was brutalizing the Iraqi people.

In a very realistic sense, people who were loaning money to Saddam Hussein in a context knowing that is where the funds were going were accessories before the fact to some very heinous conduct. In a very fundamental way, as a matter of public policy, they are not entitled to be reimbursed for funds advanced in that context.

Some of those moneys are owed by way of reparations to Kuwait and others. They stand on a somewhat different footing. But all of those funds are in a category, if it were a bankruptcy proceeding, of creditors that would take no assets when there are no assets to be taken. There is a further argument advanced that if the United States makes loans, then there would be no motivation or no leverage for the United States to get other donor nations to make contributions.

In a meeting, as I understand it, scheduled in Madrid for October 23, the United States will be pressing other nations to make contributions. If we are to have a chance to get contributions from other nations, it seems to me that we ought not to make a blanket grant at the present time of $20 billion but ought to condition any such grant on getting cooperation and getting support from other countries. If the United States is to put up the $20

billion on our own without any commitments from other countries, there is the inevitable sense that the other countries say: Well, the United States is doing it. They are putting up $20 billion. Let them put up that money and whatever else is required.

So the argument that if we condition the loans on collateral security or if we condition the money on a loan situation and look for collateral security that we will discourage other donors is essentially fallacious.

The argument is also advanced that if we make loans, we will be reinforcing the view of the Arab world that the only reason we went to Iraq was for the Iraqi oil. We are not utilizing the Iraqi oil for U.S. purposes. We are not asking that the Iraqi oil be used to pay our military expenses. We are asking only that the Iraqi oil be used to rebuild Iraq—that is, to rebuild Iraq for the Iraqi people. So that it just is not plausible that we could be legitimately charged.

The PRESIDING OFFICER. The time for morning business has expired.

EXTENSION OF MORNING BUSINESS

Mr. SPECTER. Mr. President, I have been asked by the leader to ask unanimous consent that morning business be extended until 12:30, with the time equally divided; provided further that the Senate then recess under the previous order.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I note the Senator from New York is on the floor. So I ask unanimous consent to speak for just 10 additional minutes so as to not unduly burden my colleague.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SCHUMER. I appreciate my colleague's courtesy.

Mr. SPECTER. Mr. President, I will make my points and conclude within 10 minutes. I was on the point that some may charge the United States is there looking for the benefits from Iraqi oil. So long as we use the proceeds for the benefit of the Iraqi people, I don't think anybody can realistically make that argument.

One factor is difficult, and that is, with whom would we contract to make the loan? I must confess that gives me some pause. When a trustee takes over, a trustee is appointed by the court. If a trustee takes over a company that has been mismanaged, or where the directors or officers have committed fraud, the trustee has carte blanche to run the company—in this case, run the country. I believe it would be possible for the United States to undertake what we are doing here, under the watchful eye of others, because others will be watching—we can count on the French for that, if for little else, and we can count on the Germans for that, if for little else. Under the watchful eye of others, we can discharge the fiduciary duty as trustees, and we are good for our word, and we are honorable, and we are there to help the Iraqi people.

While some may doubt that, we can prove it, so that what we do would be used for the benefit of the Iraqi people. There are other ways we might find somebody to contract with. It is my hope the efforts now by Secretary of State Colin Powell to bring in a U.N. resolution will be successful. We have learned from our experience that it is regrettable we could not get the U.N. Security Council to support our military action.

Going back to October 11 of last year, this Senator supported an amendment that would have gone back to the U.N. to try to get more multilateral action. It is true we led a number of nations—''the coalition of the willing''—but it was essentially the U.S. and Great Britain. While it was not quite unilateral, it didn't have the level of multilateral activity which would have been desirable. It is nonnegotiable that our troops would not be under any command other than the United States. But when it comes to the reorganization of Iraq and to what is going to happen in Iraq with respect to how contracts are going to be disbursed and the administration of Iraq, it is my hope the United States can show sufficient flexibility to get other nations to participate. If the United Nations is in, there might be the structure of someone with whom to contract to have these loans instead of grants. I am exploring the issue as to whether the International Monetary Fund or the World Bank might be able to come into the picture at least to have a quasi-trustee status, someone who could oversee the matter, perhaps even contract on behalf of Iraq. These are matters to be explored.

I am advised that the International Monetary Fund is precluded from coming in in the absence of a sovereign, but that if the U.N. passes a resolution, there might be a sufficient basis for the International Monetary Fund to come in. In any event, these are complexities. There are no easy answers.

It is my hope the Senate and the House will give consideration to trying to structure something that would be on the basis of a loan, or perhaps a loan guarantee. We have the precedent with Israel. We are not making grants, we are making loan guarantees. Why should we do more for Iraq than we are doing for Israel with the loan guarantees?

I know that time is a consideration and there is an effort to pass this appropriations bill this week. That may or may not happen. At a meeting of the chairmen yesterday, there was doubt expressed as to whether it could be accomplished this week. We do know we have passed the Defense appropriations bill so that the Department of Defense has some $368 billion to operate. The aspect of this bill on funding the Department of Defense may not require immediate action, although I would not delay it. I am prepared to move ahead this week and decide all of the issues if we can resolve it this week.

I think there is time to give consideration to a structure of the loan or a loan guarantee. I have consulted with a professor of bankruptcy to refresh my own recollection and my own knowledge on the subject and have been told the concept, the analogy to a bankruptcy, is solid; that there is another concept of ''creditor in possession,'' which would provide an analog in bankruptcy law for us to operate. And as we take a look and search through the possibilities of finding someone to act on behalf of the Iraqi government, I am not suggesting the council that has been created has sufficient authority to contract; but perhaps if we obtain a resolution from the United Nations, we might work in the International Monetary Fund, or the World Bank, or we may be able to structure some circumstance so the loan could be effectuated, or a loan guarantee could be effectuated.

My soundings in my State, and what I hear from colleagues around the country, is the American people have grave questions about our policy in Iraq at the present time, questions about our military being in harm's way, questions about the casualties and fatalities that are occurring, questions about the United States advancing $20 billion to Iraq at a time when we have a very tight Federal budget.

There is talk about the $20 billion, some suggesting for additional domestic programs to offset $20 billion. I do not think now is the time, given the kind of national debt and deficit we are looking at, to be adding more money to domestic spending. Within the past month, I defended on the floor the $137 billion bill on Labor, Health, Human Services and Education and voted against many amendments I would like to have supported on increased education funding, health funding, or worker safety funding. But managing that bill, I opposed those amendments to stay within the budget resolution.

When we talk about a grant to Iraq for $20 billion, there are inevitable questions on how much of that money will go for schools in Iraq, contrasted with how much money is going to be going for school construction in the United States. So I think it would be an act of generosity to make loans, an act of generosity to make loan guarantees. I understand there is considerable support in this body to make an outright grant, but as we consider this issue for the balance of the day and the balance of the week, I ask my colleagues to give consideration to the possibility of making a loan or making a loan guarantee.

As a matter of interest, how much time remains, Mr. President?

The PRESIDING OFFICER. The Senator has 15 seconds remaining.

Mr. SPECTER. I yield back that time.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I thank my colleague for his words and his thoughts. His sense of timing is exquisite, realizing he had only 15 seconds left. I always enjoy listening to him. I appreciate his remarks and thank him for his courtesy.

APPOINTMENT OF SPECIAL COUNSEL

Mr. SCHUMER. Mr. President, I came to the Chamber this morning because I thought we would be on the DC appropriations bill and was prepared to offer a sense-of-the-Senate amendment to that bill concerning the appointment of special counsel to conduct a fair, thorough, and independent investigation into a national security breach.

I ask unanimous consent that my amendment be printed in the RECORD.

There being no objection, the material was ordered to be printed in the Record, as follows:

(Purpose: To express the sense of Congress concerning the appointment of a special counsel to conduct a fair, thorough, and independent investigation into a national security breach)

At the appropriate place, insert the following:

SEC. ___. SENSE OF CONGRESS CONCERNING THE APPOINTMENT OF A SPECIAL COUNSEL TO CONDUCT A FAIR, THOROUGH, AND INDEPENDENT INVESTIGATION INTO A NATIONAL SECURITY BREACH.

(a) FINDINGS.—Congress finds that—

(1) the national security of the United States is dependent on our intelligence operatives being able to operate undercover and without fear of having their identities disclosed by the United States Government;

(2) recent reports have indicated that administration or White House officials may have deliberately leaked the identity of a covert CIA agent to the media;

(3) the unauthorized disclosure of a covert CIA agent's identity is a Federal felony; and

(4) the Attorney General has the power to appoint a special counsel of integrity and stature who may conduct an investigation into the leak without the appearance of any conflict of interest.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Attorney General of the United States should appoint a special counsel of the highest integrity and statute to conduct a fair, independent, and thorough investigation of the leak and ensure that all individuals found to be responsible for this heinous deed are punished to the fullest extent permitted by law.

Mr. SCHUMER. Mr. President, now I am told the bill has been delayed because this amendment was going to be offered. I am going to talk about the amendment and have a dialog with my colleague from California.

On July 23, I believe it was, when I read the Novak column that named high administration sources as revealing the wife of Ambassador Wilson, Ms. Plame, as an agent—I hasten to add, I don't know if she is a covert agent. That is classified. But that is what was in the paper—I was outraged. I didn't know who had leaked the information. No idea. I am not an expert on the internecine rivalries among the various agencies, but the fact it was done just boiled my blood. So I wrote the FBI and asked Mr. Mueller to undertake an investigation of this act. The act, make no mistake about it, is a very serious act. In fact, it is a crime, punishable by up to 10 years in prison.

Why is it a crime? Why have this body and the other body made this a crime? For obvious reasons. Our covert agents put their lives at risk for us every day. They are soldiers just like our brave young men and women in Iraq and around the globe. And in the post-9/11 world, the world of terrorism, they are among our most important soldiers because we have learned intelligence is key. When the name of an agent is revealed, it is like putting a gun to that agent's head. You are jeopardizing their life; in many cases, you are jeopardizing the lives of the contacts they have built up over the decades, and you are jeopardizing the security of America. So the seriousness of this crime is obvious.

When, in addition, we learned that it was done in all likelihood for a frivolous, nasty reason—namely, that somebody was angry at Ambassador Wilson for speaking the truth, at least as he saw it—I tended to agree with him. I don't think anybody disputes it. In fact, the administration has admitted, the yellow cake sale from Niger to Iraq and the documents were, in fact, forged and the President was incorrect to use them in his State of the Union Address. This was a way of getting back at him through his wife or perhaps to cower him to make sure he didn't speak any further. Nasty. Not just nasty, it was like kneecapping.

In fact, John Dean, who has been through this, just wrote an article in something called TruthOut Editorial. The title is ''The Bush Administration''—that is assuming it was done by the administration, but that is what all the reports are—''Adopts a Worse-than-Nixonian Tactic: The Deadly Serious Crime of Naming CIA Operatives.''

I ask unanimous consent that Mr. Dean's article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From TruthOut, Aug. 15, 2003]

THE BUSH ADMINISTRATION ADOPTS A WORSE-THAN-NIXONIAN TACTIC: THE DEADLY SERIOUS CRIME OF NAMING CIA OPERATIVES

(By John W. Dean)

On July 14, in his syndicated column, Chicago Sun-Times journalist Robert Novak reported that Valerie Plame Wilson—the wife of former ambassador Joseph C. Wilson IV, and mother of three-year-old twins—was a covert CIA agent. (She had been known to her friends as an ''energy analyst at a private firm.'')

Why was Novak able to learn this highly secret information? It turns our that he didn't have to dig for it. Rather, he has said, the ''two senior Administration officials'' he had cited as sources sought him out, eager to let him know. And in journalism, that phrase is a term of art reserved for a vice president, cabinet officers, and top White House officials.

On July 17, Time magazine published the same story, attributing it to ''government officials.'' And on July 22, Newsday's Washington Bureau confirmed ''that Valerie Plame . . . works at the agency [CIA] on weapons of mass destruction issues in an undercover capacity.'' More specifically, according to a ''senior intelligence official,'' Newsday reported, she worked in the ''Directorate of Operations [as an] undercover officer.''

In other words, Wilson is/was a spy involved in the clandestine collection of foreign intelligence, covert operations and espionage. She is/was part of a elite corps, the best and brightest, and among those willing to take great risk for their country. Now she has herself been placed at great—and needless—risk.

Why is the Administration so avidly leaking this information? The answer is clear. Former ambassador Wilson is famous, lately, for telling the truth about the Bush Administration's bogus claim that Niger uranium had gone to Saddam Hussein. And the Bush Administration is punishing Wilson by targeting his wife. It is also sending a message to others who might dare to defy it, and reveal the truth.

No doubt the CIA, and Mrs. Wilson, have many years, and much effort, invested in her career and skills. Her future, if not her safety, are now in jeopardy.

After reading Novak's column, The Nation's Washington Editor, David Corn, asked, ''Did senior Bush officials blow the cover of a U.S. intelligence officer working covertly in a field of vital importance to national security—and break the law—in order to strike at a Bush administration critic and intimidate others?''

The answer is plainly yes. Now the question is, will they get away with it?

Bits and pieces of information have emerged, but the story is far from complete. Nonetheless, what has surfaced is repulsive. If I thought I had seen dirty political tricks as nasty and vile as they could get at the Nixon White House, I was wrong. The American Prospect's observation that ''we are very much into Nixon territory here'' with this story is an understatement.

Indeed, this is arguably worse. Nixon never set up a hit on one of his enemies' wives.

LEAKING THE NAME OF A CIA AGENT IS A CRIME

On July 22, Ambassador Wilson appeared on the Today show. Katie Couric asked him about his wife: ''How damaging would this be to your wife's work?''

Wilson—who, not surprisingly, has refused to confirm or deny that his wife was a CIA operative—answered Katie ''hypothetically.'' He explained, ''it would be damaging not just to her career, since she's been married to me, but since they mentioned her by her maiden name, to her entire career. So it would be her entire network that she may have established, any operations, any programs or projects she was working on. It's a—it's a breach of national security. My understanding is it may, in fact, be a violation of American law.''

And, indeed, it is.

The Espionage Act of 1917 and the Intelligence Identities and Protection Act of 1982 may both apply. Given the scant facts, it is difficult to know which might be more applicable. But as Senator Schumer (D.NY) said, in calling for an FBI investigation, if the reported facts are true, there has been a crime. The only question is: Whodunit?

THE ESPIONAGE ACT OF 1917

The Reagan Administration effectively used the Espionage Act of 1917 to prosecute

a leak—to the horror of the news media. It was a case that instituted to make a point, and establish the law, and it did just that in spades.

In July 1984, Samuel Morrison—the grandson of the eminent naval historian with the same name—leaked three classified photos to Jane's Defense Weekly. The photos were of the Soviet Union's first nuclear-powered aircraft carrier, which had been taken by a U.S. spy satellite.

Although the photos compromised no national security secrets, and were not given to enemy agents, the Reagan Administration prosecuted the leak. That raised the question: Must the leaker have an evil purpose to be prosecuted?

The Administration argued that the answer was no. As with Britain's Official Secrets Acts, the leak of classified material alone was enough to trigger imprisonment for up to ten years and fines. And the United States Court of Appeals for the Fourth Circuit agreed. It held that such a leak might be prompted by ''the most laudable motives, or any motive at all,'' and it would still be a crime. As a result, Morrison went to jail.

The Espionage Act, though thrice amended since then, continues to criminalize leaks of classified information, regardless of the reason for the leak. Accordingly, the ''two senior administration officials'' who leaked the classified information of Mrs. Wilson's work at the CIA to Robert Novak (and, it seems, others) have committed a federal crime.

THE INTELLIGENCE IDENTITIES AND PROTECTION ACT

Another applicable criminal statute is the Intelligence Identities Act, enacted in 1982. The law has been employed in the past. For instance, a low-level CIA clerk was convicted for sharing the identify of CIA employees with her boyfriend, when she was stationed in Ghana. She pled guilty and received a two-year jail sentence. (Others have also been charged with violations, but have pleaded to unrelated counts of the indictment.)

The Act reaches outsiders who engage in ''a pattern of activities'' intended to reveal the identities of covert operatives (assuming such identities are not public information, which is virtually always the case).

But so far, there is no evidence that any journalist has engaged in such a pattern. Accepting Administration leaks—even repeatedly—should not count as a violation, for First Amendment reasons.

The Act primarily reaches insiders with classified intelligence, those privy to the identity of covert agents. It addresses two kinds of insiders.

First, there are those with direct access to the classified information about the ''covert agents'' who leak it. These insiders—including persons in the CIA—may serve up to ten years in jail for leaking this information.

Second, there are those who are authorized to have classified information and learn it, and then leak it. These insiders—including persons in, say, the White House or Defense Department—can be sentenced to up to five years in jail for such leaks.

The statute also has additional requirements before the leak of the identity of a ''covert agent'' is deemed criminal. But it appears they are all satisfied here.

First, the lead must be to a person ''not authorized to receive classified information.'' Any journalist—including Novak and Time—plainly fits.

Second, the insider must know that the information being disclosed identifies a ''covert agent.'' In this case, that's obvious, since Novak was told this fact.

Third, the insider must know that the U.S. government is ''taking affirmative measures to conceal such covert agent's intelligence relationship to the United States.'' For persons with Top Secret security clearances, that's a no-brainer: They have been briefed, and have signed pledges of secrecy, and it is widely known by senior officials that the CIA goes to great effort to keep the names of its agents secret.

A final requirement relates to the ''covert agent'' herself. She must either be serving outside the United States, or have served outside the United States in the last five years. It seems very likely that Mrs. Wilson fulfills the latter condition—but the specific facts on this point have not yet been reported.

HOW THE LAW PROTECTS COVERT AGENTS' IDENTITIES

What is not in doubt, is that Mrs. Wilson's identity was classified, and no one in the government had the right to reveal it.

Virtually all the names of covert agents in the CIA are classified, and the CIA goes to some effort to keep them classified. They refuse all Freedom of Information Act requests, they refuse (and courts uphold) to provide such information in discovery connected to lawsuits.

Broadly speaking, covert agents (and their informants) fall under the State Secrets privilege. A Federal statute requires that ''the Director of Central Intelligence shall be responsible for protecting intelligence sources and methods from unauthorized disclosure.'' It is not, in other words, an option for the CIA to decide to reveal an agent's activities.

And of course, there are many good reasons for this—relating not only to the agent, but also to national security. As CIA Director Turner explained in a lawsuit in 1982, shortly after the Intelligence Identities Act became law, ''In the case of persons acting in the employ of CIA, once their identity is discerned further damage will likely result from the exposure of other intelligence collection efforts for which they were used.''

THE WHITE HOUSE'S UNUSUAL STONEWALLING ABOUT AN OBVIOUS LEAK

In the past, Bush and Cheney have gone ballistic when national security information leaked. But this leak—though it came from ''two senior administration officials''—has been different. And that, in itself, speaks volumes.

On July 22, White House press secretary Scott McClellan was asked about the Novak column. Offering only a murky, non-answer, he claimed that neither ''this President or this White House operates'' in such a fashion. He added, ''there is absolutely no information that has come to my attention or that I have seen that suggests that there is any truth to that suggestion. And, certainly, no one in this White House would have given authority to take such a step.''

So was McClellan saying that Novak was lying—and his sources were not, in fact, ''two senior administration officials''? McClellan dodged, kept repeating his mantra, and refused to respond.

Later, McClellan was asked, ''Would the President support an investigation into the blowing of the cover of an undercover CIA operative?'' Again, he refused to acknowledge ''that there might be some truth to the matter you're bringing up.'' When pressed further, he said he would have to look into ''whether or not that characterization is accurate when you're talking about someone's cover.''

McClellan's statement that he would have to look into the matter was disingenuous at best. This ten-day old column by Novak had not escaped the attention of the White House. Indeed, when the equation was first raised, McClellan immediately responded, ''Thank you for bringing it up.''

As David Corn has pointed out, what McClellan did not say, is even more telling than what he said. He did not say he was trying to get to the bottom of the story and determine if it had any basis in fact. He did not say the president would not tolerate such activities, and was demanding to know what had happened.

Indeed, as Corn points out, McClellan's remarks ''hardly covered a message from Bush to his underlings: don't you dare pull crap like this.'' Indeed, they could even be seen as sending a message that such crimes will be overlooked.

Frankly, I am astounded that the President of the United States—whose father was once Director of the CIA—did not see fit to have his Press Secretary address this story with hard facts. Nor has he apparently called for an investigation—or even given Ambassador and Mrs. Wilson a Secret Service detail, to let the world know they will be protected.

This is the most vicious leak I have seen in over 40 years of government-watching. Failure to act to address it will reek of a cover-up or, at minimum, approval of the leak's occurrence—and an invitation to similar revenge upon Administration critics.

CONGRESSIONAL CALLS FOR INVESTIGATION SHOULD BE HEEDED

Senator Dick Durbin (D–IL) was the first to react. On July 22, he delivered a lengthy speech about how the Bush Administration was using friendly reporters to attack its enemies. He knew this well, because he was one of those being so attacked.

''Sadly, what we have here,'' Durbin told his colleagues, ''is a continuing pattern by this White House. If any Member of this Senate—Democrat or Republican—takes to the floor, questions this White House policy, raises any questions about the gathering of intelligence information, or the use of it, be prepared for the worst. This White House is going to turn on you and attack you.''

After Senator Durbin set forth the evidence that showed the charges of the White House against him were false, he turned to the attacks on Ambassador and Mrs. Wilson. He announced that he was asking the chairman and ranking member of the Senate Intelligence Committee to investigate this ''extremely serious matter.''

''In [the Administration's] effort to seek political revenge against Ambassador Wilson,'' Durbin said, ''they are now attacking him and his wife, and doing it in a fashion that is not only unacceptable, it may be criminal. And that, frankly, is as serious as it gets in this town.''

The House Intelligence Committee is also going to investigate the Wilson leak. ''What happened is very dangerous to a person who may be a CIA operative,'' Congressman Alcee Hastings (D–FL), a member of the Committee, said. And the committee's chairman, Porter Goss (R–FL), a former CIA agent himself, said an investigation ''could be part of a wider'' look that his committee is taking at WMD issues.

In a July 24 letter to FBI Director William Mueller, Senator Charles Schumer (D–NY) demanded a criminal investigation of the leak. Schumer's letter stated, ''If the facts that have been reported publicly are true, it is clear that a crime was committed. The only questions remaining to be answered are who committed the crime and why?''

The FBI, too, has confirmed that they are undertaking an investigation.

But no one should hold their breath. So far, Congress has treated the Bush Administration with kid gloves. Absent an active investigation by a grand jury, under the direction of a U.S. Attorney or special prosecutor, an FBI investigation is not likely to accomplish anything. After all, the FBI does not

have power to compel anyone to talk. And unless the President himself demands a full investigation, the Department of Justice is not going to do anything—unless the Congress uncovers information that embarrasses them into taking action.

While this case is a travesty, it won't be the first one that this administration has managed to get away with. Given the new nadir of investigative journalism, this administration has been emboldened. And why not? Lately, the mainstream media has seemed more interested in stockholders than readers. If Congress won't meaningfully investigate these crimes—and, indeed, even if it will—it is the press's duty to do so. Let us hope it fulfills that duty. But I am not holding my breath about that, either.

Mr. SCHUMER. Mr. President, this is serious stuff, and I was furious. I had no idea who had done it at that point in time. ''High administration official'' can mean a whole lot of things. So I wrote the letter to Mr. Mueller and publicly called on him for an investigation.

I learned shortly thereafter that for such an investigation to proceed, the CIA had to fill out, I think it is, an 11-point questionnaire about the person named, what they did, and what was revealed. Of course, last week it came out on television and in the newspapers that the CIA had asked for an investigation. The logical, though not certain, conclusion of that, of course, is that they believe a crime might well have been committed; that Ms. Plame, indeed, was hurt by the revelation, and that it was illegal to reveal it.

I cannot tell you how many people I have talked with in this body and throughout the country who are just outraged by this—just outraged. The attitude that seemed to be indicated by the administration spokesperson yesterday—oh, we get plenty of leaks, and this is just one of them, and we investigate all of them—is even more infuriating.

This is not an ordinary leak. I challenge any of my colleagues on either side of the aisle to bring to me the situation where someone in a high administration position leaked the name of an agent and jeopardized their life, their contacts, and America's security. This is a totally different ball of wax. This is not just a leak. This is a crime, plain and simple.

Mrs. BOXER. Will the Senator yield?

Mr. REID. Will the Senator yield for a question?

Mr. SCHUMER. Mr. President, I will be happy to yield to my two colleagues in just a minute.

Even the White House saying, ''We will fire whoever did it,'' is not sufficient. If you have a company and someone is suspected of murder and they say, ''If we find out they are convicted of murder, we will fire them,'' would that be a sufficient enough punishment? Absolutely not.

What we have here is an attitude: Let's sweep this under the rug, let's make sure nobody says much about it, and maybe it will go away.

I yield first to my colleague from Nevada.

Mr. REID. Mr. President, I have a question. Will the Senator yield?

Mr. SCHUMER. I will be happy to yield to my colleague from Nevada for a question.

Mr. REID. Mr. President, I say to my friend from New York, I have been at a meeting with the Iraqi Governing Council, and I was stunned when I came back to the Senate Chamber and was advised by my staff that we are no longer on the DC appropriations bill. We are suddenly in morning business until our weekly caucuses.

I say to my friend from New York, why in the world would someone be afraid to vote on an amendment the Senator from New York and others are going to offer that says: Let's take a look at this; let's find out what happened? We know there was a crime committed. I don't use those words often. I know there was a crime committed. It is only a question of who did it. Why wouldn't our friends on the other side of the aisle allow a debate on this issue? It is not as if we are taking away heavy business. We have been vouchered out from doing the DC appropriations bill.

I say to my friend from New York, what fear does the majority in the Senate have in allowing an amendment the Senator from New York wishes to offer? Why can't we debate this amendment?

Mr. SCHUMER. I thank my colleague for the question. I have asked myself the same question. I was told first that the reason the DC appropriations bill has not been put forward is that they are afraid of this amendment. This is a pattern. This morning—

Mr. REID. I say to my friend—pardon the interruption, through the Chair—afraid of what? Of the truth?

Mr. SCHUMER. That is what the signs seem to indicate. This morning, I was asked to go on the ''Today Show'' and talk about this issue. They asked a whole bunch of Republican Senators. None would appear. They asked the administration to send somebody. No one would appear. Again, the attitude seems to be: Let's shrug our shoulders and hope this goes away.

I will make one other point to our colleague. Our President has made it his hallmark of defending our troops. That is why we are debating or we will be debating the money for them. That is why we will be debating all of this. Every CIA agent is one of our troops, and for the President to not address this directly, for the President to have his spokesperson say this is one of a whole lot of leaks, to say if they find out who it is, they will be fired—well, I just ask my colleagues to think about this. Let us say they were certain it would cause no damage to them, that these high administration officials were somewhere far away. Do my colleagues think we would have the same attitude from our Commander in Chief, and one who correctly prides himself in protecting our troops?

So it makes one scratch one's head and say, What are they worried about? Why will they not get to the bottom of this? This, again, as my colleague has said, is very likely a crime, and a serious crime.

I read my colleagues what President Bush, Sr., the 41st President, said about this type of crime. He ought to know because, of course, as we all know, he was head of the CIA before he was President.

I have nothing but contempt and anger for those who betray the trust by exposing our sources. They are, in my view, the most insidious of traitors.

Do we just answer, this is a leak like every other leak when dealing with traitors?

Mr. REID. Will the Senator yield for one more question?

Mr. SCHUMER. I will be happy to yield for a question.

Mr. REID. I came in past the 11:30 hour. Is it true then that we find ourselves in a situation, from a parliamentary standpoint, that the Senator cannot offer his amendment? Is that what the Senator is telling me?

Mr. SCHUMER. If my colleague from Nevada will yield, that is exactly right.

Mr. REID. The Senator has worked on this all morning, I know, as well as yesterday. I had a conversation with him yesterday. We were to go back into legislative business at 11:30. That right has been taken away from us by the majority. They will not even let the Senator offer an amendment in legislative session. Is that true?

Mr. SCHUMER. That is exactly true.

I would be happy to yield to my colleague from California for a question.

Mrs. BOXER. I thank the Senator so much for yielding. I have a few questions. What I want to do is make a 4- or 5-minute statement and then ask three or four questions and hope the Senator can answer them in his inimicable fashion.

First, I thank Senator SCHUMER so much for picking up on this issue. I remember reading about this in July and just scratching my head. I essentially thought: This cannot be true. I cannot believe that someone in the White House would reveal the identity of a person who is working at the CIA undercover. Whether she is an analyst, an operative, or an agent, it matters not, but certainly someone whose identity had never been revealed. I thought: This cannot be happening.

To be honest, I should have done more about it, but I did not, and thank the Senator for writing to the head of the FBI, for whom I have a great deal of respect, and letting him know this.

Here are my questions: As I look at this, I think, why would someone do this? Well, clearly the idea behind attacking Ambassador Wilson's wife was that Ambassador Wilson gave the White House news they did not want to hear, which was that there was really no proof that Saddam Hussein was getting nuclear materials from Niger. They did not want that answer; it was kind of a kill-the-messenger type of response; and in order to get back at

him, they out his wife, which is despicable and a crime, but I think it is about arrogance and it is about intimidation.

We have seen the arrogance, but it is the intimidation factor I want the Senator to comment on because this is not only about this one incident—in which clearly Ambassador Wilson was correct, by the way—but it is a signal that is sent, really, frankly, to everyone in politics that nothing is off limits if someone crosses us: We will go after their wife; we will go after their kids.

I have to say to my friend, he is a family man, I am a family woman. We are in this world—God knows how and why but we are in it—and we are willing to take the hits and everything else, but the lowest form of politics is if someone comes after your kids or your spouse. I resent it, and I want my colleague to comment on those two areas.

I also ask him to comment on a third one, and that is the whole struggle that women are having in this world of ours to enhance our careers, to break the glass ceiling, to go into fields that are maybe a little bit unusual. I do not have the statistics at my fingertips, but if we look at the number of women who are FBI agents, I can tell my colleague that it is very few. I used to know the exact number. I do not want to throw out a number, but it is way less than a third, as I remember.

So we have a circumstance where there is a woman in a nontraditional field doing her work, obviously not getting credit for it. She is working incognito at the CIA, whatever her work is, and she is going up the ladder. Maybe she has a tremendous future. Well, probably the future in that field has been harmed, if not totally destroyed, and maybe her life or other lives that she touched in her work are in danger.

So we are talking about a number of issues—yes, the crime that was committed, but the whole idea of intimidation to people who might take on this administration, the whole idea of going after someone's family when we know, as public servants, what our families mean to us and how we protect them from whatever befalls us, the hits, the pain, and other things that happen. We asked for it. We are in this arena.

So I hope my friend will perhaps talk about that. It is a human tragedy beyond the crime, and I ask my friend to comment.

Mr. SCHUMER. I thank my colleague for her thoughtful, incisive, and from-the-heart-type comments. I will comment on them.

The one I would like to focus on a little bit is the intimidation. The greatness of this democracy through the centuries has been the structure the Founding Fathers set up which allows debate on the issues. It is wonderful.

If we had to think of a sentence at the core of America, it might be: We believe in the competition of ideas, and the best idea will win out. Free speech, that is the competition of ideas in its pure form. Free enterprise, that is the competition of economic ideas. Freedom of religion, that is the competition of spiritual ideas. Democracy is the competition of political ideas. When we no longer have that, the democracy frays.

When people are afraid to say what they think, not because their arguments will be answered directly but, rather, because they will be hit below the belt, we have the beginnings of the fraying of the democracy, and that is what is happening.

I hate to say this, but this administration seems to have a peculiar penchant to attack someone's patriotism when they disagree. I have basically been a supporter of the President on the war and foreign policy, but for those who disagree, there has been not just, here is why you are wrong and let me tell you why—there has been some of that—but in addition there is an impugning of motive, an impugning of character, a kneecapping. One of the reasons this issue resonates so is that it is the worst of that.

Now, about our families, of course, they should be off limits. I will tell a little story, and then I will yield to my colleague from Iowa. But the points of my colleague from California are so good.

When I ran for the Senate in 1998, my daughter was starting ninth grade in a new high school. My worry was she was going to start in September. If, God willing, I won the primary, the next day I knew that my opponent, who was known as a hardball political player, Senator D'Amato, my predecessor—with whom I now get along quite well, I am happy to say—would go after me. My greatest worry, and the No. 1 reason I debated not to run, was that I thought she would be new in high school, with a whole bunch of new people, and she was going to a different high school, not in Brooklyn but in Manhattan, and people would not want to be friends with her because they would see these horrible things being said about her father on television. Of course we talked it over with Jessica, too, who was a mature 10th grader then—now she is in college and doing great—and we decided to run. As it turns out, they did run all the nasty ads. The morning I won the primary I turned on the TV and there they were. It didn't affect her or her friends. That is the worry we had.

What they are trying to do here is send the message that even your family is not off limits, perhaps. That is a horrible message. That frays democracy, just as does the inability to dissent.

I respected Ronald Reagan. When you asked Ronald Reagan something, if he disagreed with you he would say exactly why: Well, I am against Head Start because I think parents should be in charge of their children until they are 5.

All too often in this administration they don't answer directly. In fact, they will get up and say, ''We love Head Start,'' and then they will cut the money.

So the candor, the debate on the merits, seems to be going away, and that worries me about the future of this country. This incident is an apotheosis of that, both in terms of intimidation, in terms of going after family, in terms of being malicious, and in terms of saying our political agenda is more important than the lives of the people fighting for us—in this case, in the intelligence agencies.

I am happy to yield to my colleague from Iowa for a question.

Mr. HARKIN. I thank my friend from New York for yielding for a question. I am proud to be a cosponsor of the amendment that the Senator is trying to offer. I came over to the floor from the Appropriations Committee meeting to speak on this amendment. Evidently, I now find out, I understand—am I correct, I ask my friend from New York, that the majority, Republican side, has extended this period of morning business which will keep you from offering this amendment? Is that correct?

Mr. SCHUMER. That is correct.

Mr. HARKIN. Again, I am proud to cosponsor the amendment. I think it gets to the heart of the matter, and that is to try to get a special counsel to look into these serious allegations.

I noted earlier the Senator from New York had quoted from former President George Herbert Walker Bush on leaks. I think there is another quote from a former Senator, John Ashcroft, now Attorney General, in which he said:

> You know, a single allegation can be most worthy of a special prosecutor. If you are abusing government property, if you are abusing your status in office, it can be a single fact that makes the difference on this.

John Ashcroft, October 4, 1997, on CNN, Evans and Novak, ''A single allegation can be most worthy of a special prosecutor.''

As I understand it, the allegation here is not someone has abused government property, not that someone has engaged in some murky real estate deal in timberland someplace, this is an allegation that someone high up in this Government—we don't know where, but someplace high up in the Government, having access to classified information, leaked to one or more reporters, columnists, news people, the name of a CIA agent. That is the allegation, is it not?

Mr. SCHUMER. That is exactly the allegation.

Mr. HARKIN. It would seem to this Senator that allegation is of such import that everyone here ought to support the Senator's sense-of-the-Senate resolution. I say to the Senator, I view it with nothing short of amazement that the other side would want to stop this. I would think everyone here would want to get to the bottom of this.

I ask the Senator, again, is it the Senator's judgment that somehow we

are not being allowed to bring this up for a vote? Does the Senator intend to pursue this, to make sure we do speak as a Senate on this?

Mr. SCHUMER. I thank my colleague for asking that question. Indeed, whenever the DC appropriations bill comes up, I am going to bring up this sense of the Senate.

I thank him for bringing up something else. I don't want this to be a partisan issue. When I first wrote the Director of the FBI, I had no idea who put this in there. I just wanted to get to the bottom of it because I was so outraged at the tactic. What I think we ought to be doing is getting the special counsel because the special counsel is the way to certainly remove any appearance of a conflict, and perhaps a conflict itself. Attorney General Ashcroft, whom you quoted, is known as a close political ally of the President's. There is an argument that the Attorney General should be removed from the President and be a lawyer for the Nation. And there is an argument that the Attorney General should be a close political ally of the President. Democrats and Republicans—it has not been a Democratic or Republican issue.

John Kennedy appointed his brother as Attorney General. But when you appoint an Attorney General who is a close political ally and friend, and when something sensitive with conflicts of interest occurs, then you have an obligation, in my judgment, to move for a special prosecutor. You pay a price, in a certain sense. You gain things by having a political ally as Attorney General, but you also lose things, and you lose the guise of independence, the actuality of independence.

My colleague is so right. The best thing that could happen is we pass this resolution unanimously, we all work together to get a respected independent counsel—someone like a John Danforth or a Warren Rudman or a Sam Nunn or a George Mitchell—and then they go forward with their investigation. I think every one of us on this side of the aisle, as well as the other, would be content that the chips will fall where they may so this dastardly crime, and that is what it is, will be exposed.

This idea of not bringing up such a resolution, of not wanting to debate it, of, again, maybe casting aspersions on the motivation of those who are for it—we have 14 or 15 of us, and we will have more—is going to make the American people think: Wait a minute, maybe they are worried; maybe there is something to hide—which there may or may not be.

I thank my colleague.

Mr. HARKIN. I thank my colleague for responding. I have a couple more questions.

I appreciate what the Senator just said. There have been some allegations made. I don't know whether or not this is some partisan effort or something like that. We know that a law has been broken. There is a clear law against leaking the names of our intelligence agents, and it is punishable by 5 years—or 10?

Mr. SCHUMER. Ten.

Mr. HARKIN. Ten years or a $50,000 fine. A crime has been committed.

I say to the Senator, here we are going on day after day, and there is a lot of stuff going around the White House and the Attorney General's office. Is it the judgment of the Senator that this could really be brought to the forefront rapidly? I say because of a statement that was made on ABC News—The Note. They had an interesting question. They asked: Has he [has the President] insisted that every senior staff member sign a statement with legal authority that they are not the leaker and that they will identify to the White House legal counsel who is?

It seems to me the President of the United States can say: Sign this. Are you the one who called or not? And this will be over with by 4 o'clock this afternoon.

Mr. SCHUMER. I thank my colleague for that. That is what the President ought to do. This President—I mentioned this earlier to my colleagues, when I was having a dialog with my colleague from Nevada—is known for defending our troops. That is what we are talking about with $87 billion. That is a good thing.

Our CIA agents are our troops, just as our soldiers are our troops. In fact, after the war, after 9/11 and the global fight against terrorism, they are even more important because intelligence is so important.

It seems to me that it would be logical for this President to do just what the Senator said—to say: You know, yes, we have to have a legal investigation, but I want to get to the bottom of this immediately because this conduct is reprehensible.

I don't believe the President was involved in this. I disagree with him politically. It doesn't seem part of his character. But he should sure want to get to the bottom. He does not address it at all. His spokesperson comes out there and says: Oh, these are leaks just like all the others. We will find out and we will fire him.

One wonders.

Mr. HARKIN. I thank the Senator. One wonders. The President, it seems to me, would want to get this over with in a hurry by finding out who the person is who leaked this and let the legal recourse then follow. But at least expedite this right away and get rid of that person.

The PRESIDING OFFICER (Mr. SESSIONS). The 30 minutes allotted on this side has expired.

Mr. SCHUMER. I ask unanimous consent, since there is no one from the other side, that we be given an additional 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Thank you, Mr. President.

Mr. HARKIN. Mr. President, I know other Senators want to engage the Senator from New York. I thank him for his leadership on this. I know of the Senator's longstanding support for our law enforcement and for making sure that those who violate the trust of public office are brought to justice. That is what this is about. This is a gross violation. This is not some little real estate deal someplace.

I ask the Senator: Maybe it is not so much that the wife of Mr. Wilson is identified, and she may be safe here in the United States. I don't know about her travels abroad. That may be restricting her freedom in the future. But what about the contacts she made and her sources around the world? What is going to happen then? What will happen to our intelligence agents around the world today if they think they are going to be ''outed'' sometime by this administration or some other administration? What happens to our war on terrorism?

Mr. SCHUMER. I thank the Senator. I so much appreciate my colleague's intelligence and integrity and passion which he brings to so many different issues. He is exactly right. Even if this agent should decide to retire, the damage would be great because other agents would think: Maybe I will get in trouble. What will I get in trouble for? Speaking the truth?

We depend on truth in our intelligence services more than just about anything else. President after President has said one of the keys to governing well is good intelligence that will tell you when you are off base as well as when you are on base. It is so serious. The Senator is exactly right. This transcends any one person. It transcends any specific person because it goes to the integrity.

I say to my colleague one other thing: From what I understand, our intelligence services are livid because this happened.

Mr. HARKIN. They should be.

Mr. SCHUMER. I don't know for a fact. But my guess is there was great debate in the CIA because it was a tough thing to do given that ''high administration sources'' were implicated. But the anger among the Agency is red hot, as I understand it, and with good reason.

I thank my colleague. I would be happy to yield to my colleague from Florida for a question.

Mr. NELSON of Florida. Mr. President, I wanted to pick up on something the Senator from New York said. I can best illustrate it with Veterans Day and Memorial Day when we typically are commending those young men and women in uniform. We have to modify that now because of the war in Afghanistan and the war in Iraq. We commend the young men and women not only in uniform but in the service of their country, because the CIA was the first to go into Afghanistan. They were all over Afghanistan before we ever went in with our military forces. They are

working in conjunction with our military forces. Indeed, the first American to be killed in Afghanistan was Mike Spann, a CIA agent.

What we are dealing with, lest folks get this all mixed up with politics, is a crime of the most serious nature because it jeopardizes the security of the United States and its people. When someone's identity is suddenly revealed and is an agent of the U.S. Government, their life is in jeopardy and the lives of their contacts are in jeopardy. That is the gravity of this leak. That gets lost in all of this. He said, she said, and so forth is just branded as politics. But we are dealing with the lives of people.

As in any normal criminal proceeding, if a violation of law is thought to have occurred, then let us allow the cops to investigate and let us bring that person in front of the responsible judicial tribunals. The question is, which cops will be able to investigate and get to the truth? If you leave it to the professional law enforcement people, they will. But isn't it sad that we have to be concerned that political influence will direct that investigation?

Whatever turn it takes, what the Senator from Florida is standing for is I know our people want to get to the truth, and it ought to be the professional law enforcement investigators who determine what is the truth. That is why I wanted to come and support the Senator.

Mr. SCHUMER. I thank my colleague. Again, he is on the money. That is all we seek here now—the truth.

The spokesperson for the President, Mr. McClellan, said we are referring it to the Justice Department and the professionals. If you look at the chain of command, it goes right up to the Attorney General.

As I mentioned earlier, the Attorney General is a close political ally with the President. There is nothing wrong with that. That is one model of the Attorney General. But it certainly sacrifices the appearance of independence, and perhaps independence itself particularly goes very high up.

Why we have asked for a special counsel is very simple: It is to allow professional law enforcement to do the job unfettered so they know they will not pay a price if they pursue it completely and fully. That would entail a special counsel of great legal background and sterling repetition for independence and integrity. I think it would behoove the administration to do that.

There are all sorts of doubts now. Are they telling the truth about this, that, or the other thing when it comes to foreign policy? Were we to appoint a special counsel, people would say: Yes, maybe they are.

But I will say this: The effort to sort of sweep this under the rug and say, oh, this is just one of the leaks that occurs every day, that makes me angry, to be honest with my colleague. That is unfair not only to the CIA agent in question but to the thousands of intelligence agents across the globe who at this moment, as my good colleague points out so correctly, are defending just as our soldiers are defending us and are more needed than ever before.

That is why in the intelligence community there is such livid anger because this occurred. My guess is—this is just my guess—that is why Mr. Tenet requested the investigation. My guess is that in his head he was saying, Oh, boy, this is going to get me in trouble the way, say, Janet Reno may have gotten in trouble with the previous President, the Attorney General from the Senator's State. But he knows that the integrity of the intelligence service is important. My guess is that is why he did it. Maybe that is why it took a bit more time than I had imagined when I first requested this on July 24. But he did request it.

Now our obligation to the thousands of brave men and women who are in our intelligence services and risking their lives is to get to the bottom of it with a fearless, complete, and thorough investigation.

Mr. NELSON of Florida. Will the Senator further yield for an additional comment? It is not only, interestingly, those who are directly in the services of the CIA now, but it is also the retirees.

I will never forget being in an almost deserted embassy in Islamabad, Pakistan, after September 11. I heard my name being called. I turned around, and I saw an elderly looking gentleman, and he recalled how we knew each other back when I was in the House of Representatives.

I said: What in the world are you doing here?

We were getting ready to do a raid in 5 cities simultaneously that night, of which we got 50 al-Qaida, and we got the No. 3 guy. And, lo and behold, he was a retired CIA agent they brought back in the aftermath of September 11, when we were trying to catch up until we could get the new guys trained. They reached out, and they got the old guys who had all the knowledge.

Mr. SCHUMER. Right.

Mr. NELSON of Florida. So we are talking about the protection of the interests of this country, and not only those in the active service right now but those who are retired who in times of emergency are called back as well.

Mr. SCHUMER. I thank my colleague. Well said. It is a tribute to how familiar he is with our intelligence services and how many from his State serve in the intelligence community.

I was glad to hear, for instance, that these days, on the college campuses, signing up for intelligence is a coveted thing.

The PRESIDING OFFICER. The 10 minutes have expired.

Mr. SCHUMER. Mr. President, I ask unanimous consent that we be given another 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Thank you, Mr. President.

There are lines to join the intelligence services, sort of as there were after World War II, when some of our best and our brightest wanted to go into our services.

I will tell you, if politics can be played—and those of us asking for an investigation are not playing politics; it was the people who outed this agent, if, indeed, that is proven to be true, who were playing politics—but if that is allowed to prevail, it is going to hurt our intelligence agencies in many more ways than one.

I thank my colleague.

Mr. President, I would just make two points. No. 1, I will continue to make an effort to bring up this amendment. It has now been printed in the RECORD. I ask my colleagues on both sides of the aisle to read it. We were judicious in our language. It does not have any kind of political language or diatribe. It just states the facts. I would hope we could get colleagues from both sides of the aisle to sponsor it.

And I would hope we could move it forward—move it forward quickly—as a message because that is all it can be, but as a message to the President that we need a thorough, complete, and fearless investigation, and that only a special counsel can do that for us.

With that, Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. In my capacity as a Senator from the State of Alabama, I ask unanimous consent that the order for the quorum call be rescinded.

Without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 having arrived, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:30 p.m., recessed until 2:16 p.m. and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. GREGG. Mr. President, I ask unanimous consent that following the reporting of the DC appropriations bill,

Senator SCHUMER be recognized to offer an amendment on independent counsel; further, that there be 2 hours of debate equally divided in the usual form, with no amendments in order to the amendment; provided further that following the use or yielding back of time, the majority leader or his designee be recognized in order to raise a point of order against the amendment.

The PRESIDING OFFICER. Is there objection?

The Senator from Nevada is recognized.

Mr. REID. Mr. President, reserving the right to object. I appreciate the majority allowing this to go forward in this manner. Otherwise, we would have been here all day in a rugby scrum until we arrived at this point. Anyway, I appreciate the cooperation of the majority.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2004—Resumed

The PRESIDING OFFICER. The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 2765) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2004, and for other purposes.

The PRESIDING OFFICER. The Senator from New York is recognized.

AMENDMENT NO. 1790

Mr. SCHUMER. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER], for himself, Mr. DASCHLE, Mr. REID, Ms. MIKULSKI, Mr. ROCKEFELLER, Mr. LEAHY, Mr. LEVIN, Mr. NELSON of Florida, Mr. KENNEDY, Mr. DURBIN, Mr. BAUCUS, Mr. HARKIN, Mr. BAYH, Mr. HOLLINGS, Mr. BIDEN, Mr. LAUTENBERG, Mr. SARBANES, Mr. BINGAMAN, Mr. KERRY, Mr. WYDEN, and Mr. GRAHAM of Florida, proposes an amendment numbered 1790.

Mr. SCHUMER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To express the sense of Congress concerning the appointment of a special counsel to conduct a fair, thorough, and independent investigation into a national security breach)

At the appropriate place, insert the following:

SEC. ___. SENSE OF CONGRESS CONCERNING THE APPOINTMENT OF A SPECIAL COUNSEL TO CONDUCT A FAIR, THOROUGH, AND INDEPENDENT INVESTIGATION INTO A NATIONAL SECURITY BREACH.

(a) FINDINGS.—Congress finds that—

(1) the national security of the United States is dependent on our intelligence operatives being able to operate undercover and without fear of having their identities disclosed;

(2) recent reports have indicated that administration or White House officials may have deliberately leaked the identity of a covert CIA agent to the media;

(3) the unauthorized disclosure of a covert intelligence agent's identity is a Federal felony; and

(4) the Attorney General has the power to appoint a special counsel of integrity and stature who may conduct an investigation into the leak without the appearance of any conflict of interest.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Attorney General of the United States should appoint a special counsel of the highest integrity and statute to conduct a fair, independent, and thorough investigation of the leak and ensure that all individuals found to be responsible for this heinous deed are punished to the fullest extent permitted by law.

Mr. SCHUMER. Mr. President, I yield to my colleague, our leader from South Dakota, as much time as he wishes.

Mr. DASCHLE. Mr. President, I thank all of those involved in the discussion and the agreement we have just reached procedurally. This is an important issue and it deserves the consideration of the Senate.

I want to especially acknowledge the leadership Senator SCHUMER has shown on this matter, and I expressed the gratitude of our caucus to him for providing this legislative leadership as we consider what to do in this particular case.

I think there are several facts we know for sure. We know the law was violated. We know what the law says with regard to violations of this magnitude. We know the chilling effect it has on our intelligence-gathering capability and on personnel involved in the front lines with regard to intelligence-gathering responsibilities.

We know, if we can believe the reports that have already been printed and reported, what motivated someone in the White House or someone in this administration was retaliation, retribution for being critical of the administration. Those things we know.

What we don't know is how it happened. What we don't know is who is responsible. What we don't know is whether or not the perception that the Justice Department can investigate this independently, objectively, and thoroughly is something we can answer today. I would say the answer is no. It would be very difficult to put John Ashcroft in the position of investigating the very people who hired him for the job. We no longer have the independent counsel law. That has expired. I am on record as having said I support the expiration of the independent counsel law because of the abuses that I believe have occurred. What we do have is an independent prosecutor set up by regulation throughout the Justice Department to create more of an independent review, an outside analysis of all of the outstanding questions regarding this particular case.

So that is really what the Senator from New York is saying. Because the law was violated, because of the perceptions created about the inability of this Attorney General to create an independent, thorough investigation, we have no choice. We have no choice but to encourage and to demand that a special counsel be appointed.

Mr. President, I don't know that there could be anything more egregious—in fact, I thought President Bush's father said it about as well as anyone can.

Anyone who is guilty of doing something such as this is what President Bush said, an insidious traitor. I believe those are strong words, because they deserve the kind of repudiation that words such as that connote.

The only way we can ensure that those responsible for insidious acts involving the very essence of our ability to stay strong is to ensure that when we pass laws involving violations, we deal with them effectively and directly, regardless of who it may be.

Our country is based on the premise, on the foundation, of the rule of law. There can be no respect for the rule of law if laws as essential to our national security as this are violated and there is no followup, no responsibility, no actions taken.

I do not care how one connotes the importance of this law, one cannot minimize its impact in this country today, especially now. So all that the distinguished Senator from New York is saying and what many of us are saying with him is let us uphold the law; let us say, as we demand of others that they respect the rule of law, that we set the example, and that in encouraging the rule of law and respecting the extraordinary consequences of the law those who violate it are held accountable.

I hope this Congress will act unanimously in this sense of the Senate, in this statement of purpose that the Senator from New York is offering today. Let us simply say with one voice that there can be no excuses, there can be no explanation, there can be no other option than pursuing the law vigorously. The only way to do that is to recognize the importance of what the Justice Department itself recognized, that there are times when conflicts of interest stand in the way of pursuing justice effectively. In those times, the only option we have available to us is the creation of an independent counsel.

In essence, that is what we are proposing today. I strongly support the letter as well as the spirit and the intent of the resolution, and I hope my colleagues will do so as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, first, let me thank our leader from South Dakota for his right-on-the-money words as well as his leadership on this issue with so many others. I think I speak for every Member on our side when I say we are proud to follow his leadership, and every Member of the

Senate, that he is just a fine leader and fine man.

This is a sense-of-the-Senate resolution. As our distinguished Democratic leader stated, it simply says that the rule of law should be upheld. When I read in the Novak column that an agent was outed, I was just furious. My first reaction was to call the FBI and send them a letter asking that there be a thorough investigation. I was told that before anything such as this could happen, the CIA had to answer 11 questions on a certain form that would show the law was—and I am not sure of the standard; it might be probable cause but violated, or at least the significant possibility of it being violated. Evidently, last week the CIA sent those 11 pages back and asked for an investigation.

There are so many points to make, and I will make a few. First, the dastardliness of this act; it is despicable. I have been in Washington 22 years. I have never seen anything quite like this. To reveal the identity of an agent, or an analyst, the law does not matter—and I know that it was said on television yesterday by Mr. Novak, well, she was not an agent, she was an analyst and therefore it does not matter, but the law is very clear, and if someone is covert, a member of the CIA, and their identity is revealed, that is a crime.

Furthermore, we do not know if she was an analyst or an agent. If we are going to believe Mr. Novak on this part of it, then maybe we should believe him on all the rest of it. Everyone would agree that some high administration officials did a very terrible thing. To take this agent, analyst, this covert individual, who has served their country, and expose them, endangers them, endangers their sources and their contacts. As my good colleague from California has said, it puts a halt on their career and endangers the security of this country.

Furthermore, we have always felt that our intelligence agents are on the front lines. I was told earlier today by my colleague from Florida, Mr. NELSON, that the first American killed in Afghanistan was not a member of the Armed Forces but a member of the CIA. In a post-9/11 world, our intelligence sources are so important. What does it say to all of those thousands of men and women who serve us that if they tell the truth and somebody high up does not like it either they or their family can be outed? It goes to the very heart of what that Agency is all about. It is no wonder that the CIA, its employees from top to bottom, were just furious about this activity.

I do not know where this will lead. Rumors abound. If the Washington Post is correct and six media outlets were called, it is going to be pretty hard to keep it a secret as to who made the calls, where and when, but that is not the point. The point is, this crime demands a solution. This outrageous act demands justice.

To hear Mr. McClellan of the White House say yesterday, first, there are 50 leaks every week, belittling this, made my blood boil. This is not a typical leak. To reveal a covert operative's name is a crime, not a leak.

Then second, to say, if we find them, we will fire them, well, that is like saying someone in your company is a murderer and all that should happen is they should lose their job. There was a serious crime committed. What makes the crime worse is that it appears on its surface it was committed for reasons of malice, for reasons of stifling debate and dissent. As somebody who has generally been supportive of the President in Iraq, I find it just as outrageous as somebody who might be opposed.

Mrs. BOXER. Will the Senator yield for a brief question?

Mr. SCHUMER. I would be happy to yield to my colleague.

Mrs. BOXER. The reason I am doing this is because I am unable to stay and speak on the Senator's amendment but I wanted to make a couple of comments and ask a question, if I can, through the Chair.

First, I again thank Senator SCHUMER for his leadership on this. We spoke about it this morning, the fact that he took action back in July and wrote to the head of the FBI. He knew immediately that this was something outrageous, and I do thank him for that.

I am also very pleased that we are able now to have the Senator's amendment offered, to which I am a cosponsor. If I am not, I ask unanimous consent to be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. The fact is, we now have the DC bill in front of us and we have a legislative way to express ourselves. The thing I want to point out is now there is an attempt to try to demean this incident by saying that the fact that a CIA analyst or agent—we are not exactly sure—was revealed is not such a big deal and does not have much merit to it. I know my friend spoke about that, but I want to pursue a couple of questions.

Is it not the fact that the head of the CIA himself decided this was so egregious, to reveal the identity of Ambassador Wilson's wife, that the head of the CIA, who really serves at the pleasure of President Bush, asked for an investigation by the Attorney General? Is that correct?

Mr. SCHUMER. I would assume that is correct. The bottom line is the CIA has asked for it. This is a very sensitive matter. He is the head of the CIA, so I think it is a pretty good assumption that he asked for it. I think another assumption, that he realized this would ruffle a whole lot of feathers at 1600 Pennsylvania Avenue, at the White House, in the administration, is true. But from what I am told by sources who know what went on there, the obligation to the men and women in the intelligence service transcended any feathers that might be ruffled. It is a pretty courageous act.

Mrs. BOXER. Yes. I just want to point out that to attempt to minimize this crime by saying this woman was probably an analyst and not an agent is unbelievable to me. The fact is, whether she was an agent or an analyst or anything else, was she not undercover? Every time I see her on TV, they cover up her face. I say to my friend, let's not get into the sideshow about was she an analyst or was she an agent. The fact is, she was in a covert situation, was she not, and it is safe to say that the reason her face is covered up is that she was undercover; the reason the CIA asked for an investigation is that they believe a law may have been broken because she was undercover.

I want to make that one point, in addition to the points we made this morning, which is that I hope my colleagues will vote for this amendment. I hope my colleagues on the other side will not have a dual sense of when an independent counsel should be appointed: There is a real estate deal somewhere; there is an independent counsel. There were no lives on the line there. This is a situation where someone who is undercover has been revealed as a way to get back at her husband who happened to bring back the news that the administration didn't want to hear—that in fact Iraq was not purchasing, at least in this particular case, from Niger any nuclear materials.

We have a circumstance where, faced with this, the new defense is: She was just an analyst; she wasn't an agent. I want to make the point, this woman was in the CIA. Her career has no doubt been destroyed. She was undercover. We do not see her face on TV. The fact is, the CIA asked for an investigation. And what my friend is saying today is, we need a more independent investigation. We don't want politics to play a role in this investigation. We want to remove it, even though the Attorney General will still be in charge of an independent or a special counsel, as we call it. A special counsel will have a little more independence than just getting it over to the Justice Department.

Mr. SCHUMER. I thank my colleague.

I wish to clarify a few points that should be made to everyone. The reason there is a debate about an agent or analyst is that is what Mr. Novak said on one of the shows, that is what we were told earlier today.

I have something from CNN.com. They say that other sources told CNN on Monday—yesterday—that Plame was an operative who ran agents in the field. Let me repeat that. Other CIA sources told CNN on Monday that Plame was an operative who ran agents in the field. I don't know if Novak is right or if these other sources are right; that is the very point. The issue of whether she was an agent, an operative, or an analyst is beside the point. The law was broken.

The law is clear, and while it says covert agent but defines agent as an officer—I am paraphrasing—employee, present or retired, of an intelligence agency whose identity has not been previously publicized, revealed, that is the point.

Once again, my colleague from California makes a very astute point. No one is revealing the face of this person. No one was revealing the name of this person. The bottom line is it is quite clear the law was broken. The only question we don't know is who broke it. What we are trying to do—and again the Senator from California is exactly right—is keep the politics out of this issue.

The idea that when a law is broken and someone calls for a full and thorough investigation, and the mechanism to do it, is politics is absurd. I will tell you what politics is—despicable and nasty politics. It was revealing this person's name because they did not like what her husband said. That is the politics of this issue.

Mrs. BOXER. Mr. President, will my friend yield further?

Mr. SCHUMER. I will be happy to yield.

Mrs. BOXER. I wish to make a point to underscore this discussion. This leaking of a name is, on its face, a crime. The person who did this deserves to be punished because to think that someone would punish someone's family—they didn't like what Ambassador Wilson said: How can we hurt him? How can we sting him? How can we burn him? We will hurt his wife. We will out her; that will ruin her chances. And that will send a chilling message to Ambassador Wilson: A, be quiet, maybe this will go away; and, B, it sends a chilling message to everyone. That is why what you are doing is so important.

This is an incident that cannot be swept under the rug. Whether it is a Democratic administration or a Republican administration matters not because this endangered someone, and it sends a chilling message to anyone who might bring bad news to this administration, who might disagree with their policy in Iraq.

I say to my friend, he is right on target. If this does fail in a party-line vote—and I pray it does not, but if this fails in a party-line vote, unfortunately, this will become a bigger and bigger political issue because I, for one, am not going to stop focusing attention on it. As a woman who has all my life been in jobs that are perhaps a little bit different than other women, I have tried to say we can do it. This attack on this woman who was on the ladder, obviously, in the CIA, was not only a crime, it was unjustified, and it sends a terribly chilling message to other women out there that you can do the greatest job in the world but, gee, if you are married to someone who might say something controversial, you are going to be outed.

What about the message—I close with this—it sends to other agents out there, other agents who may be working on issues and bringing back information that the administration doesn't want to hear because maybe it does not comport with what they want to be known as the facts? What kind of message does this send? Are they going to take the risks? As Senator HARKIN said, we are going to win this war against terrorism by the quality of our intelligence. And here we have the White House itself that says it is leading the fight against terrorism. We stood by their side continually on this, as we should. Here they are, in essence, outing someone who could be working in ways to save our people from another terrorist attack, from al-Qaida, and whatever else.

I am so pleased my friend has been so stalwart on this issue. Anything he needs from this Senator from California to help him, I remain available to do whatever I can do to bring justice to this family.

I yield back the time.

Mr. SCHUMER. I thank my colleague from California for her strong, intelligent, and heartfelt words.

I would like to make just one other point, and this is a very important point I have not talked about before, so I hope my colleagues will listen. People ask, Why ought there be a special prosecutor? Why not let Justice do the job?

There are obvious reasons. Attorney General Ashcroft is a close political associate of the President's. If this goes high up into the White House, there is obviously the appearance of a conflict, if not a conflict itself. There is nothing wrong with the President appointing a close political associate as Attorney General. Some have. John Kennedy did. Bill Clinton didn't. The other model is to appoint someone at some distance, someone removed, a professional law enforcement person. But when you appoint someone who is close, you lose any vestige of independence when something sensitive comes up, making the need for special counsel more important.

A special counsel is not a runaway counsel. The independent counsel law expired because people were worried about that. It is still appointed by the Attorney General. The differences are threefold. No. 1, the day-to-day running of the investigation is not under the Attorney General or the staff that is directly under him with the chain of command going up.

Second, a very important prophylactic measure: Anytime the Attorney General should reject the request of the special counsel—to subpoena someone or bring someone to a grand jury or file some charges—a report has to be made to Congress. That is an extremely important and prophylactic measure.

Third, special counsel, when they have been appointed—and by the way, Archibald Cox and Leon Jaworski, people like them, fell under a law very similar to the President's special counsel law because that was before the independent counsel was allowed and after 1999. After it expired, Justice passed this regulation allowing special counsel again. But they have stature. They are not going to be pushed around. Everyone will see who is appointed.

Obviously, if the Attorney General should appoint someone who doesn't have the stature, doesn't have the political independence, they will not be given the respect that someone of stature and independence would. But because it is public, that is generally what happens. A Warren Rudman or a John Danforth or a George Mitchell or a Sam Nunn would be ideal type candidates as independent counsel.

Let me show an example. This is the point to which I want people to pay attention. We just had an example of why we need a special counsel. This was reported, as I am told, by Mr. McClellan. We learned this morning that the White House Counsel, Mr. Gonzales, had sent an e-mail to all White House employees to preserve all their records, their logs, their e-mails and things like that. It was a good thing to do.

But what Mr. McClellan just confirmed is that he was asked by the Justice Department to do it last night. He said: Can I wait until the morning? And the Justice Department said yes.

Did anything happen between last night and this morning? I don't know. Nobody knows. You can be sure, if it was a special counsel, that ability to delay for several hours the sending out of this very important e-mail wouldn't have happened, or it only would have happened with an extremely good reason.

But when you don't have a special counsel, when the White House Counsel makes the request, it is given the benefit of the doubt. Frankly, at least from the allegations we hear the White House Counsel is in the same place as the person or persons who did this dastardly act. So if there was ever an example of why we need a special counsel, it just came out when Mr. McClellan told us about this delay in sending out the e-mail. For all we know, and this is just hypothetical, rumors went throughout the White House that there will be an e-mail this morning—and this is just hypothetical and, hopefully, it didn't happen—but maybe that somebody who did it didn't save what they were supposed to save, inadvertently threw them out. Who knows?

Again, if the special counsel were there, it is likely not to have happened. And if it did happen that the delay was sanctioned, people would have more faith that there was a justification for it.

So we need a special counsel. It is not a perfect mechanism, but it is the only mechanism available that has some semblance of independence, of fairness. Along with my 15 cosponsors, we are requesting a sense-of-the-Senate resolution that that be done.

I remind my colleagues, this is a sense of the Senate. It is basically a

sense of the Senate that in a very real sense says: Do you want to get to the bottom of this, and do you want to do it fairly and not politically? It doesn't require it to happen.

Excuse me, we have now 22 cosponsors.

It doesn't require it to happen, but at least we go on record, this body, as saying there ought to be a full, fair, and independent investigation—and a fearless investigation, I would add, an investigation that will go wherever it leads.

I repeat, I have no idea who did this. There are names bandied about. If it is true that six people in the media were called, this is not going to be a top secret, even though the media people will not want to reveal that they were called because of their sources. But a special counsel should be able to get to the bottom of it. Any counsel should be able to get to the bottom of it if, A, they really want to; B, they don't fear getting to the bottom of it; and, C, they are not told by somebody else not to, subtly or otherwise.

I guess that is another point I would make. What this case is about in many ways—not every way, there are so many ramifications to it already—the reason it has resonance is not only that what was done was despicable, but it relates to a methodology in Washington that has become too current lately, which is knee-capping people with whom you don't agree instead of having an open debate, saying you think this; I think that; let's see what the people decide. To call into question their character or patriotism or anything else—we have seen that in many different areas in the last year or two.

So it has tremendous resonance, but ultimately one thing this is about is the ability to tell the truth without being hurt for telling that truth, hurt professionally. Isn't that, indeed, the reason we need a special counsel? If there is a career diplomat in the Justice Department who is doing this investigation, maybe he or she, even if told nothing, will say: Hey, if I bring this all the way to the top where I think it ought to go, it might hurt my career. Who knows? With the special counsel, if it were a John Danforth or a Sam Nunn, they would not worry about their career. Their integrity is rock ribbed, and they will take it where it leads.

I hope we will allow a vote on this amendment. I don't know what the other side is afraid of, or whoever is afraid, to not allow a vote on this amendment. It is a simple sense-of-the-Senate resolution, and I would argue it will be more foretelling if this amendment is being blocked from being voted on. It will be very revealing if this amendment is blocked because it is saying somebody, somewhere, is afraid of where this investigation would lead.

I think if a point of order is raised and not overturned in any way, then—I guess it cannot be overturned. If the point of order is raised and a vote is prohibited, it is going to say something. It is going to say those who raise the point of order are afraid of where the truth may lead. That is one of the things we all worry about.

Once again, I say to my colleagues that the very fact that the e-mail which went out this morning was asked for last night, and delayed for several hours, raises questions. They may be answered; they may not be. But that is the kind of question that will come up every day in an investigation if we do not have a special counsel.

I thank my colleagues from South Dakota and California and the so many others who spoke this morning—the Senators from Nevada, Iowa, and Florida.

All I can say is for the sake of this country, for the sake of fairness, and for the sake of the continuing rebuilding and the viability of our intelligence services, I hope this amendment passes. I hope no one will block it on a parliamentary procedure called ''a point of order.'' I hope we will get to the bottom of this dastardly act and find out who put the integrity of the intelligence services and possibly the lives of people on the line for simply the purpose of malice or the purpose of preventing the truth from coming out.

I am going to yield as much time as he would like to my colleague from Illinois, a member of the Intelligence Committee.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from Illinois.

Mr. DURBIN. Thank you, Mr. President. I thank Senator SCHUMER for his leadership on this issue.

This is not a new issue. This article was written by columnist Robert Novak back in July. It is interesting at the end of September and the beginning of October that it finally surfaces and is receiving the attention it deserves.

What Senator SCHUMER is asking is for the Senate to go on record in calling on the Bush administration to appoint a special prosecutor, someone who will be independent enough to ask the hard questions and try to find out who was the source of this very serious security leak.

Keep in mind what happened here. A decision was made by someone in the administration—perhaps in the White House—to disclose the identity of a woman working for one of our intelligence agencies. In and of itself, it doesn't sound like much to an outsider. But for many of the people working for those intelligence agencies in a covert status, the fact that their identity is not known is an important part of their job and an important part of their survival. As a result, the disclosure of the identity of such a person is a Federal felony, the most serious crime you can commit. We believe it undermines our intelligence-gathering capability and can literally endanger the lives of innocent, hard-working, patriotic Americans to knowingly disclose their identity. In this case, a decision was made within the Bush administration to disclose the identity of this woman and jeopardize her future, her career, and maybe even her life. That is as serious as it gets in this business.

We can remember back in the Nixon administration the enemies list that was generated—people the Nixon administration decided did not share their views on foreign policy or domestic policy. They made a long list of columnists and individuals across America who were their enemies. They looked for ways to hurt them.

In this situation, we have the equivalent of an enemies list in the Bush administration—a decision by someone at the highest level of the administration to declare that Ambassador Joe Wilson and his wife were enemies and at any cost they had to be silenced; they had to be stopped. What was the administration trying to silence? They were trying to silence the fact that they sent Ambassador Joe Wilson, a former Ambassador in the Clinton administration, on a special detailed assignment to determine whether some of the statements the administration had made about the dangers of Iraq were true, particularly the statement which was made in the President's State of the Union Address that there had been fissile material that could be used to make nuclear weapons sent from the tiny African nation of Niger to Iraq.

Of course, the reason that was important was because it was the first issue raised by the Bush administration as to why we had to invade Iraq. If they had nuclear weapons and the capacity to build them in short order, they would be a threat not only to the region and to the world, and so we had to stop Saddam Hussein in his tracks.

Evidence of the movement of this enriched uranium or fissile material from Africa to Iraq was critical. The President of the United States thought it was so important that he made reference to it in his State of the Union Address to the American people.

When Ambassador Joe Wilson was sent to Africa and began investigating, he returned and reported to the Bush administration they were wrong. In his estimation, there was no evidence that this ever took place. In fact, as I stand here today, President Bush has apologized to the American people for including this statement in his State of the Union Address, and there is literally no evidence that this took place.

Ambassador Wilson did his job, took his assignment for the Bush administration, did it honorably, and came back and reported to them what he found. But there were some people in this administration who didn't like his report. They didn't want to know the facts. They had already created a scenario of nuclear weapons, and Joe Wilson's report wasn't consistent with it. They went forward and allowed this unproven theory to fester and grow as they started talking about the danger of Iraq to the world.

Finally, Ambassador Joe Wilson, in desperation, published an article in a leading newspaper and said, I have to tell the truth. I went to Africa on an assignment from the Bush administration. What I found was inconsistent with what they said to the American people.

This was an amazing development—an amazing disclosure. But I met with Ambassador Wilson, and he felt he had no other choice. His integrity was on the line. He decided to tell the truth to the American people. But because he did and because that truth brought embarrassment to this administration, they struck back. But they didn't strike at Ambassador Joe Wilson. They went after his wife, a professional intelligence agent working in a covert capacity. That is what this is all about.

Who was behind this? I don't know. I do not know if it reaches to the White House. I can't say. Mr. Novak has only said ''administration sources.'' But what Senator SCHUMER brings to the floor today to really confront is the fact that we cannot honestly expect Attorney General John Ashcroft to really treat this case in the manner it deserves to be treated for the good of our intelligence gathering, for the integrity of the people who work at those agencies and, frankly, for justice to be served.

Last year when I served on the Senate Intelligence Committee and there was a disclosure of some classified information, Vice President CHENEY and Secretary Rumsfeld were adamant and vocal that the leaking of classified information, particularly in the runup to the war in Iraq, was absolutely intolerable and unacceptable. No one questions that premise. I certainly don't, as a member of the Intelligence Committee. When this piece of information was leaked, they turned on the Intelligence Committee and said we want to know which Senator—assuming it was a Senator, and it could have been staff or someone else, for that matter—which Senator leaked the information.

Do you know what they did next? They sent an FBI agent to my office and to the office of every Senator on the Intelligence Committee—this Ashcroft Department of Justice and the Bush administration. They asked me if I would submit to a polygraph—a lie detector—to determine whether I was the one who leaked the information. I didn't leak the information. But I also feel, as most people do across America, that those polygraphs are notoriously inaccurate. Most States don't even recognize them in their courts. I have never counseled a client in my legal practice to take one. I just do not think they can be trusted.

I said no, I am not going to submit to a polygraph. The next thing you know is that in the course of my reelection campaign it was disclosed to the public that I had turned down the request of the FBI agent for a polygraph test. I explained it as best I could to the people of Illinois. They obviously accepted it, and gave me a chance to serve again in the Senate.

But isn't it interesting that this Bush administration and their Department of Justice, which obviously believes so passionately in polygraph tests, now is in a predicament where if they are going to investigate this leak, if they are going to try to find out which person in the administration is responsible for calling Robert Novak and disclosing this, they are frankly going to be in a position where they have to ask for polygraph tests.

You have to ask the obvious question. Is Attorney General John Ashcroft willing to ask Karl Rove to submit to a polygraph and tell the people whether he says yes or no? You could go through the list of potential people from the administration who need to be asked. I think the answer is obvious. They are not going to do that. Attorney General Ashcroft is not likely to ever do that.

What Senator SCHUMER and myself and others are saying is now is the time to acknowledge the obvious. This administration is not up to the task of dealing with such a disclosure so sensitive and so important at the highest level of Government. It is time to give this responsibility to a special prosecutor, someone outside the administration, with no conflict of interest.

I will tell you, I did not think the day would come, or come soon, when I would come to the Senate floor and call for a special prosecutor. The gross abuse of independent prosecutors during the Clinton era really, I guess, satisfied me once and for all that you have to be extremely careful to put that much power in one individual. But I do not know any other way out here.

I cannot imagine that leaving this in the hands of Attorney General Ashcroft and the Department of Justice is really going to give us a satisfactory conclusion to these critical and important questions: Who was it who decided to put Ambassador Wilson's wife on this hit list, on this enemies list? Who was it who was willing to risk prosecution of a Federal felony to embarrass her and compromise her as an analyst or an agent for America? Who was the person who decided that all bets were off and no holds were barred when it came to going after critics of the administration?

Those are hard, tough questions, questions this President would not want to face, no President would want to face, and certainly questions not likely asked or answered if it is going to be done within the administration.

So I certainly support my colleague from New York. I join with others who believe the appointment of a special prosecutor is the only way to serve the needs of justice and to do it in a way where there is a credible outcome.

LOST JOBS AND THE ECONOMY

Mr. President, I would like to ask, if I may, to step aside from this particular issue for a moment and note the fact that the President of the United States visited Chicago, IL, today. We were happy to see the President, whatever the circumstances. In this case, he came to raise money. Over $3 million was raised in Chicago for his campaign. But I might also note that over 3 million jobs have been lost in America under his administration. Both of these are historic records for President George W. Bush.

The real question that presents itself is this: Can all the money raised in Chicago and other places to buy media make America forget all those lost jobs? Can $3 million raised today in Chicago make America forget the 3 million lost jobs under the Bush administration? More jobs have been lost by this President than any other President since the Great Depression—70 years ago. It is the worst record of job creation under any President in modern history.

In Illinois, we know this too well. Working people in Illinois are not going to forget we have lost 200,000-plus jobs since President Bush was sworn in. And I just met with a group of small businesses, small manufacturers. They are not going to forget we have lost over 123,000 manufacturing jobs in my State of Illinois alone since President Bush took office.

Our taxpayers in my State are not going to forget that President Bush's unfunded school mandates in No Child Left Behind are going to cost our school districts millions of dollars at a time when they literally cannot afford it because of our State's financial crisis.

Also, I do not think there will be a family in America who will forget the costly and dangerous occupation of Iraq, which President Bush has obligated American families and taxpayers to bear. I do not think there is enough spin in Washington or enough dollars in the President's campaign coffers to cover up these realities.

So, Mr. President, thank you for visiting Chicago. I am sure you had a great day. But I think the total story is going to be considered by the voters in Illinois before the next election. And when they look at the economic record of this administration, they are going to realize we have squandered a great opportunity. The economic expansion of the 8 years before President Bush came to office has not been equaled or rivaled, and it is not likely to be in the future, as long as we have a President who is passing out tax cuts to wealthy people and generating the largest deficits in the history of the United States, causing us to cut back in education spending and health care spending, causing us to compromise the Social Security trust fund as the baby boomers come on line to receive their checks.

These are the realities that American families understand. And when this President——

Mr. GREGG. Mr. President, I was wondering if the Senator would yield for a question.

Mr. DURBIN. I would be more than glad to when I have finished. On your time, I would be happy to answer a question.

THE SUPPLEMENTAL APPROPRIATIONS BILL

Mr. President, the other point I would like to make, before we return to the issue at hand, is this: People say, What has happened? It seems as if there is more criticism of the Bush administration in the last few weeks. And I think that is true. I think once the President went on national TV and announced that $87 billion pricetag for our continued presence and occupation of Iraq, the American people were awakened to reality. This $87 billion pricetag is a bone in the throat of America's taxpayers and families. They understand that we are not cutting spending or raising taxes to come up with that money; we are, in fact, adding to the deficit—the biggest deficit in our history—and we are taking it out of the Social Security trust fund.

I, for one—and I am sure I speak for every Senator—will not compromise when it comes to our military. We will give them every single dollar they need to be successful and come home safely.

When it comes to spending billions of dollars in Iraq to do things which we obviously cannot do, according to the President of the United States, hard questions will be asked, and the hardest question is going to be posed by my colleague from the State of North Dakota, Senator BYRON DORGAN. I think he has really touched a nerve because he has reminded this administration that time and again they told us this day would never come, that Iraq was so bountiful in its oil reserves that it could finance its own reconstruction. Those are statements made by Vice President CHENEY, Secretary Rumsfeld, Assistant Secretary Wolfowitz; the list goes on and on.

Now they come to us and say they need $20 billion that is going to rebuild Iraq. Well, the Democratic leader, Senator DASCHLE, raised the question earlier. It is clear that the money to rebuild Iraq is going to be borrowed. The question is, From whom will it be borrowed? From the American people or the Iraqi people?

I agree with Senator DORGAN. Let's take this bountiful oil supply that they have in Iraq and use that as security, as collateral for what they need to rebuild their country. We can help them. I am sure we will. But, honestly, shouldn't the Iraqi people and their future oil revenues be on the line before our Social Security trust fund and our investments in education and health care? It is fairly obvious to me and to many of the people I represent.

Let me conclude and say again to Senator SCHUMER, thank you for your leadership on calling for this special prosecutor. It is my belief that a special prosecutor at this point is the only way to make sure that justice is served. If we have in any way seen a compromise of intelligence gathering in the United States, it could not have come at a worse time.

If we are going to successfully fight the war on terrorism, we have to stand behind the men and women at those intelligence agencies. We have to support them. And in my oversight capacity with the Intelligence Committee, from time to time I am sure I will be critical of some of the things they will do, but we should never, ever compromise their identity or professional integrity or ability to do their job.

Whoever decided to leak the identity of Ambassador Wilson's wife to Robert Novak, who writes a regular column, decided that the political price they had to pay was worth it. They were going to make that family pay a price that few others would be asked to pay because they were so bold as to criticize this administration's policy in Iraq. We have to get to the bottom of it. And I do not think Attorney General John Ashcroft's Department of Justice is up to that job.

Mr. President, I yield the floor.

Mr. REID. Mr. President, I ask unanimous consent that the amendment by Senator SCHUMER have added to it as cosponsors Senators LIEBERMAN and FEINSTEIN.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, the Senator from Illinois said he would respond to a question on my time. And I will ask him a question and yield him 30 seconds to respond. It should not even take that long. But since the Senator from Illinois wandered during his presentation on to ground other than the actual amendment before us, specifically the issue of education, I was wondering when the Senator from Illinois intends to offer his motion to deny the children of Washington the opportunity to get a fair and reasonable education—something that is supported by the Mayor of this city, something that is supported by the president of the school council in the city, something that is supported by 7,500 children who are on a waiting list to get a decent education.

When does the Senator from Illinois intend to offer his motion to strike the capacity of those children to get a decent education?

I yield to the Senator, oh, 10 seconds to answer that question.

Mr. DURBIN. It will take 30 seconds.

Mr. GREGG. I will yield the Senator 30 seconds.

Mr. DURBIN. I would ask the Senator to clarify. Is he speaking about the proposal to divert public funds to private schools, a proposal that has been rejected by an overwhelming majority of people in the District of Columbia, the school board, and the city council, the proposal that would send the money to schools without standards that the teachers in these private schools even have college degrees? Is that the proposal about which the Senator is asking?

Mr. GREGG. I am simply asking if the Senator ever intends to offer his motion to strike.

Mr. DURBIN. The answer is yes, I do intend to offer it.

Mr. GREGG. Does the Senator intend to offer it today?

Mr. DURBIN. Not today, but I intend to offer it.

Mr. GREGG. Does the Senator intend to offer it tomorrow?

Mr. DURBIN. It could be tomorrow.

Mr. GREGG. I appreciate the Senator's candor.

Mr. President, what is the time that is allowed?

The PRESIDING OFFICER. The sponsor of the amendment has 8 minutes 6 seconds. The opponents of the amendment have 58 minutes.

Mr. GREGG. I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I yield myself such time as I may consume.

I ask the Chair to advise me when 3 minutes remain.

Mr. President, after I went home last evening, I couldn't stop thinking about a statement Senator HARKIN had made regarding the leak of classified information about the identity of an undercover CIA agent. Like Senator HARKIN, I also remember as a boy seeing those signs that warned: Loose lips sink ships. Our Nation was at war then. Even though the war was far away, every citizen was constantly reminded that there might be spies among us and that the wrong information in the wrong hands could cost American lives. So here it is, 67 years later. Once again we are at war and, sadly, it seems that the wrong information has been passed into the wrong hands—not by our enemies but by someone who works at the White House.

By now I think we are all familiar with what happened. On July 14, the political columnist Robert Novak, who I consider a friend and like very much, disclosed the identity of a covert CIA operative. He wrote that the information was given to him by ''two senior administration officials.'' Yesterday the Washington Post reported that before Mr. Novak's column appeared, two top White House officials had called at least six journalists, revealing the name of this undercover CIA agent.

The reason, of course, for the leak has been well established. It was to get back at the husband of the agent. He is Joseph C. Wilson, former U.S. Ambassador, who had publicly challenged President Bush's claim that Iraq tried to purchase uranium from Africa. In retaliation for Mr. Wilson's telling the truth as he saw it, two White House officials apparently blew his wife's cover and, in the process, they threatened our national security. If you think that is overreacting, remember the old warning: Loose lips sink ships. Because that information was leaked, this agent's ability to gather intelligence has been destroyed and her safety has been put at risk.

Even more important, the leak of that sensitive information has jeopardized the safety of every person in the

world who had cooperated with her. Any person who was a known associate of this agent will now be suspected of cooperating with the CIA. Maybe even some innocent friend would be so thought. We might never know how many people have been tortured or maybe killed as a result of this leak.

As terrible as that scenario is, it is not the worst consequence of this leak. This leak of classified information will undermine our efforts to recruit people who can help us in the war on terrorism, people who might be able to infiltrate terrorist cells and gain prior knowledge of deadly plots against our Nation. Because of this leak, people who might be inclined to pass information along to the United States will now wonder whether we can be trusted to protect their identity. After all, if they can't trust those who work in the White House, who can they trust.

We are at war against terrorism. It is a war that will not be won with our mighty arsenal of weapons. It is a war we can only win by obtaining good intelligence about the plots that these terrorists are hatching. Intelligence is our best weapon against terrorism. So loose lips not only sink ships, they might prevent us from stopping a future terrorist plot.

This is as serious as it gets. I used the word ''traitor'' yesterday in a colloquy with Senator HARKIN. I know that is strong language, but I believe that about anyone who would leak this kind of sensitive information at a time when we are at war. This is a crime. It is a felony punishable by 10 years in prison.

This morning we heard that the Justice Department has launched an investigation into this crime. Realistically, we not only have to do away with what is bad but what looks bad. To have John Ashcroft, former Senator, longtime political confidant of the President doing this investigation simply won't sell. Considering the grave nature of what has happened, this case warrants an independent counsel, a special counsel, someone who does not have political ties to the White House. If we need an independent counsel to investigate a private real estate deal, certainly a breach of national security deserves the same level of scrutiny. We must act quickly before memos and phone logs and computer records are destroyed.

We must find the source of this leak and send a message to everyone everywhere who betray the United States: Loose lips sink ships, and they will land you in jail.

Mr. LEVIN. Mr. President, I have cosponsored the Schumer sense-of-the-Congress amendment which is before the Senate. The amendment calls upon the Attorney General to appoint an independent special counsel to investigate allegations that a high ranking official or officials within the Bush administration purposely disclosed to the media the identity of a CIA agent involved in clandestine operations.

If these allegations are true, they are extremely serious. In fact, the individual or individuals who provided this information to the media may well have committed a felony under federal law. Such a disclosure could endanger the CIA operative involved, former Ambassador Joseph Wilson's wife, and makes it impossible for her to continue to function as a clandestine CIA operative. This act could also endanger a number of individuals, assets, contacts and even mere acquaintances of the CIA operative. And, this act may send a cold shiver down the spine of every CIA employee and asset now operating under cover anywhere in the world. If the administration itself will not safeguard their identities, how can they feel secure? These are men and women playing absolutely critical roles in the defense of our national security. The role in our security of such individuals gathering intelligence around the world has been all the more clear since September 11, 2001.

Mr. President, this amendment seeks to send a clear message that we believe that the American people deserve a credible and independent investigation not influenced by or even weakened by the perception of influence which results from an appointee of the President investigating high level administration officials. An appointment of a special counsel of unquestioned integrity and credibility is the only way to assure that independence. I hope the majority will permit a vote on this sense-of-the-Congress amendment today and that the Senate will adopt this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. GREGG. Mr. President, what time remains?

The PRESIDING OFFICER. The Senator from New Hampshire has 58 minutes. The proponent of the motion has 3½ minutes.

Mr. REID. Mr. President, we know that the time will just run out. Senator SCHUMER wanted to speak last. He is not here. So we have no alternative. If the Senator is going to yield back his time, there is no way to preserve our 3½ minutes.

Mr. GREGG. Mr. President, we are ready to proceed. If we can have the clock run equally against both sides, I ask unanimous consent that that occur until the minority's time has run out, and then we will make a motion, unless the minority wishes to yield back.

Mr. REID. Mr. President, because of the time constraints, I ask unanimous consent that a point of order not be taken in this matter and that we have an up-or-down vote.

Mr. GREGG. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. That is really too bad. I say that because it would seem that something this important to the American public should at least have an up-or-down vote. All we want is a resolution from this body saying it is appropriate that the Attorney General, in effect, recuse himself and assign a special prosecutor to look into this most serious matter.

There is no question that somebody committed a crime. We don't know who it is or who they were, but leaking this information is a crime. It is a felony punishable by at least 10 years in prison. I think it is unfair. We know that Senate rules often don't appear to be fair. But in this instance, it would certainly be the right thing to do to allow an up-or-down vote.

I yield back whatever time we have.

Mr. GREGG. Mr. President, this is being investigated by the FBI. It is not being investigated by the Attorney General. The FBI will be doing the legwork and we will find out what happened as a result. Clearly, if the allegations are correct that a crime has occurred, it should be prosecuted.

Mr. President, I yield back the remainder of my time. I make a point of order that the amendment is not germane to the bill.

Mr. REID. Mr. President, I ask unanimous consent that the point of order not be laid before the Senate until 3:45 and Senator SCHUMER at that time be allowed 5 minutes prior to the point of order being taken.

Mr. GREGG. I object.

The PRESIDING OFFICER. Objection is heard. The point of order has been made. The amendment is not germane. The point of order is sustained. The amendment falls.

Mr. GREGG. Mr. President, what is the regular order?

The PRESIDING OFFICER. The DC appropriations bill is the pending business.

Mr. GREGG. I thank the Chair. I want to return to the underlying bill, a bill that has been debated for 4 or 5 days. Regrettably, I was not able to be here.

Returning to the underlying issue, which is the District of Columbia appropriations bill, and specifically the language in that bill which created new dollars at the request of the Mayor and the president of the school board and members of the school council to fund three basic programs, one is school improvement, the second is charter schools, and the third is a choice program which would involve not only public but also private schools within the city. Unfortunately, I was not here for all the debate, but it is important to talk about who is being impacted.

Who is this debate really about? The District of Columbia has a very large school system. Unfortunately, it is one that has some very fundamental problems. Those problems have created an atmosphere where, regrettably, a large number of children cannot get a decent education. In fact, this picture highlights it. Statistics show that 47 out of 100 children are being sent to failure by being required to go through the entire public school system in Washington, DC.

Essentially, the public school system in Washington spends a huge amount of

money, but regrettably it doesn't educate kids very well. Seventy-five percent of the fourth graders in this city are reading below basic reading levels. Only 11 percent of the eighth graders in this city are proficient in math. That is 1 in 10, actually. Only 10 percent of the eighth graders in this city are proficient in reading. One in ten children in this city can actually read at the level at which they should be. And 42 percent—a staggering number—drop out of school in Washington. Over one-third of the District residents read below the third grade level.

Yet this school system spends $11,000 per child—$11,000 per child—for these results: 42 percent of the kids are dropping out of school, 1 in 10 children are not reading at the levels their peers read at across the country in the eighth grade, and almost 1 in 10 are not able to do math. That means if you go into the DC school system, you have at least a 50-percent chance of either, A, not coming out of the system or, B, if you come out, you are not going to be able to participate in the American dream.

A fundamental element of participating in the American dream, being successful, having a decent income, raising a family, owning a home, having a great job, is your ability to read, write, and do basic mathematics. So we are talking about kids being left behind.

Let me just point to a couple specific children. These are children who, without private school, would not have had the opportunity to succeed.

How did they get into private school if there is no private school choice program in the District of Columbia? There is something called the Washington Scholarship Fund which is a program that has been set up because they recognized that Washington schools were working so poorly, and they have a lottery system. If you are a low-income child in Washington, your parents can put you into this lottery system. If your name is drawn, you get a choice—basically the same program that we are proposing to fund with this bill. But that waiting list is so large that your chance of being picked—in other words, winning that lottery as a child in Washington—is only 1 in 10. For every child who gets chosen, 10 don't.

I want to read a couple of notes from two people who were chosen, who were unfortunately locked into the public school system, and their parents knew they were going to fail. Their parents knew if they stayed in the public school system as presently structured, they were going to be lost souls, lost as citizens of our country, productive citizens, because they were not going to be able to gain the skills they needed.

This is the first person I want to read about. This is a note from this young girl in the photo, Lapria Johnson. She writes:

> The Washington School Scholarship Foundation is the only way I can read.

That is the group that has the lottery.

> I am 8 years old. I have a lot of problems I was born with. Public schools said I would not read.

This is Lapria writing:

> I read and my math is great. My handwriting is not so good, but I have an A in reading and an A in math.

She has had her hope restored as a result of having the opportunity of choice.

There is another group that I want to make a note of in the photo right behind me. This is Kevin and Kevona. That is who these two children are here in the photo. This is Mrs. Wilma Roberts writing, and these are her husband's niece and nephew. She is writing and saying:

> We wanted them to have a chance to advance to greater heights. Kevin was put into special education, and all he needed was help with his speech. He was put in a school that did not help with speech or his emotional growth. The Washington Scholarship Fund has been a godsend for these and other children who have the potential to do good things with their lives.

Doesn't that really say it all? ''The potential to do good things with their lives.'' Yet 47 out of every 100 kids who go into the Washington school system—their capacity to do good things with their lives is dramatically undermined by the fact that the school system they are in simply isn't working very well.

How do we react to this? How do we make sure the Laprias, the Kevins, and Kevonas of this city have a shot at a lifestyle that you and I would want our children to have?

Well, the Mayor is concerned about it, and the head of the school board is concerned about it. They are concerned enough that they were willing to take an extremely imaginative and creative and, politically, a very aggressive and dangerous step, from the standpoint of their political futures. They were willing to propose to the Congress, which has a unique responsibility for the District of Columbia, that if we would give them some extra money for their educational system, they would take that money and set up three very creative programs.

The first program would be a school improvement program. The second would be a program to help with the creation of charter schools, which they already have a significant number of in this city. The third would be a private school choice program patterned basically on the Washington Scholarship Fund Program that these three children have had a chance to take advantage of.

Why would the Mayor and the head of the school board and a number of the council members of this city who are responsible to their citizenry be willing to make that sort of a step? It is because they believe it will work for these kids. It is because they believe these kids should have a shot at the American dream by having the skills they need to succeed, by having the ability to do math and writing and reading at a level that is competitive with their peers across the country. They recognize that not every child learns the same.

There are some schools that are going to help a Lapria or a Kevin, who is coded incorrectly for special education, it appears from that statement. Some of those schools are not publicly managed so they can help these kids. But they are there and they are in the private sector.

The opportunity should be given to these children to participate in those schools that are going to give them the skills they need. And so the Mayor, the head of the school board, and a number of city council members have come forward and asked for the funding proposal that is in this bill, and the subcommittee is chaired by the Senator from Ohio, Mr. DEWINE. You would think it would be almost a no-brainer that if we as a Congress, who do not manage the city of the District of Columbia but who by the nature of the Constitution have responsibility for it, are approached by the political leadership, which is taking this sort of a creative and imaginative step, that we would say, OK, that is an idea that you want to try, and we will do what we can to assist you.

The majority does take that position but, unfortunately, there is a working minority on the other side of the aisle that does not believe these kids should have a chance, that does not believe the Mayor and the head of the school board should run their school system, that believes the 7,500 children who are low-income children, who are on a list today for private school choice, should have no opportunity to fulfill their dream; that they should have to go every year to this gathering where 1 in 10 of those kids gets their name pulled out of the hat and the other 9 children are sent home in tears and their parents, in most instances—by the way, they are children of single moms. They obviously have a father, but the mother is managing the family.

In most instances, what we have is a mother who realizes that her child, who she is raising by herself—she is working gosh knows how many hours a week to do it—is not going to have a chance to succeed and get out of the cycle of poverty and dislocation she sees, because of the nature of her financial situation or the nature of her situation generally, without a better chance in education. It is usually that single mother who puts her child on that list.

The majority of those 7,500 children are children who have a single parent at home taking care of them and trying to raise them in very tough and challenging times. We have to admire those parents immensely. But those 7,500 kids are being assigned to failure by my colleagues across the aisle.

I suppose one could argue—and obviously my colleagues across the aisle

do—this is not right; that public schools should get all the money; that there should not be any competition between public and private schools; and that choice just simply should not be allowed; that we as the Federal Government should not be making that type of decision. One can make that argument in theory, but one cannot make it as it applies to the District of Columbia because we are responsible for the District of Columbia, and the leadership of the District of Columbia has come to us and said they want this program.

Basically, they are saying no vote on this language; they are not allowing us to proceed to a vote. They are filibustering this proposal because they do not have the votes to defeat it. When our Democratic colleagues run a filibuster from across the aisle, they are essentially saying they can run the city of Washington better than the Mayor can run it, better than the city council can run it, better than the president of the school board can run it, and these kids who are on this waiting list—and there would be a lot more, I suspect, if this program were to go forward—are just casualties of the politics of the Senate. Tough luck. Forty Senators on the other side of the aisle are saying to 7,500 kids: Tough luck, we have a good life in the Senate. You have no life, no chance to participate in the American dream. You certainly have no chance to become a Senator because we are going to consign you to a school system which, as far as your parents are concerned, because they made the choice to put you on the list to opt for choice, cannot take care of your need to learn and is not going to give you the capacity to be successful.

It is an incredibly cynical act that is being pursued in the Senate by a minority when this appropriations bill is being filibustered on this point.

One has to admire, though, the leadership of this city because the Mayor has been incredibly aggressive in making this case. There has been no halfway commitment. This has not been a marginal undertaking on his part. He has been calling Members. He has been making the case. And the city has tried what they can try. They have tried public school choice in this city. To some degree it has worked. In some instances, there are just not enough functioning, strong schools to allow those kids who are locked in schools that do not do very well the opportunity to make that choice.

This city has tried charter schools. In fact, probably the fastest growing part of the school system is the fact they are setting up charter schools throughout the city. Thus, we have parents pulling together to try to create entities that will work a little better.

What they are asking for is one more very important tool. There are a lot of private schools in this city. There are a lot of religious private schools, Catholic especially. There are a lot of nonreligious schools that are very good schools. Some of them are focused on unique talent development and some are general in their educational approach. What the Mayor is saying is let's bring those schools into our mix as we try to give our children a better shot at being successful at learning what they need to know.

Remember, this program is not going to be for the wealthy or even the middle income. The way this program is structured is you have to be in an extremely low-income category before you can qualify for these choice opportunities. In fact, the priority goes directly toward low-income kids in schools that have already been designated as failing. We do not limit it to that, but that is where the priority is. I suspect that will absorb completely the available slots. So it is an attempt to get at the people who are most in need in the schools that are being least responsive.

Yet the majority of Democratic Senators on the other side of the aisle say: No, no, the kids are not going to be given that chance. The kids are going to be forced to stay in these schools which have such horrific track records. It really is a startling level of arrogance and an incredible indifference to these children.

What drives it? What drives this attitude? Is it a belief that we can improve the schools by putting more money into them? If we just put more money into public schools in Washington, we can solve this problem? We know that is not the case because in the last 3 years, we have increased funding in the public schools in Washington by I think 39 percent, and we have increased overall funding even more radically over the last 8 years in the public schools in Washington. Their success rate has not improved at all. In fact, they continue to fall behind.

As I said, they spend $11,000 per pupil in this city—$11,000 per pupil. There isn't a school district in the State of New Hampshire that spends $11,000 per pupil, I don't think. The only other school district in the country which is even near Washington in spending is New York City on a per-pupil basis. So it is not an issue of let's take this extra money and put it in the public school system and that will solve the problem. That can't be where they are coming from, but that is actually one of their arguments. But it is a straw dog because it doesn't stand up to any test of factual review.

Is it because they think these kids should just be left behind; that they are simply willing to say 47 out of every 100 kids in this city we can discard; we can say they can't have the ability to pursue their dreams? I doubt that. I don't think anybody on the other side of the aisle is so cynical. But that is the practical effect of the indifference to the problem and their unwillingness to address it in a creative way such as the Mayor has suggested.

Or is it there is force coming at them that is a special-interest force known as big labor that is saying: This is the camel's nose under the tent. If the city of Washington pursues a choice program, will choice spread across the country? We know the leadership of the national unions is adamantly opposed to any form of giving children choice in our school systems.

That may be it. There has to be some reason, but it certainly is not their interest in the welfare of the children that causes them to reach this conclusion that they are going to filibuster this opportunity for these children that is requested by the Mayor, by the president of the City Council, and by the parents of those 7,500 kids who are sitting on that list and are running out of time.

Remember, these kids are being put through and pushed through the system. Every year we fail to give them adequate reading skills, adequate math skills, is another year they probably cannot recover. If a child goes from the third grade to the fourth grade and they cannot yet read at the third grade level, how are they going to read at the fourth grade level?

Every year that we do not allow the city of Washington to pursue for their children options which may bring them up to speed, we lose another large segment of children, 42 percent dropping out of the school system. It is the parents and the kids who are being left behind today, who are being filibustered today, who are being strong-armed by the minority today, and it is an act of crassness that is going to come back in the way of lost lives. Fortunately, not Lapria or Kevin or his sister but individuals such as these other children are going to end up without any hope because this Senate, and specifically the minority in this Senate, has decided that they know more about the school needs of these kids than the Mayor, than the president of the school board, the members of the City Council but, most importantly the parents of these children who have been willing to go make the effort and take the extra initiative of trying to get their kids the type of education to give them the skills they need to live in our country.

In my opinion, it is an incredibly cynical act that is occurring today, as I have mentioned, and I regret it. I hope Members on the other side of the aisle will get up, walk over to the mirror in their office, and look in that mirror and say: Why am I doing this to these kids? At least as to the city of Washington, they ought to have the courage to stand up and say it is right to give the city this opportunity.

I yield the floor.

The PRESIDING OFFICER (Mr. CHAFEE). The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I congratulate the Senator from New Hampshire for his remarks and for his leadership on education, especially for his leadership on this issue where he has shown his characteristic persistence over the years, and I hope he succeeds.

Listening to him talk about the children today creates a whole new way of thinking about this. I have noticed in education meetings I have attended—and I have been going to them now for a good while—people like the Senator from New Hampshire and I get up and make a speech, but if we sit down and invite a child to stand up and say something, it changes the whole nature of the meeting because it puts in perspective what we are talking about.

I am glad the Senator talked about the children who are waiting in line for this opportunity to go to a better school because that is what we are talking about.

All we are talking about is giving 7,500 of Federal dollars, new dollars—not taken from any other school but new dollars—to about 2,000 poor families, disadvantaged families in the Washington, DC, our Nation's Capital, families whose child is in an underperforming school, and giving them a chance to go to another school. That is what we are talking about.

Especially since September 11, we have talked a lot about the American character. The American character has many aspects, but one aspect of our country is that we dream great dreams, and we are not ashamed of doing that. We say things like all men are created equal. We say things like President Kennedy said one time, that we will pay any price and bear any burden to defend freedom anywhere in this world. We say things like leave no child behind. We say things like anything is possible because that is our goal. Europeans and others think we are a little goofy when we say things like that because they will say obviously we are going to leave some child behind, obviously we are not going to defend freedom everywhere in the world, obviously not every man is created equal. The answer is we know that, but our goal is the greater goal. We really want to help every child succeed. We really want to defend freedom wherever we can. We really want every American to be equal, and we are a work in progress toward those goals.

That is what makes this such a remarkable country. One of the greatest of our challenges is to meet the goal of anything is possible—and I was thinking about those children—one of the surest tickets towards success in America, in fact the surest ticket, is a good education.

We cannot legislate a good family. Families are varied. But if a child has a great education, that child has a much better chance, to not be left behind but to succeed. So one would think we would be bending over backwards, falling all over ourselves, to identify the children in America who are disadvantaged, who are not as likely to have a good education, and giving them a chance too. That is what one would think we would all be doing.

Is that not what we are talking about today? Are we not talking about identifying a couple of thousand kids who are disadvantaged, going to schools that are not working, and giving them a chance to go to a good school? What is wrong with that?

I would think it would be embarrassing for our friends on the other side of the aisle. They have spent a lot of time talking about helping disadvantaged Americans. How can they say it is good for us Senators, our families, but we do not want to give these children that chance?

In the next few minutes, I will take three or four issues that have come up in the debate, as I have listened to it, and discuss them. The first one was—When I listened to the distinguished Senator from Illinois the other day, one of the better debaters in the Senate, as described by Senator DEWINE. The Senator from Illinois said this, and I wrote it down: This is a calamity. This will be the first diversion of Federal funds to private schools in our history, the first diversion of Federal funds to private schools.

I wanted to ask the Senator then, and I will ask today, if I may, I wonder if he has ever heard of the University of Loyola or DePaul or Northwestern or Saint Xavier or Wheaton College or Illinois Wesley? Those are all private schools, private colleges, in the State of Illinois, and at least half the students at all of those schools and colleges attend those colleges with a Federal grant or loan to help pay for college.

In the case of the Pell grant, the Federal grant, which may follow them to Loyola, DePaul, Northwestern, or Saint Xavier, that is a Federal voucher that follows them to the college of their choice.

Now, that is not just true in Illinois. It would be true at Fisk University in Nashville. It would be true at Brigham Young out West. It would be true at Yeshiva. As long as the college is accredited, whether it is private or parochial. This has been true from the beginning of the GI bill for veterans, over the last 60 years, our country has allowed Federal dollars to follow students to a school of their choice.

Someone might say I am mixing things up; I am mixing up a college with a high school. I do not think that is a real difference. At the University of Tennessee, we have a school of law, as well as a school of architecture. Those are schools. They are educational institutions. For 60 years Federal dollars have followed students to the school of their choice.

What has been our experience with that program? Most people who look at the Federal Government think the GI bill for veterans and the Federal scholarships and loans programs have been the most successful social legislation in the history of our country. Maybe Social Security stands up there with it. But it is hard to think of legislation that has created more opportunity than the GI bill for veterans and the Federal Pell grants and the Stafford loans that help people go to college. No one says you have to go to the University of Tennessee or Vanderbilt or the University of Rhode Island or any particular school. You choose.

I remember when I was president of the University of Tennessee, I was sitting there during the last week of August when we would have about 30,000 students, coming to our school. No one made them go there, they had to choose to go there, and the money followed them to the school. It never occurred to me to come to Washington and argue to the Senate, Please don't allow any of these students to go to Vanderbilt or to Fisk University because it might take money away from our school. We saw the value of giving Americans choices of colleges and universities. We saw what it had done for them.

We saw what it did for the colleges and universities of this country, what it specifically did for the public colleges and universities, such as the University of Tennessee. Let's just look at the record. In 1945, maybe 8 or 10 percent of Americans had a college degree. Mr. President, 80 percent of the higher education students in America at the end of World War II were in private colleges and universities. In fact, when the GI bill for veterans came along, President Hutchins of the University of Chicago was appalled by the idea. He said hoboes would be coming to his distinguished university, the University of Chicago.

At that time, at the end of World War II, 20 percent of students attended public university. What is it today? Today it is just reversed: 80 percent of students who attend higher education in America go to public colleges and universities, 20 percent go to private. So the effect of the GI bill for veterans, this Federal voucher that followed students to the school of their choice in higher education, which has been the law of our land since right after World War II, has not only created great opportunity, the effect of it has been to create the greatest system of colleges and universities in America. The Federal Government helped to fund that.

We don't have just some of the best colleges and universities, we have almost all of them. And the Federal voucher for higher education has been a major source of that. So that was a really good idea.

It is rarely our experience in education to have such a close analogy, to have a 60-year experiment with a Federal voucher for colleges that has helped create the best colleges in the world. The question might be; If it did that over 60 years, why wouldn't we at least try it to see if it created the best schools in the world?

We have tried it also before the first grade. We have a child care voucher, which has been the law since 1990. It follows little children to the child care program of their parents' choice. So we would trust a single mom with the responsibility. She might be poor, she

might not be very well educated herself, some might even say she's not capable of making a good judgment for her children, but we trust her to choose the daycare program for her child, and the Federal voucher follows the child to the daycare program. It could be public, private, or religious. We permit her to enroll in a community college or university in order to advance herself, and a Federal voucher follows her to a community college. But we say somehow there is something wrong with allowing her to make a decision about where her child goes to school from the 1st grade to the 12th grade.

Of course, we don't have that problem with those who are better off—Senators, for example. We assume we are really super parents and we know a lot about schools and we are trusted to make choices. We are allowed to move to another part of town so our child will go to this school instead of that school, and every real estate agent in America will tell you that parents make moves in housing based upon where their child will go to school. That is No. 1 for them. They have the money to do it. They are free to do it. But the disadvantaged family is not free to do it.

I wonder what would happen if we were to pass a law that would be consistent with our friends on the other side of the aisle—most of them; there are some who agree with us—and just say there should be no choice to anybody; let's be fair to the rich as well as the poor. It sounds like rhetoric that might be coming from over there. Let's say no choice for school, the Government will tell you, no matter how much money you have, exactly where your child goes to school, and you may not take that child anywhere else. The Government will decide. Since your taking your child and your money to a Catholic school or private school which might hurt a public school, therefore you are not allowed to go to a Catholic school or you are not allowed to go to a private school.

In effect, that is what we are telling poor families in America. We are telling them: Because you are poor, you have no choice. Let's say it to the rich folks, too. Let's make it equal. Nobody has any choice. That will help the public schools.

That wouldn't help the public schools. That is the way the Soviet Union used to operate, one car for everybody, and by the time they got through, the car would barely run. Choice is an essential part of the American system.

So, for the Senator from Illinois to stand up and say this is the first diversion of Federal funds to schools is just flat wrong. In fact, he is ignoring the most successful piece of Federal social legislation we have ever had, which for 60 years has helped create the best colleges in the world.

My question would be, Why not try it with at least 2,000 children who are poor, going to underperforming schools in Washington, DC, and let's see what happens? Maybe it creates a better school.

There is another little historical fact that maybe the Senator from Illinois missed as well. Right after World War II, a lot of the returning GIs didn't have a high school degree. Only maybe 5 percent of them even had a college degree at the time. So what did they do with the GI bill? They took it to high schools. There were thousands of returning GIs after World War II who took their GI bill to the Catholic high schools of America. The sky didn't fall. A lot of them ended up being among the most successful leaders in our country.

A second comment I would like to make is sometimes I hear that this is a Republican idea, or a conservative idea. It really doesn't sound like a Republican idea. Republicans are characterized sometimes by not being as interested in the disadvantaged, by not being willing to spend more money, by not wanting to talk about education. I am glad that we are, in this case. But this ought to be a bipartisan idea. I am so glad to see the Senator from California has made this discussion a bipartisan idea because it deserves to be.

Let me go back in a little history and suggest how this idea has not always been a Republican or conservative idea. Not long ago, someone gave me an article from the 1968 August issue of Psychology Today. The article was entitled ''A Proposal for a Poor Children's Bill of Rights.'' The proposal was this: To give a Federal coupon to perhaps up to 50 percent of American children, through their parents, to be spent at any school. Half the American children would get a Federal coupon, they called it—voucher, scholarship—to be spent at any school—public, private, religious.

By doing so, the authors of this proposal wrote, we might both create significant competition among the schools serving the poor—thus improving the school—and meet, in an equitable way, the extra cost of teaching the children of the poor.

The idea here was to provide money on top of what is already being spent, because educating poor children costs more. The authors were not the chairman of the Republic National Committee but a young man named Theodore Sizer, along with Phillip Whitten. Ted Sizer, of course, is today one of America's most respected and pioneering educators. He was dean of the College of Education at Brown University and a leader of the Coalition of Essential Schools. He has been given about every major award American educators can give anyone, and 1968 was a long time ago. Lyndon Johnson was President. ''Power of the people'' was the battle cry. Sizer and Whitten went back much earlier than that.

They said this:

> The idea of such tuition grants is not new. For almost two centuries various proposals for the idea have come from such figures as Adam Smith, Thomas Paine, John Stewart Mill, and more recently Milton Friedman. Its appeal bridges ideological differences. Yet it had never been tried. Quite possibly because the need for it has never been so demonstrably critical as now.

This was in 1968.

The authors quoted Mario Santini of the Ford Foundation—hardly a right-wing organization—who spoke of:

> . . . a parent's lobby with unprecedented motivation with a tangible grasp on the destiny of their children. The ability to control their own destinies definitely will instill in poor people a necessary pride and dignity of which they have been cheated.

Maybe those are the 7,000 parents in the District who are lined up waiting for the other side of the aisle to quit filibustering and release $7,500 for each of those children so they can go to a good school.

What about the argument that this poor children's bill of rights might destroy the public schools? Here is what Mr. Sizer and Mr. Whitten said in 1969:

> Those who would argue that our proposal would destroy the public schools raise a false issue. A system of public schools which destroys rather than develops positive human potential now exists. It is not in the public interest, and a system which blames its society while it quietly acquiesces in and inadvertently perpetuates the various injustices it blames for its inefficiency is not in the public interest. If the system cannot fulfill its responsibilities, it doesn't deserve to survive.

That is their word.

> But if the public schools serve, they will prosper.

Just as our public colleges and universities have with students who bring a voucher to those schools. Those are my words.

Since 1987, we have watched in amazement how rapidly the rest of the world is seeking to emulate the American way of life. Everywhere in the world, freedom and choice and opportunity have become the principles upon which are built the answers to the most basic human questions. Around the world, nothing is in as much disfavor as government monopoly of important services. Yet that is what the other side is defending today.

I think it is important, as we go through this debate, always to remember exactly what we are talking about. Those in opposition have such poor reasons for opposition that they invent all sorts of complications and make it sound exceedingly impossible. We are talking about this: Spending $40 million for students in the District of Columbia. The bill the Senate is debating today appropriates $13 million for scholarships for low-income children in underperforming public schools to go to any accredited school. $13 million for DC public charter schools and $13 million new dollars for the DC public schools.

The Senator from New Hampshire went into great detail on this. Let me summarize a couple of points. In addition to the fact that the District of Columbia is different—and there would be

State money, if it were Rhode Island, or West Virginia, or Tennessee, that we would be spending—but here we are spending $11,000 per student, which is among the highest in the country in the public schools. Class size is among the lowest, yet reading scores continue to be at or near the bottom of every national assessment. Sixty-nine percent of fourth graders are reading below basic level. That means 7 out of 10 fourth graders can't read. That means all educators and parents know that by the third grade, if they can't read, they are off on a track that goes anywhere but along with the American dream that anything is possible.

DC students ranked last in the Nation in both SAT and ACT scores last year. Forty-two percent drop out of school. Those are some of the statistics here in the District.

Finally, I would like to call attention to an article by William Raspberry that appeared on Monday, September 29—yesterday—in the Washington Post. Mr. Raspberry concludes his article with this question:

> If federally funded vouchers help a few hundred more local students to find such an environment, how bad is that?

He was writing about the debate here in the District to create an academic high school 20 years ago. Some people said: Well, that will help some children and not others. Mr. Raspberry thinks it will help some children, and that will be good, and maybe that will help us find a way to help others. That is the basic essence of his article today. It is a good thing to use to conclude a discussion about the District of Columbia because it shows we all know that the children of the District of Columbia can succeed, the schools can succeed.

This is the way he describes Washington's academic high school:

> By the way, Washington's academic high school—Benjamin Banneker—is not merely an established fact these days, it is an important source of pride for both the school system and the city. It was a Banneker student who a few years back scored a perfect 1600 on her SATs. It was a Banneker team that scored a record-setting total on the TV program ''It's Academic.'' Banneker's students are smart, but not necessarily that much smarter than students elsewhere in the city. What they have is an atmosphere where academic striving is the norm, where no one calls them ''nerds'' or ''brainiacs'' or accuses them of acting ''white.''

The recent result of Leave No Child Behind shows us something we already know—that we have a lot of good schools in America. But even in many of our better schools, there are some children—almost all disadvantaged and many of them minority kids—who are not learning what they need to know, all over America, and it starts right here in the Nation's Capital. We have tried about everything. We tried charter schools. We tried more money. We tried smaller classes. There are a lot of wonderful people working hard.

What this debate is about is: Should we not take the idea which helped create the best colleges and universities in the world and try it here in the District? Should we not help those 7,000 families standing in line out there hoping anything is possible for their child? Why not give 2,000 of them $7,500 a year and let them go to a better school and have a brighter future? If we learn something about that which teaches us something about what to do about American education that will improve and help these disadvantaged children, so much the better.

How embarrassing it must be to stand up and argue against giving $7,500 to 2,000 children in the Nation's Capital who deserve that brighter future.

I hope this becomes an increasingly bipartisan discussion. The Senator from California has offered an amendment which improves the legislation. Not every Republican supports this. Not every Democratic Senator opposes it. I hope over time we will see that choice as an essential part of the American system. We have had it for 60 years in our colleges. We have had it for 12 years in the Child Care Program. Every family with money has it. Why not offer it to the disadvantaged, the poor families of America, starting with 2,000 families in the District of Columbia in this bill?

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I am very happy to point out that the good Senator from Tennessee and I served as Governors together, and his emphasis was always education then and obviously still is. I respect him greatly.

I would like to speak for a few minutes on Senator SCHUMER's amendment to call on the Attorney General to appoint a special counsel, it having been laid aside on the basis of germaneness.

I rise in support of the erstwhile amendment—maybe it will come back—calling on the Attorney General to appoint a special counsel to investigate allegations that senior Bush administration personnel—perhaps including those working at the very highest level of the White House—may have knowingly and deliberately revealed to the press the identity of an undercover CIA agent.

I speak as a Senator from West Virginia and also as vice chairman of the Senate Intelligence Committee. This is a matter of national security. It is a matter of criminal law. It is a matter that demands the most careful, impartial, and independent investigation possible. As I will explain shortly, it is actually a matter without legal precedent.

The Senate, Republican and Democrat alike, should go on record today—which we have not—to demand the Attorney General not hold this too close within the administration family, where the investigation will inevitably be questioned as raising conflicts of interest. This is going to happen. Forget the people involved. It is simply going to be an issue with the public. Rather, he should appoint a special counsel that can assure the Nation that no person in the United States, no matter where they work and what they do, are above the law in our country.

Twenty-one years ago after the tragic assassination of a CIA station chief and other attacks, Congress enacted the Intelligence Identities Protection Act of 1982 to punish the naming of covert agents. The act addressed essential appalling circumstances such as a private individual or organization engages in a campaign to publicize the names of agents. Appropriately, Congress reserved the most severe consequences—including imprisonment for up to 10 years, substantial sums of money—for unfaithful U.S. Government officials who intentionally disclose the identity of any of our country's own agents. To date, that kind of betrayal is so far beyond the pale, so to speak, so incomprehensible, that as far as the Intelligence Committee has been advised, there has never been a case prosecuted under it.

It is, therefore, with special sadness that our country now faces an investigation into whether the unimaginable has, in fact, happened; whether at the highest levels of our Government there has been a felony disclosure of the identity of one of our covert agents.

When the Senate Judiciary Committee reported the identities protection bill in 1981, it made a number of findings which are as true now as they were then. They found that it is essential for our Nation to have intelligence information that is timely, that is accurate, and that human sources of intelligence are the key to that effort and that we need and must be ready to rely on our own covert intelligence agents to gather information from our sources.

To quote our Judiciary Committee:

> Without effective cover for United States intelligence officers abroad and without assurance for anonymity of intelligence sources, the United States cannot collect the human intelligence which it must have to conduct an effective foreign and national defense policy.

This was true in the cold war when this law was enacted, and it is certainly no less true today in the war against terror.

The disclosure of our agents puts them at risk. It puts their sources at risk. And it puts our Nation, as a result, at risk.

In the case at hand, there is a further danger of immediate importance: The Senate Intelligence Committee is conducting an inquiry into prewar intelligence about Iraq and how that particular intelligence compares with what is being found or is not being found on the ground in Iraq. Two of the toughest questions we are asking are whether any of the intelligence was exaggerated or distorted by the policymakers—that is, the users of the collected and analyzed intelligence—and

whether any pressure was brought to bear on any U.S. intelligence analysts to shape their prewar analysis.

I deeply hope the final answers to those questions is a no but the jury is still out. The House has produced a preliminary report of several pages. The Senate Intelligence Committee is hard at work on a very thorough, very profound effort.

I ask my colleagues, how can we possibly expect our intelligence community to come forward to help us to get the truth in the matter if they fear that retribution will follow? One has not had to raise this question before.

Since mid-July, our intelligence community officers have been reading the same press reports that we have been reading. They are reading about not just some inadvertent disclosure of a potentially covert agent but something far more insidious. If press reports are true, then the allegation at issue is that there may have been a coordinated effort to release the name of a covert agent for the specific purpose of discrediting somebody who disagreed with the administration about the fraudulent and much discredited claims of Iraqi purchases of uranium in Niger, a policy which never received virtually any credence at all.

If the U.S. intelligence community and its agents believe their careers can be crushed by a phone call or by a couple of phone calls, how can they be sure their candor will be protected? Why should they produce candor? Perhaps they will be punished. They do not know. That does not happen, particularly in our world. It can happen sometimes in politics, but this is an everyday part of their world. We rely on them for accurate intelligence as they see it, as they believe it, that is then gathered, analyzed, and passed on to policymakers for judgments.

How can the Congress meet our own investigation and oversight obligations, a committee in each body? How can we learn the true facts about the conduct of government officials and inform the American people? At this point, the prompt appointment of a special counsel is essential, the amendment being laid aside or not.

Under the Department of Justice regulation, the Attorney General is to appoint a special counsel when investigation or prosecution of the matter would present a conflict of interest for the Department and it would be in the public interest as a further matter to appoint an outside counsel to assume responsibility for the investigation in the matter. Both tests are plainly met here.

The Attorney General faces a conflict of interest when an investigation leads into the White House. And it is unquestionably in the public interest to assure confidence in such a critically important investigation.

The special counsel is admittedly not quite as independent as an independent counsel—and we have had those—was under the former statute. But the special counsel is our best and most impartial mechanism for difficult circumstances such as these. The regulations provide the special counsel shall not be subject to the day-to-day supervision of any official of the Justice Department. If the Attorney General concludes any action sought by the special counsel should not be pursued, the Attorney General is required to notify the Congress, and the Attorney General must report to the Congress if he or she wants to fire the special counsel and can only do so for good cause.

In closing, since joining the Intelligence Committee, I have had the honor of meeting dozens of covert intelligence agencies working overseas in a variety of countries. These men and women make sacrifices that few Americans even come close to understanding or know anything about, which is as it should be. They live undercover, unable to tell their friends or even their family, what they do or where they are. They work tirelessly with much of the operational activity conducted in the evenings after regular working hours on other matters and on weekends when the rest of us are at home with our families. They put themselves at literal risk almost every single day. And they love what they do.

If the recent allegations are true, someone in this administration has done these people a grave and lasting injustice. Our intelligence agents need to know we understand the sacrifices they make and that we will come to their defense when somebody puts them at risk. An independent investigation is the only way—and it is the only way—to restore their faith in the Government they serve. Not to do so would have a chilling effect on the recruitment of people to do this vital work, in a time when intelligence may be beginning to surpass actual war fighting in terms of its importance to something called the war on terror.

I regret this amendment has been ruled out of order on this bill. I hope we will again take it up.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I ask unanimous consent that my remarks be considered as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I come to the floor to respond to some of the comments that I have heard concerning the CIA's request that the Department of Justice look into the leak of the name of one of its employees. My friends on the other side claim that a special counsel should be appointed and that the Department should recuse itself from the investigation.

Quite simply, the Department of Justice is the appropriate agency to look into this matter. The CIA notifies the Department approximately 50 times per year to investigate complaints about the leak of classified information. The Department has career professionals that address matters like these. This professionalism and experience is needed in instances like these to ensure that the investigation is done in a competent and complete manner.

Some of my colleagues believe that a special counsel is needed because there has been a ''clear violation of the law.'' I respectfully disagree. While I agree that this matter is a significant one and needs to be promptly examined, it is premature to conclude that the Protection of Identities of Certain United States Undercover Intelligence Officers, Agents, Informants, and Sources statute has been violated based merely upon media reports. In fact, there is reason to believe that no violation of this statute has occurred. The intelligence statute prohibits the disclosure of the identity of a convert agent whose identity and relationship to the United States the Government has affirmatively sought to conceal or that the defendant disclosed the name of a covert agent with reason to believe that such activities would impair or impede the foreign intelligence activities of the United States. Robert Novak, the reporter who wrote the story, has since stated: ''Nobody in the Bush administration called me to leak this.'' He also stated that, ''According to a confidential source at the CIA, Mrs. Wilson is an analyst, not a spy, not a covert operative, and not in charge of undercover operatives.'' If that is true, there is no violation of this statute.

I would further urge those whose knee-jerk reaction is to call for a special counsel to step back for a moment. Political opponents of the President have charge that Karl Rove leaked this information. When pressed for specific evidence about Mr. Rove's involvement, they are at a complete loss. In fact, it is my understanding that former Ambassador Wilson, who has also charged that Karl Rove leaked this information, recanted when pressed for evidence on Karl Rove's involvement. This kind of speculation is unfounded. Unsubstantiated statements like these should simply not take place on the floor of the U.S. Senate.

Since the Independent Counsel Statute expired in 1999, the Justice Department, under former Attorney General Reno, promulgated new regulations when the Attorney General may appoint a special counsel. The regulation allows the appointment of a special counsel when there is a need to investigate a unique case involving high-ranking executive branch officials and/or there is a conflict of interest for the Department.

The regulations allow the attorney general to appoint a special counsel

when he or she determines that a criminal investigation of a person or matter is warranted and (a) that investigation or prosecution of that person or matter by the Department would present a conflict of interest, or other extraordinary circumstances exist, and (b) that under the circumstances, it would be in the public interest to appoint an outside special counsel to assume responsibility for the matter.

I have every confidence in Attorney General Ashcroft and FBI Director Mueller's integrity and ability to investigate this matter. The FBI and the Department have career employees with the skill, experience, and honesty to look into this matter. For those who doubt this, I would point out that similar skepticism was raised in the Department's ability to investigate the complaints made against it by those detained following September 11th. My colleagues on the Judiciary Committee know, because I held a hearing on the report, that the Department's Inspector General issued an exacting report on the 9/11 abuses. The report shows that the Department's Inspector General, and career employees within the Department, pulled no punches regarding the treatment of the 9/11 detainees.

This is the nature of career employees within the FBI and the Department of Justice. The continuity of service within our law enforcement community is what makes our criminal justice system the best in the world.

So I recommend to those who are recklessly casting aspersions about the ability of the Department and the FBI to professionally conduct this investigation to take a careful look at the facts.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DEWINE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. DOLE). Without objection, it is so ordered.

The Senator from Ohio.

Mr. DEWINE. Madam President, I will take a moment to remind my colleagues where we are today. We are now in the fifth day of debate of the District of Columbia appropriations bill. I think we have had a good debate, but this is the fifth day. Really, there is nothing controversial about this bill. Senator LANDRIEU and I have worked on this bill. It is a good bill. The only issue really before us has to do with the education scholarships, the school scholarships. There are those who have raised questions about those scholarships. While questions have been raised about them, we are still waiting for amendments.

I have come to the floor time and again and said, bring down the amendments.

Mr. GREGG. Will the Senator yield for a question on that point?

Mr. DEWINE. I will yield for a question.

Mr. GREGG. How many amendments are pending on the bill at this time?

Mr. DEWINE. Despite the fact that we have had a lot of discussion, there are no pending amendments to this bill.

Mr. GREGG. Then how many amendments have been filed? There must have been many amendments filed since we have been on it for 5 days. I wonder why we have not voted.

Mr. DEWINE. There was, of course, the Feinstein amendment that was filed. We were able to debate that amendment. That amendment was passed by a voice vote. Other than the Feinstein amendment, there are no other amendments that have been filed and there are no other amendments that are pending.

Mr. GREGG. Madam President, if the Senator will yield further for a question?

Mr. DEWINE. I yield further to my colleague.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. It is almost incomprehensible that we have been on a bill for 5 days, that there are no amendments filed, there are no amendments pending, and we cannot complete the bill. Why would the other side not want to complete the bill since they are not filing amendments and there are no amendments pending?

Mr. DEWINE. Madam President, I would respond to my colleague that frankly I do not know. We have had a good debate. Many of the issues my colleagues have raised have to do with amendments they have said they are going to file. They have talked about amendments. They have talked about actually several amendments that might be brought to the floor. Yet despite the fact I have asked for amendments to be brought to the floor, there have been no amendments brought. So I really frankly am at a loss to explain to my colleague why we are seeing no amendments and we are still now wrapping up our fifth day of debate on this bill.

Mr. GREGG. It seems to me in light of that history and in light of the present status of the pending amendments, of which there are none—and there are none filed—it would certainly be appropriate to go to third reading or in some other way bring closure to this bill so we could make sure the city of Washington has the money they need to operate and has the money the Mayor has asked for to do some creative and imaginative things to improve the school system in the city.

Mr. DEWINE. Madam President, I respond to my colleague that I agree with him, it is time to go to third reading. If there are no amendments, that is the normal procedure of the Senate. You look around and wait for amendments, and after a reasonable period of time if there has been debate and there are, in fact, no amendments to be offered, then we would normally go to a third reading.

As I look around the Chamber, I do not see any of my colleagues, and so out of deference to them I will not make any unanimous consent at this point, but I say to my colleagues, in a short period of time I would like to raise the issue with them. I will not at this point, but I would like to make a unanimous consent in regard to moving forward.

Mr. GREGG. If the Senator will further yield for a question, I note the Senator from Connecticut is on the floor, as is the Senator from Nevada. It might be appropriate at this time, if the Senator from Ohio is so inclined, to propound a unanimous consent that we complete this bill, having spent 5 days on it, with no amendments pending and no amendments filed.

Mr. DEWINE. I do see my colleague from Nevada. I do not know if my colleague had the opportunity to hear what I said when he was coming to the floor, but to repeat it for my colleague, I said simply we have been on this bill now for 5 days. We have had the Feinstein amendment which was adopted. We have had a good debate. There really is no contentious issue about this bill, other than the one issue that has been raised in regard to the school scholarships. We have had a good debate about that. Really, it is time for the amendments to be offered. We have had discussion about amendments. In fact, three of my colleagues have come to the floor and talked about amendments they might offer. We look forward to having those amendments offered and we look forward to having additional debate on those amendments, although I will say we have already had some good debate. We look forward to additional debate, but we look forward to having those amendments offered after having 5 days of debate.

In just a moment I will make a unanimous consent request. In fact, at this point I will do that.

I ask unanimous consent that the pending substitute amendment be agreed to, the bill be read the third time, and the Senate now proceed to a vote on passage of the bill with no further intervening action or debate; further, that following the vote the Senate insist on its amendment, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Madam President, reserving the right to object, I have the greatest respect for my friend from Ohio. I know his heart is in the right place, but I say respectfully to him and anyone within the sound of my voice, I, speaking for me, told the majority leader, privately and publicly, that going to this bill was a mistake; that this voucher issue was a contentious issue and would make it very difficult this late in the session to complete the bill.

The decision was made to go ahead with this legislation. We have been on it now for 2 weeks. I say to my friend from Ohio, the manager of this bill, along with the Senator from Louisiana, who has done an outstanding job, that this is something that is done only for fill. I think everyone knows that this bill, as long as this voucher issue is in here floating around, is not going to go very far.

So I think the leader should bring up one of the other seven appropriations bills so we can move along. We have wasted 2 weeks. There are appropriations bills we should all be dealing with. But it appears to me the decision has been made by the majority that they are not going to do any more appropriations bills; they will all be lumped into one big clump. I think that is unfortunate.

If, in fact, there is some prospect of taking the voucher provision out of this bill, we could finish this bill very quickly. So without belaboring the point, I object.

The PRESIDING OFFICER. Objection is heard, the Senator from Ohio.

Mr. DEWINE. Madam President, I regret that. I am sorry to hear that. But the fact is, this bill could be finished very quickly. We have heard comments about several amendments. Frankly, it would not take long to debate those amendments. We have already had a good debate about those amendments. We pretty much know what is in those amendments.

My colleagues could bring those amendments to the floor very quickly, we could debate them, and we could dispose of them. We could have a good debate, we could take whatever time that needs to be taken, Members could come to the floor to debate the amendment, and we could move on.

Let me ask my colleague this. In light of that objection, I wonder if we could set a time certain at least to find out if they would be prepared to set a time certain for a vote on passage for later today or perhaps tomorrow?

The PRESIDING OFFICER. The assistant Democratic leader.

Mr. REID. Madam President, it is clear that we have had a number of days that have been wasted on this piece of legislation. As to whose fault it is, there is lots of blame to go around. I don't think we need to get into the blame game. But the fact is, we have 29 Members of the Senate who are ensconced in Dirksen 109 or 106, whatever the number—that is where I was headed a few minutes ago—on the supplemental appropriations bill dealing with funding for the military in Iraq and the reconstruction of Iraq. That meeting started at 10 o'clock today and is going as we speak. So we have approximately a third of the Members of the Senate who are there, one of whom is MARY LANDRIEU, the comanager of this bill. She indicated to me today, earlier today, she wanted to be there during the deliberations on that most important piece of legislation, some $87 billion that we have been asked to mark up and get to the Senate floor today. That bill will be on the floor this evening unless something goes wrong. Otherwise, it will be here tomorrow.

So I understand, having managed a few bills in my day, how the Senator from Ohio would have loved to get this bill finished 2 days ago. But under the present status of the Senate, with the total thrust for the next 2 weeks being on the $87 billion that the President has requested, I think we would all be better served if the DC bill were taken from the calendar—which it will be just in a matter of hours. But I would love to see the bill passed.

I, by the way, a number of years ago, 15 years ago or so, was the chairman of the DC appropriations committee. I know it is an interesting subcommittee, and I enjoyed it very much. There is so much that needs to be done for the District of Columbia—in education, certainly. We just have a different outlook on what should be done to help education.

But separate and apart from that, I think if we would take the contentious issue dealing with vouchers from this bill—and you can sugarcoat it and call it scholarships or whatever you want but we are both talking about the same subject—this bill would pass in a matter of not hours but minutes. So I hope for the District of Columbia, that we would do that as quickly as possible.

Mr. KENNEDY. Will the Senator yield for a question?

Mr. REID. I am happy to yield to my friend from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. DEWINE. If my colleague will yield for just a minute and I will finish, I am sorry to hear that. I understand what the position of the Senator is. We will continue to move on and try to get this bill passed.

Mr. REID. I am happy to hear from the Senator from Massachusetts.

Mr. KENNEDY. I ask the good Senator, it is my understanding that, if we did not have the issue of the imposition of vouchers on the District of Columbia, we could move right to third reading?

Mr. REID. In a matter of minutes.

Mr. KENNEDY. In a matter of minutes. Since this involves an education issue, and we on our side believe it is an extremely important education issue, that it is appropriate we have a full discussion about what exactly are going to be the educational implications of a voucher program, I wonder if the Senator remembers that in 1996, the Senate voted four times on the motion to invoke cloture on the DC appropriations conference report, and all four times the motion and the effort to impose vouchers on the District of Columbia failed?

We have never tried to have a voucher program in any other city of the country since 1996. It is only the District of Columbia.

All four of those attempts in 1996 failed, and since 1996 have failed. It is 2003 now. In 1997, the Senate voted 58 to 41 to reject the motion to invoke cloture on the Coats amendment. Four times in 1996, all imposing vouchers on the District of Columbia. In 1997, another vote.

In the time from 1996 to 2001, not one of our colleagues—and this is my question—not one of our colleagues who have been out speaking in favor of vouchers have ever asked any city in their State to impose vouchers. Does the Senator find that this is somewhat peculiar? We have these voices that are on the floor of the Senate: Let's rush this thing for the District of Columbia. And yet over the last 7 years that we have been voting on this, not one of them has asked to impose vouchers on any one of the cities in any one of their States?

Mr. REID. I respond to my friend from Massachusetts, it is no wonder that people who live in the District of Columbia have bumper stickers that say, ''No Taxation Without Representation.'' It is no wonder that the people, hundreds of thousands of people who are American citizens, who live in the District of Columbia, are treated like second-class citizens. They do not even have a Senator. They have a nonvoting delegate.

I say to my friend from Massachusetts, it is no wonder that people of the District of Columbia believe they are being treated like a stepchild. Are they part of this great country? People who live in the Nation's Capital can't do things that every other citizen in this country can do.

Mr. KENNEDY. Madam President, this gets to the point. I don't know whether he will agree with me. We don't try to impose this voucher program on the State of Nevada. We don't try to impose it on the State of New Hampshire or the State of Ohio or the State of Massachusetts. Does the Senator not find—I think he will—it extraordinary that we are prepared to try to impose it on the almost 600,000 people who live in the District of Columbia, who do not have any representation here to speak for them? Why aren't our friends on the other side of the aisle—mostly on the other side of the aisle—who oppose vouchers trying to impose them on the State of California or Massachusetts or Nevada? They don't ask for that. They take the District of Columbia, that doesn't have a spokesperson out here to speak for them on this issue—though it has been considered by the people of the District. It has been thoroughly and completely rejected by the majority of the school board, the school council, and the majority of parents.

What is it about our friends asking my good friends tonight, Why are we holding this up? Are they willing to accept the voucher program for the State of Ohio or for some other State, rather than imposing it on the District? I find this extraordinary.

I don't want to delay the Senator. I know he has other business. I know he will have some difficulty reading this chart. But it shows that the majority of elected officials, community leaders, and organizations in DC oppose vouchers. This is the list of the elected officials. Obviously, ELEANOR HOLMES NORTON. And it goes down to the council members, the board of education, the local organizations, various church groups, parents groups, and all the rest.

It troubles me that so many of our colleagues are willing to try to impose something on a particular community that doesn't have representation here in the U.S. Senate, where so many are against it, and when it has such broad educational implications.

I know the Senator has responsibilities. If he has a moment, the Senator remembers our long and extensive battle to try to bring reform to our public schools. We understood that we needed two elements: Reform and resources. We had the reform and the resources. Then the administration backed out.

But this chart shows public schools are held accountable when students fail. Private schools are not held accountable. Public schools are required to see that every child is taught by highly qualified teachers. In the No Child Left Behind Act, that was the requirement for 4 years. There has to be a highly qualified teacher in each classroom. There is no such requirement here, in private schools. Public schools must provide parents with report cards. Private schools don't have to provide public report cards.

I ask unanimous consent this chart be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DC PUBLIC SCHOOLS ARE IMPROVING: TRANSFORMATION SCHOOLS

School	Read (2002)	Math (2002)	Total (2002)	Read (2003)	Math (2003)	Total (2003)
Simon ES	46	43	89	56	63	119
Noyes ES	42	43	85	58	56	114
Davis ES	45	51	96	50	59	109
LaSalle ES	47	51	98	47	54	101
Turner ES	43	45	88	48	52	100
Cookie (H.D.)	43	45	88	46	53	99
Wilkinson ES	35	38	73	42	48	90
Stanton ES	39	40	79	38	44	82
Terrell JHS	37	38	75	35	45	80
Evans MS	36	40	76	38	41	79
Kramer MS	41	43	84	39	41	80
Walker-Jones	41	42	83	37	39	76

Average scores on the SAT 9 Achievement tests.

Mr. KENNEDY. Finally, the public schools are required to accept and serve all students. Private schools are not required. As we understand, many of the private schools can't do this because they don't have either the facilities for special needs children, or the trained personnel. We understand that.

But, nonetheless, the Senator would agree with me that public school systems have served our Nation well. They are taking all children. And they would serve much better if we had an administration that would fulfill its commitment, in terms of supporting them and No Child Left Behind.

Mr. REID. My friend has been a longstanding Member of this most important committee where we have dealt with matters of education for decades in the Senate. We know that private schools, most of the time, give kids more attention. We have all heard these reports. But as the Senator from Massachusetts pointed out, they do not have to accept children who are physically or emotionally or mentally handicapped. Public schools have to take all the kids. It makes it more difficult.

We should be devoting our attention to helping the District of Columbia have the resources so they can take care of all the problems they have in public schools.

Mr. KENNEDY. May I ask the Senator a question on this? It is very interesting. We will have a chance to get into this in more detail.

They say, yes. They say, well, Senator, kids will have some kind of lottery in terms of the selection, in terms of who will attend. But there is nothing in here that requires the school to accept what the outcomes are. People run around saying: Oh, yes, we have a better system. But nothing requires them to take the children who go through this process, unlike the public school system.

Mr. REID. Private schools can pick and choose who they want. They can pick and choose the voucher kids who would be submitted to them from the school district here in the District of Columbia. Of course, who would not be accepted? A kid would not be accepted, of course, if the kid had a physical disability or a mental or emotional disability or has maybe been unruly in the past.

I appreciate very much the Senator in effect assisting the debate today. It is not as simple as going to third reading and passing the bill. If we really care about the District of Columbia, let us give them the resources they need, strip this voucher stuff off of it and come back and take a look at it again some other time.

But I would resent this Senate forcing down the throat of the people of the State of Nevada a program dealing with vouchers in the State of Nevada which the State of Nevada did not approve first. The voucher program for the District of Columbia has not been approved by the authorities in the District of Columbia. You have an elected official or a mayor walk out and say: I like it. But if he looks at it, he has gotten a few other goodies for the District. You have to ask him. But it appears to me that a few other goodies are enticing him to go along with this.

Regardless of that, he is in the minority because largely everyone in the District opposes what he wants.

I deeply appreciate the Senator from Massachusetts joining with me on the floor this afternoon.

Mr. KENNEDY. I thank the Senator.

Just to continue the observation, of course, if the District of Columbia wanted to go ahead with the program, there is nothing prohibiting them from going ahead and developing this program on their own. That is the extraordinary irony. That is what I say to those who suggest we are holding this legislation up. We cannot pass this part if it has this mandated program in terms of vouchers which has very important educational implications, not only in terms of this bill, but in the broader sense in terms of our country.

If the District of Columbia wanted to develop a program, they could do it themselves. They haven't, as has been pointed out. Effectively, we are requiring them to do so.

I am going to have more of a chance to speak on this issue, but I want to draw to the attention of the Senate the progress that has been made in what we call the transformation schools in the District of Columbia. I will take time to go through the bill in detail when we get a chance to return to it.

Some things just come out at you when you look at the District of Columbia schools. And I have had the opportunity to look. I have the good opportunity to read at the Brent School. I will read there weekly, starting in October again for this year. I have been doing that now for 7 years—this will be my seventh year. I have also taken the opportunity to speak at graduations in the District of Columbia. I did this this year. I look for that opportunity when I can, and will continue to do so.

The fact is, just a few years ago we passed the No Child Left Behind Act, with some rather basic and fundamental principles on this idea of developing the curriculum that was going to be appropriate for these children, and which was going to require well-qualified teachers to teach the curriculum. We are going to examine the child as he or she goes through the year, to find out what the child does not know. We are going to have support services for that child so they can keep up, and well-trained teachers. We have accountability for the parents so they will have information for accountability of the schools, and accountability for everyone, including the Federal Government. We are the ones who failed in terms of providing the resources to which we committed, but the transformation schools in the District of Columbia have followed many of these same principles as in No Child Left Behind.

We have made very important progress in these transformation schools. They are demonstrating the essential elements of what was in the No Child Left Behind Act. We know what works. We don't have to rediscover and find out what works. That is what is so tragic because we know the progress that has been made in these transformation schools. We know the needs. We know the struggle those parents have keeping their children in the transformation schools. We know the pressures the teachers face.

Although my chart is small, it shows the transformation schools. It compares their scores in reading and math for 2002, and reading and math for 2003. The progress is dramatic. We know what works.

We will have a chance to review this. I ask unanimous consent that the progress of a number of these transformation school be printed in the RECORD. One school is Simon Elementary School located in Ward 8, one of the poorest wards in the city. It serves 400 students, almost entirely African Americans, with 10 percent special education. Last year they raised assessment by 30 points in reading and math combined. Reading scores rose 10 points and math scores rose 20 points. Noyes Elementary School is another transformation school which is showing significant improvement.

With the resources we have available, invest in what we are doing rather than trying to superimpose another system on the District of Columbia.

I will elaborate later in the debate.

Ms. LANDRIEU. Mr. President, I ask unanimous consent to print the following letter from Paul Strauss, District of Columbia ''shadow'' Senator.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OFFICE OF THE U.S. SENATOR
FOR THE DISTRICT OF COLUMBIA,
Washington, DC, September 30, 2003.

Hon. MARY LANDRIEU,
Ranking Member, Committee on Appropriations, Sub-Committee on the District of Columbia, U.S. Senate, Washington, DC.

SENATOR LANDRIEU: As the United States Senator elected by the voters of the District of Columbia, I have watched the debate over my District's budget closely. In that capacity, I appreciate all of your hard work on behalf of my community. However, I also want to thank you, perhaps even more significantly, as the parent of a little girl who attends our local DC Public School.

This year, after two years of private religious Pre-K education, my wife and I decided to enroll our daughter, Abigail Lafleur Strauss, in our local public elementary school. While many of DC's elected officials have weighed in on this debate, I believe I am the only official who's child actually is presently enrolled in our often unfairly maligned Public School system.

Choosing to put my daughter in a DC Public School was not a decision we made for financial reasons. We are fortunate to have had options, but it is not a decision that we regret. I must ask those Senators who have taken the floor in recent days to broadly attack all of the District's Public Schools, please consider the damage that this inflammatory and insulting rhetoric causes. Like any public institution, our schools thrive on their relationship with their community. While DC, like many other urban areas have our share of problems, significant numbers of DC Students get a quality education in our public schools. When even our non-failing schools are attacked, these children and the hard-working teachers that serve them are done a great injustice.

The school voucher program that is currently included in the District of Columbia appropriations bill (H.R. 2765) is a further injustice to the District of Columbia public schools and its pupils. I have heard the arguments advanced by the supporters of the voucher program, who argue that this agenda will grant low-income families a choice as to where their children can receive an education. I have watched your attempts to repair some of the major defects in the legislation as it is presently written, and bring some accountability to a program that has not been the subject of any hearings, not been adequately studied. In its present form, it is unlikely to achieve even partially the objectives of its supporters, and if I had a vote, I would support Senator Durbin's motion to strike this entire portion of the bill.

After all of the hard work done by this Congress on education, to go from a policy of ''Leave No Child Behind'', and replace it with ''Leave All But Up to 7,500 Children Behind'' is troubling to say the least. The reality is, that vouchers discriminate, helping few students, as a vast majority of students are left behind with a failing education.

If this body decides to allocate federal funds to improve the education of children of the District of Columbia, that would be very appropriate. Please remember when you consider the District of Columbia Appropriation, that while obviously, all of the locally raised funds by their very nature come from DC Citizens, a significant portion of those federal funds come from the locally residing Federal taxpayers of the District of Columbia as well. Those same Federal taxpayers, whose sole representation in this body is limited to the submission of written statements by a so-called ''Shadow Senator'' who is forced to watch this debate from a seat in the family gallery.

I urge that those funds be pumped into the public schools where they will be most beneficial, and in that regard I appreciate the committee's mark for Public and Charter School improvements. All children will benefit from public schools supplied with well-trained staff, school supplies, books, secured facilities, and other needed resources. Even though, these vouchers are to be funded with so called new or additional federal money, in the end, the voucher program will only drain resources and the funding for the Public Schools. For one thing, there are no guarantees by this administration to continue funding in the next fiscal year. We could start this program in fiscal 2004, and then be forced to drain local funds to sustain it in fiscal years to come. Or, even more likely, the Senate may choose to fully fund this three-tiered approach, only to have the additional funds for Public and Charter Schools struck from the bill in Conference.

I realize that my Mayor, Anthony Williams, is a supporter of the voucher program. I respect Mayor Williams. I voted for the Mayor the last time around, and I agree with him on a great many issues. I disagree with him on this issue, but I was nevertheless proud to welcome him to the Senate, when he availed himself of his Rule XXIII privileges and certainly envious that our local Chief Executive has this prerogative. I ask you to consider for a moment the irony that the DC Mayor has the privilege of the Senate floor, while DC's own elected United States Senator does not.

I was even more astonished at the suggestions by some members, mostly in the Majority but a few of my own Democratic colleagues as well, that somehow, by imposing vouchers on the District of Columbia, they are advancing the cause of Home Rule. The Senate needs to understand that if the locally selected Board of Education wanted to fund a voucher program, they would do so. Instead, the fact that the President of the Board of Education chose to bypass the School Board, does not mean that the School Board wants vouchers. It is also true, that one member of the Council of the District of Columbia supports vouchers. However, Councilmember Chavous did not introduce a bill to create this program. He could have, he did not. The fact that he chose to bypass his colleagues on the DC Council does not mean that the DC Council wants vouchers. Nor does the fact that this Mayor, the first DC Mayor to appoint half the school board, the Mayor with more authority over local education than any of his predecessors, wants vouchers mean that the Senate is free to disregard the viewpoints and wishes of a majority of DC's elected officials, and ignore the due process system of checks and balances that are part of our limited home rule government in the District of Columbia. The reality is that, vouchers are being advanced by the President, over the objections of the majority of DC residents.

I know voucher proponents sincerely believe that they are looking after the best interests of the students of the District of Columbia; however, I urge them to consider the negative effects that the voucher program will have on the public school system and the pupils of the public schools. Let us show our faith in the American public school system, and let us not turn our backs on the children of the American public school system.

To those Senators who claim that this is not about vouchers, but claim only to be supporting Democracy by promoting the objectives of our popularly elected Mayor, I point out to you, Senator, that Mayor Williams also supports budget autonomy and full voting representation in the Senate for DC Residents. Where will these sudden champions of DC's self-determination be when it comes to these issues? If the Senate is sincere in advancing the so-called local agenda, then all they need to do is simply support full Budget Autonomy, and let the District decide on its own. Then we can see where the District's officials really are on this issue.

I thank you for all your work on behalf of my constituents in the District of Columbia.

Sincerely,

PAUL STRAUSS,
U.S. SENATOR,
District of Columbia (Shadow).

IRAQ

Mr. KENNEDY. Madam President, as Congress continues to debate President Bush's request for the massive sum of $87 billion as the next installment to pay for its flawed and failed policy in Iraq, the administration frequently compares it to the Marshall plan,which was so successful in rebuilding Europe after World War II and transforming them into new democracies.

Sadly, the most obvious area in which the administration's proposal on Iraq corresponds to the Marshall plan is its cost to the American taxpayer. And the comparison here is hardly to the administration's advantage. Under the Marshall plan, $88 million—in today's dollars—was spent over 4 years. The Bush administration is now asking for $87 billion for Iraq for next year alone.

There are many differences between the Marshall plan and the President's unprecedented $87 billion request on Iraq. The most important is that the Marshall plan deserved to be called a plan.

The Marshall plan was formally proposed in 1947 at Harvard in a commencement address by George C. Marshall, the famous World War II General who had become Secretary of State

earlier that year in the Truman administration. His proposal was discussed at an international conference in Paris that include 16 nations. More than a full month of congressional hearings were held in which over 90 witnesses testified.

At the conclusion of the extensive congressional debate, Senate Arthur C. Vandenberg, who had been a leading critic of the Truman administration's foreign policy, described the plan as ''the final product of eight months of more intensive study by more devoted minds than I have ever known to concentrate upon any one objective in all my twenty years in Congress.''

Compare that to what is happening today. Instead of a well-deliberated and well thought-out plan, the Bush administration has given the Congress a 2-month-old, 28-page ''working document'' and asked us to write a blank check for $87 billion for Iraq. That request came to Congress just 6 months after we had earlier provided $78 billion for the war.

I doubt that at the end of this debate, any Senator would be willing to describe a 2 month old ''working document'' as glowingly as Senator Vandenberg characterized the Marshall plan.

In the 13 days since the administration presented this proposal to Congress, we still have not been able to obtain answers to critically important questions. How will the administration involve the international community in a genuine way in the rebuilding of Iraq? Can we count on additional foreign troops to share the burden or not? How long will American troops and foreign troops remain in Iraq?

It has become increasingly clear that the President and the Pentagon never had any idea about the cost of what they wanted to do in Iraq. In this arrogant go-it-alone attitude toward other nations, they thought they could plan Lone Ranger in the world, and instead they have become a very lonesome cowboy.

Now our troops are paying for it with their lives.

In its rush to war, the administration failed to recognize the danger and complexity of the occupation. They repeatedly underestimated the likely cost of their enormous undertaking.

Opposing voices in the administration were ignored. Last September, chief presidential economic advisor Lawrence Lindsey said that the total cost of the Iraqi war might be as much as $200 billion. His estimate was quickly refuted by White House Budget Director Mitch Daniels, who said Lindsey's estimate was ''very, very high'' and suggested the cost would be a more manageable $50 to $60 billion.

Independent analyses at that time indicated that the cost might approach $300 billion. Secretary of Defense Rumsfeld called them ''baloney.''

Last spring, as part of a broader effort to win the support of the American people for the military operation, the administration began to argue that ''Iraq can pay for its own reconstruction.'' The war might be costly, we were told, but it would be quick and decisive. The financial obligation of the United States would be limited, because the liberated Iraqi people would use their extraordinary wealth from the world's second largest reserves of oil to finance the reconstruction.

In a February 2003 White House briefing, Ari Fleischer argued that ''Iraq, unlike Afghanistan, is a rather wealthy country. Iraq has tremendous resources that belong to the Iraqi people. And so there are a variety of means that Iraq has to be able to shoulder much of the burden for their own reconstruction.

In March, Defense Secretary Rumsfeld told the House Appropriations Committee, ''I don't believe the United States has a responsibility for reconstruction, in a sense . . . [Reconstruction] funds can come from those various sources I mentioned: frozen assets, oil revenues, and a variety of other things, including the Oil for Food program, which has a very substantial number of billions of dollars in it.''

At the same hearing, Deputy Secretary of Defense Paul Wolfowitz said, ''The oil revenues could bring in between $50 and $100 billion over the course of the next 2 years . . . We're dealing with a country that can really finance its own reconstruction, and relatively soon.''

Also, at that same hearing, Deputy Secretary of State Richard Armitage said, ''This is not Afghanistan . . . When we approach the question of Iraq, we realize there is a country which has a resource. And it's oil. And it can bring in and does bring in a certain amount of revenue each year . . . $10, $15, even $18 billion . . . this is not a broke country.''

What the Nation heard was clear: Don't worry about the cost. Iraq can finance its own reconstruction.

In fact last March, the administration was so confident of this that it put a $1.7 billion price tag on the reconstruction effort in Iraq. Shortly after the war began that month, Administrator Andrew Natsios of the Agency for International Development confidently proclaimed:

> The rest of the rebuilding in Iraq will be done by other countries who have already made pledges—Britain, Germany, Norway, Japan, Canada, and Iraqi oil revenues . . . The American part of this will be $1.7 billion. We have no plans for any further-on funding of this.

The administration embraced the Iraqi self-sufficiency argument as recently as the end of July, when OMB Director Josh Bolten testified that the administration did not ''anticipate requesting anything additional for the balance of this year'' with regard to Iraq operations or reconstruction.

Just 5 weeks later, President Bush stunned the Nation by saying that $87 billion in additional funding—including $20 billion for reconstruction—was needed.

Why the change? Ambassador Bremer says Iraq has an unsustainable level of foreign debt—nearly $200 billion—left over from Saddam which would prevent use of Iraq's oil wealth to pay for the reconstruction.

Iraq's enormous debt was already well-known. But the administration chose to ignore it in order to convince the public that the costs of reconstruction would be low.

The architect of much of the Iraqi war plan, Deputy Secretary of Defense Paul Wolfowitz, is now saying that we knew all along the war would be expensive. Despite earlier claims that Iraq could pay for its reconstruction and relatively soon, Secretary Wolfowitz told the Senate Armed Services Committee on September 10: ''No one said we would know anything other than this would be very bloody, it could be very long, and by implication, it could be very expensive.''

Secretary Wolfowitz never told the American people it could be very expensive. Until this month, no one in the administration—other then Larry Lindsey—said it would be expensive.

This is worse than fuzzy math, and the American people have a right to be furious about it.

And they will be even more furious about it as they learn what we are being asked to fund: $400 million for maximum-security prisons. That's $50,000 a bed; $800 million for international police training for 1,500 officers, that's $530,000 an officer; Consultants at $200,000 a year. That's double normal pay. It is double their profit margin too? And $164 million to develop a curriculum for training Iraqi soldiers. Why does it cost that much to develop a curriculum? And $1.4 billion to reimburse cooperating nations for logistical, military and other support provided to U.S. military operations; $100 million for the ''United States Emergency Fund for Complex Foreign Crisis''; $15.5 million to the European Command for countries directly supporting the war on terror.

Before Congress rubber-stamps the administration's $87 billion request, we need answers. We need accountability. We need the truth. The amount of money is huge. It is more than the combined budget deficits of all 50 States for 2004. It is 87 times what the Federal Government spends annually on afterschool programs. It is 2 years worth of unemployment benefits. It is enough to pay each of the 3.3 million people who have lost their jobs in the past 3 years more than $25,000.

It it seven times what President Bush proposed to spend on education for low-income schools in 2004—seven times the amount. It is nine times what the Federal Government spends on special education each year. It it eight times what the Government spends on Pell Grants to help middle and low-income students go to College. And it is larger than the total economy of 166 nations.

Clearly, we need to require competitive bidding for Iraqi contracts. Left to

its own devices, the administration will continue to make sweetheart deals with American contractors at the taxpayer's expense.

A third of the $3.9 billion monthly cost of the operations in Iraq is quietly flowing to private contractors. Halliburton alone has already received more than $2 billion in contract awards—an amount that exceeds Administrator Natsios' original $1.7 billion estimate for the total U.S. cost of the reconstruction of Iraq. More than $1.2 billion was awarded in noncompetitive bidding. The Iraqi people deserve the benefits of peace, but instead, the administration's friends in corporate America are divvying up the spoils of war.

Is Halliburton the company best able to get the job done efficiently for the U.S. in Iraq?

In 1997, the General Accounting Office found that Halliburton's construction subsidiary in the Balkans had billed the Army $85 a sheet for plywood that actually cost $14 a sheet; In 2000, the agency found that the company was charging the Pentagon four times what it should have been charging for office cleaning; In 2002, the company paid the U.S. ''$2 million to settle fraud claims at Fort Ord.'' At a minimum, all contracts should be provided on a competitive basis—no exceptions.

Why not scale back the lavish resources being provided to contractors and consultants and provide larger sums directly to the Iraqi people? It is their country. They have the greatest stake in the success of their reconstruction, and involving them will enhance the prospects for success.

In some areas of Iraq, military officials have already been able to achieve impressive results with small amounts of money. One former military official told me that the U.S. military funded the building of a cement factory for just $100,000. The bid by an American contractor for the same project was in the millions.

Iraq has many of the best trained oil engineers in the world. Why not give them—rather than large American companies—a larger role in rebuilding the industry?

As the Congress debates this funding, we will be looking for answers from the administration to these questions. We will be insisting on accountability. The administration cannot continue to low ball the cost and make up its plan day by day. It can no longer cook the books.

The administration's failure to have a plan is costing too many lives and too many dollars. It would be irresponsible for the Congress to write an $87 billion blank check for the administration, without demanding an honest plan to achieve stability in Iraq, involving the international community in the rebuilding, and preventing the disaster in the making we have caused.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALEXANDER). Without objection, it is so ordered.

Mr. DORGAN. Mr. President, within the past hour or so the Senate Appropriations Committee finished its work on the supplemental appropriations request that President Bush has made for Iraq and Afghanistan. We had a rather lengthy session today starting at 10 this morning. We had a series of votes on a range of important issues. I wanted to comment about what we can expect on the floor of the Senate. I offered some amendments. I want to describe one of them for a moment because I intend to offer it tomorrow morning.

The supplemental appropriations bill that is necessary for Iraq is an important issue. The President has asked for $87 billion in additional funding, immediate and urgent funding on an emergency basis for Iraq. Roughly $65 billion, close to 66, is for the military, and another $20.3 billion is for reconstruction in Iraq. I want to talk about the reconstruction issue because that is critically important.

The question is this: Should the United States taxpayer bear the burden of $20 billion for reconstruction of Iraq? Among the list of items of reconstruction in a 55-page document from the administration are the following: $9 million to create a ZIP Code system, the purchase of a fleet of garbage trucks at $50,000 a truck, creating 2 prisons with 4,000 beds at $50,000 a bed, and the restoration of marshlands—and I could go on.

Many of these things may be desirable, but they are not urgent.

Let me also say that in our recent military campaign in Iraq, the so-called Shock and Awe campaign—a devastating military campaign that very quickly crushed Saddam Hussein's army—we deliberately avoided damaging the infrastructure of Iraq. We deliberately did not target the electric grid, the powerplants, roads, dams.

So while reconstruction for Iraq may be necessary, it is not because this country damaged Iraq's infrastructure. Instead, Saddam Hussein for many years took from the economy of Iraq and provided to his military. He starved Iraq's economy, and the economy is in pretty tough shape.

Now, Iraq is a country of about 24 million people, something close to the size of the State of California. It is not an impoverished country flat on its back with no hope and no resources. This is a country that has the second largest oil reserves in the entire world, with liquid gold under its sands. It has the capability, Ambassador Bremer said, of pumping 3 million barrels of oil a day beginning in July next year. Three million barrels a day means Iraq will produce $16 billion a year of net export value of oil, conservatively. That is $160 billion in net export of oil in the next 10 years or $320 billion in 20 years.

Members of the Iraq Governing Council were in town today, and the chairman of the Iraq governing authority said: It is not 3 million barrels, we are going to produce 6 million barrels a day, and we have the largest oil reserves in the world.

Now, I don't know who is right about that. But this country of 24 million people has massive oil reserves, the pumping of which will produce substantial revenue that ought to be used to reconstruct Iraq.

So it is incomprehensible to me that the Administration would be requesting that the cost of reconstruction be born by the American taxpayer.

Do you want to know who said it was not the American taxpayers' job to reconstruct Iraq? Paul Wolfowitz, the Assistant Secretary of Defense.

He said: This will be paid for with oil revenue.

Vice President DICK CHENEY also said: Oil revenue will help pay for the reconstruction.

Mr. Natsios, the head of USAID, said reconstruction in Iraq would cost $1.7 billion, and that would be the total cost to the American taxpayers for the reconstruction of Iraq. He said this 5 months ago, and he said it three times on the same Ted Koppel program.

To a person, the folks in this administration who spoke to this issue have said the reconstruction of Iraq should be done with the use of Iraqi oil proceeds.

Now, I offered an amendment in committee today. It lost by a vote of 14 to 15. It lost by just 1 vote. My amendment directed Ambassador Bremer, working in consultation with the Iraqi Governing Council, to establish an Iraq Reconstruction Finance Authority. The amendment said that this Authority's mission would be to sell securities against future oil revenues, to raise the money to reconstruct the country of Iraq. I mentioned that Iraq could earn $160 million from oil over 10 years. If that Reconstruction Finance Authority would borrow $30 billion at 6 percent for 10 years, they would repay it at $4 billion a year.

That is an easily achievable goal for the country of Iraq. And it would mean, simply, that Iraqis would use their oil to finance the reconstruction of their own country.

When this amendment failed in committee today, we were told that, instead, the American taxpayers should pay this bill.

Let me talk just for a moment about how my amendment—which I will offer again on the floor of the U.S. Senate—would work. I am not suggesting we loan money, I am not suggesting we have a guaranteed loan, I am not suggesting the American people take the Iraqi oil and sell it and use the proceeds. I am suggesting the Iraqis construct an Iraqi-controlled authority,

called the Reconstruction Finance Authority, and that that authority use Iraqi oil as collateral for loans, or as security for bond issues. That financing would then be used to reconstruct Iraq. This is Iraqi people, using Iraqi oil, to invest in Iraq. It has nothing to do with the United States getting its hands on Iraq oil. But it does have to do with relieving the burden on the shoulders of the American taxpayers, the responsibility to pay $21 billion for the reconstruction of Iraq.

When I asked Ambassador Bremer about this, I said: Mr. Ambassador, why can we not collateralize or securitize Iraqi oil, and let Iraq oil pay for the reconstruction of Iraq? His answer was: Senator, Iraq has a very substantial foreign debt. It owes a lot of money to other countries, such as Russia, France, and Germany, he said. Therefore, it can't pay for the reconstruction.

After the hearing, I did some research on Iraq's debts. I discovered, in fact, that Iraq does owe a fair amount of money. It was Saddam Hussein, of course, who committed his people to those loans and other things. Saddam Hussein's government doesn't exist now; he is not there; he has vanished. But it is true that Saddam Hussein had foreign debt. The largest debt, however, is not—as Mr. Bremer suggested—to Russia, France, or Germany. The largest debt the country of Iraq owes is to Saudi Arabia and Kuwait. Oh, they owe some to Russia, France, Germany, and others, to be sure. But the largest debt is to Saudi Arabia and Kuwait.

Wouldn't it be perverse if, as Ambassador Bremer suggested, Iraq oil had to be pumped out of the ground to provide the cash that would allow Iraq to send money to Saudi Arabia and Kuwait—two of the wealthiest countries in the world—so that the U.S. taxpayer could come in on the back side and reconstruct Iraq? In other words, does it make sense for the American taxpayer to ante up the money to reconstruct Iraq because Iraq's oil has to be used to send checks to the Saudis?

I am sorry, I came from a really small town, but I recognize something really stupid when I see it. Has this town lost all common sense?

Perhaps we can pump a little common sense back into this system when we have this debate on the floor of the Senate tomorrow. I intend to offer the same amendment tomorrow on the floor of the Senate, and I intend to get a vote on it. I know it will be second-degreed and we will have all kinds of machinations. I intend to hang in there and get a vote eventually on the amendment I offered in the Appropriations Committee.

I intend to ask this question on behalf of the American taxpayers: Do you really think this burden ought to belong to the American taxpayer? Don't you believe a country with the vast resources that exist in Iraq ought to be able to produce these resources from their oil and invest back into that country? The answer is clear to me, and I think it is clear to a lot of Americans.

We have debates on a lot of issues here, and I find it interesting that sometimes there is an issue of $2 million, sometimes $20 million, sometimes $200 million, or perhaps $2 billion, and we spend countless hours debating that. Well, this is $20 billion. This is a $20 billion ''urgent emergency'' that is being moved without a lot of debate.

The Administration has proposed a whole list of things for Iraq as part of this $20 billion request, including English as a second language training, advanced business classes, computer literacy training. The Administration wants to improve Iraq's sewer systems, because only 6 percent of Iraqis have good plumbing. Under the Administration's proposal, about 12 percent of Iraqis would have good plumbing.

Another interesting item the Administration is proposing is marshland restoration in Iraq. I find it really interesting that they would describe marshland restoration as an ''emergency.''

There are so many things in this 55-page document, that I hope all of my colleagues will read, which represent the urgent menu for reconstruction in Iraq, and the question that will be asked, or should be asked, is: who bears the burden?

I am not suggesting reconstruction is not necessary. It is very likely that when Iraq has this reconstruction—and perhaps that should happen sooner than later—Iraq will be a safer and a better place with an expanded economy, and perhaps we will be able to bring our troops home earlier. And I obviously want American troops to be able to come out of Iraq as soon as possible and let Iraq control Iraq's destiny.

I believe reconstruction will be a part of the key to doing a lot of important things in the future of Iraq.

But I believe the question of how do you function with this reconstruction issue hanging over our head, as to who should finance it—I think that is a critical question.

I cannot tell you how many times we have come here to talk about joblessness in this country, people losing jobs. My colleague, the other day, talked about Huffy bicycles. I went to one of these big department stores—I will not describe the one I was at—and I saw a big row of Huffy bicycles. They used to be made in Ohio. Not anymore. All of those jobs are now Chinese jobs. They flat out moved all of those jobs. So if you buy a Huffy bicycle, you are buying a Chinese bicycle. Why? There are lower wages over there.

We have all these issues about job training, joblessness, trade, promotion of U.S. products and commodities, and so on. But when we offer an amendment, we are told we just don't have the money, we are deep in debt. But all of a sudden, when it is Iraq reconstruction, it is Katie bar the door; we have as much money as you need; it doesn't matter. All of it has to go for that; you cannot take one piece out because it is part of a package, it is symmetrical. Boy, it is one of these things where, when you pull a loose string on a cheap suit, the arm falls off.

So I think we need to rethink the Administration's request with respect to reconstruction.

Now, let's make sure we support our troops. This country should not send its sons and daughters to war and then say we won't support them.

But on the issue of reconstruction of Iraq, let's make a better decision and a different decision, especially with respect to the use of oil revenues and the resources that exist in Iraq.

I will speak tomorrow on that amendment. I see my colleague from Alaska is here. He sat in the chair from 10 o'clock to 5 o'clock this afternoon chairing the Appropriations Committee. While we had some disagreements and perhaps raised our voices a couple of times today, he is a chairman for whom I have the greatest respect. The way he handled that committee today demonstrates his skill in this Chamber. I only wish he would support my amendment. It would be a whole lot easier to adopt it. It probably would not even have a recorded vote if he were supporting it.

I thank him for his leadership in the committee. I hope we will have an aggressive and full debate about these issues tomorrow when he brings the bill to the floor. I will pledge this: I know they want to move along to deal with these issues, so I will come to the floor early and offer my amendments. I want to have a full opportunity to discuss and debate them. The chairman will not have to inquire about whether I am going to come to the floor at some point soon. I will be here when we bring the bill to the floor tomorrow and hope to play a constructive role in improving the bill.

Mr. President, I yield the floor.

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. FRIST. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. FRIST. Mr. President, after a lot of discussion over the course of the day, a lot of progress having been made due to the chairman and ranking member on the Appropriations Committee, the Democratic leader and I wanted to come to the floor and clarify and share with our colleagues how we see the next several days, and actually the first few days after our recess, play out in the sense that our mutual goal is that we address the Iraq and Afghanistan emergency supplemental bill in a

way that allows adequate time, appropriate time for debate, discussion, amendments, and voting.

Knowing this Iraq supplemental would be delivered to us about a week and a half ago, we set out with the plans of last week being very intensive in terms of hearings, the flow of information, with the goal this week of addressing this bill on the floor of the Senate.

Today, a few minutes ago, the chairman and ranking member reported out the supplemental bill through the Appropriations Committee and thus it is ready to be brought to the floor, which we expect to be tomorrow. We will be propounding a unanimous consent here shortly in that regard.

We would see that bill be debated on tomorrow, the next day, and Friday—for the next 3 days—again with adequate time for amendment and debate. Then at the close of business Friday we would begin our recess and spend that next week on the recess, which is through the 13th, and on Tuesday the 14th return and continue with that debate over that week.

The agreement is essentially that we would complete action on that supplemental bill by the end of that week, the week of October 14th through the 17th, by close of business October 17.

In coming to this agreement, it is with a lot of good faith on everybody's part that we will be able to consider all amendments that pertain to the supplemental request, recognizing there will be a lot of amendments on both sides of the aisle and that we deal with those in a way that is fair to both sides. That is the general framework, and I will turn to the Democratic leader to further elucidate on what this general understanding is.

Mr. DASCHLE. Mr. President, I would simply acknowledge that the majority leader has described our understanding very accurately. I believe we are in a position now to agree to the motion to proceed. It would be our expectation we could take the bill up tomorrow morning. I understand the majority leader has suggested maybe an hour of morning business and then we would take up the bill and begin the debate with amendments to be offered by colleagues on both sides.

It is our expectation that we will have an opportunity to offer these amendments and get votes, either on or in relation to—that is a tabling or an up-or-down vote—on these amendments. But it is also our understanding that we will work to finish this bill, as the majority leader has described, by I believe it is October 17, which is that Friday after we return. I think that gives the Senate adequate time to address the bill, to consider amendments. Obviously we need cooperation from Senators on both sides of the aisle with regard to the time requirements because, as the majority leader noted, there are a number of amendments to be offered. The only way we can assure Senators have a voice and have the opportunity to be heard is to accommodate all of those who wish to offer amendments by limiting some of the time that will be required for the debate on these amendments.

So it is my hope that working through our managers and my extraordinary partner, the assistant Democratic leader, we can orchestrate the debate with amendments in a way that will accommodate this schedule.

But it is a fair schedule, it is an appropriate schedule, and I think we have the basis of experience now from which to draw the confidence that we can make this work. We have tried this now on several appropriations bills with success without exception. I am hopeful we can demonstrate once again that we can be successful in this—I think the majority leader used the right phrase—good-faith understanding of the way this bill is going to be considered.

I strongly support the effort and hope we can have the good debate we anticipate and expect the cooperation of all Senators as we enter into this arrangement.

I yield the floor.

Mr. FRIST. Mr. President, I will simply close and say it is important for our colleagues to understand that the Democratic leader and I and our assistant leaders and the managers have all worked very closely to come to this understanding, working with good faith as we go forward. I appreciate the cooperation on both sides of the aisle in that regard.

With regard to tomorrow, I do ask unanimous consent that on Wednesday, October 1, at 10:30 a.m., the Senate proceed to the consideration of the supplemental appropriations bill for Iraq and Afghanistan, provided further that it be for debate only until the hour of 12:30, and that the time be equally divided until that time.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. FRIST. Mr. President, with that being the case, I think we have a good outline and good plan to address this very important issue, where the difference in philosophies will be expressed and where we can improve where this particular bill needs to be improved.

With that understanding, I think we could announce no more votes for tonight.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FAA BILL

Mr. REID. Mr. President, the Congress, through legislation, has demanded that airport baggage screeners must be public employees. That was a conscious decision made by this Congress, and it was signed by the President.

As a government, we should be equally clear that air traffic controllers should also be public employees accountable to the people they serve.

Acting responsibly, the House and Senate both passed provisions in their respective FAA bills that would retain the inherent ''governmental function'' of the FAA air traffic control towers and employees. But instead of affirming that the safety of air travelers is the responsibility of the U.S. Government, members of the conference committee, at the urging of this administration, passed a conference report that allowed for immediate privatization of 69 air traffic control towers, some of them among the busiest in the country. This was a failure of policy and a failure of process.

Recognizing the committee's mistake, the House of Representatives has now moved to recommit the bill to conference. Hopefully, the conference committee will follow the mandate of the Senate and House and restrain from trying to privatize air traffic controllers.

This is something that boggles the mind of the people of Nevada and I am sure the people of Tennessee and around the country. When the House and the Senate pass a measure by large votes and it goes to a conference committee, which is made up of just a few members, they should not completely change what the Congress did. That is what they have done here, and it is wrong.

In addition, it will be important for the conference committee to readdress issues dealing with the essential air service, cabotage, and flight attendant security training.

It would be a mistake for the House to hastily convene a conference committee that simply strips language dealing with privatization. The conference report must contain language that blocks an administration directive to reclassify air traffic control services as ''commercial.'' This simply clears the way for private contractors to take over.

Keep in mind that private contractors putting things out for bid at the lowest possible price and looking for profit are going to be controlling air traffic in and out of airports. I don't think that is a good idea.

The people who direct air traffic in and out of our airports are performing critical public safety functions. I hope our colleagues in the House will understand that a conference report that simply strips privatization language will not pass the Senate.

This is in no way to threaten or cajole. In fact, it is just the opposite. It is an effort to beg the House of Representatives to do the right thing.

This FAA bill is important. We want to pass an FAA bill. But the conference

report will not come out of this body if it doesn't have privatization language in it.

This will only lead to further delays in funding essential airport infrastructure and security programs so vital to the safety of the flying public and our economy.

The FAA bill is a jobs and air safety bill, which Congress must pass. We can do this the hard way or the easy way. Of course, I prefer the easy way because it is the right answer for America.

I urge our colleagues to work with us to craft a revised FAA conference report that honors the overwhelming sentiment in Congress against privatization of air traffic control operation and maintenance, protects the U.S. aviation industry from unfair foreign competition, and ensures that the Nation's flight attendants receive mandatory antiterrorism training.

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. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TALENT). Without objection, it is so ordered.

MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEFENSE PRODUCTION ACT REAUTHORIZATION

Mr. DODD. Mr. President, later today, or at some point, I gather that the Defense Production Act reauthorization bill will be before the body. It expires today, so there is a sense of urgency, I gather, in getting this bill done.

When the bill comes up, my intention is to offer an amendment to the Defense Production Act, the reauthorization bill, for the consideration of my colleagues. I gather from conversation my staff and others have had that there will be possibly some objections to this amendment over jurisdictional grounds.

My hope is something can be worked out on this amendment, so that we can avoid that particular situation. Let me tell you why I say that. This bill, if reauthorized, would reauthorize the Defense Production Act for 5 years.

Presently there is a system in place which allows defense contracts to go to prime contractors, where, as a result of a provision that existed since World War II, offset agreements are permitted in such a way that despite the amount of money we will allocate for these defense contracts, these offset agreements basically wipe out the dollar amounts that would go to subcontractors and others. The net result is that each year we are losing about 10,000 jobs in the manufacturing sector because of these offset agreements, which were written primarily—I am almost quoting—to provide assistance to war-torn Europe at the end of World War II. It made a lot of sense to try to get resources into those struggling countries so they could get on their feet after the devastation that occurred during World War II.

So these offset agreements were principally designed to assist struggling nations to get back on their feet. There are a lot of ways you might want to describe the European Community today but ''war-torn'' is hardly one we would use to describe it. These provisions have existed for almost 50 years, and their usefulness is long over.

This really hurts smaller contractors in the U.S. I want to lay out what this amendment will do, if I get a chance to offer it today. I would have offered it in committee but I was told to wait until we got to the floor to have an opportunity to offer it here. Now I am being told I cannot offer it here because we must get the bill done, it expires today, and we don't have time to deal with it.

If I have to wait 5 more years to bring this up, and if we are losing 10,000 jobs in the manufacturing sector each and every year as a result of that, not to mention the dollar loss, and losing subcontractors on a manufacturing base, then I am hard pressed to understand why we would not find a way to accommodate that which is rather modest language here in this proposal. I will explain why.

The amendment is about one thing—saving jobs. Since the Banking Committee began consideration of this important legislation, I have been discussing an issue of great importance to manufacturers in my State of Connecticut and around the country.

I am referring to the issue of foreign offset contracts. Under these arrangements, a foreign nation will agree to buy products from U.S. defense companies only if our manufacturers outsource a considerable amount of work to that country's labor force. This goes back to the end of World War II, as I mentioned. On the face of it, these arrangements might seem relatively benign, promoting a prosperous defense trade among the U.S. and its military allies.

However, as I have learned over the last number of months, these arrangements may, in fact, be weakening the U.S. defense industrial base and producing considerable job losses throughout our Nation. These arrangements are a relic of World War II, when our Nation decided that offset arrangements were one aspect of rebuilding war-torn Europe. I do not think anybody could call me bold or rash if I were to say that the economic infrastructure of Europe as a whole is no longer war-torn in the beginning of the 21st century. On the contrary, it is highly developed and very advanced.

Yet some of our allies on that continent continue to insist that offset arrangements remain a condition of contracting with American firms, particularly defense firms. This is not an issue of trade or protectionist policies. As most colleagues are aware, I have long supported both bilateral and multilateral trade agreements, such as the ratification of GATT and the establishment of fast-track authority for the American President. I am a believer in international trade. That is not what this amendment is about.

This amendment is about outdated practices that, by and large, have caused needless transfer of a countless number of U.S. jobs to our trading partners and our allies, particularly in Europe.

I must confess that when I first began to look at this issue, I was a skeptic. I thought this migration of American jobs abroad was simply the painful but unavoidable byproduct of international trade, and I thought these losses were outweighed by the benefits of trade. But upon further study, I have come to the conclusion that these offset agreements are resulting in the needless loss of American jobs with little or no compensating benefits. Let me explain why.

What impact do these agreements have on our country, on our businesses, and on our workers? The answer is, by and large, a highly negative one. This is not just the opinion of this Senator. It is the well-considered conclusion of nonpartisan, highly informed sources at the General Accounting Office and the Department of Commerce under this administration, I might add. It is also the opinion of business leaders, many of whom think offset agreements are little more than a form of coercion. Business leaders in my own State have told me they see offsets as no better than a necessary evil, a tax on their ability to export their goods and services.

The Commerce Department recently reported that in the year 2000—I hope my colleagues will listen to this—the Commerce Department reported in the year 2000, out of $5.6 billion exported by the U.S. aerospace and defense industries, $5.1 billion was offset by these arrangements. In other words, offset arrangements imposed on contracts with American firms amounted to nearly 90 percent of their export value.

In the year 2002, 2 years later, and 2003, this year, the total value of offsets is projected to be close to 100 percent by the Department of Commerce on the value of these contracts, virtually eliminating any gains from U.S. exports of these goods.

Moreover, the Commerce Department says offsets are displacing between 9,000 and 10,000 American workers annually, and that is a conservative estimate, I might add. With these kinds of figures, it is difficult to see how the United States could benefit at all from these offset contracts.

Let me repeat the numbers. According to the Department of Commerce, of the $5.6 billion exported by the U.S. aerospace and defense industries, $5.1 billion was offset by arrangements to these countries. Lately, in 2002 and 2003, the Department of Commerce estimates that close to 100 percent of the value of these contracts will be eliminated, the gains will be eliminated from the export of these goods, and losing almost 10,000 jobs a year is something that ought to concern each and every Member.

What makes this issue even more distressing is that as a result of these arrangements, we are not only losing these jobs unnecessarily, in my view, given the long outdated necessity for offset agreements with the European Community, but we are losing our Nation's military industrial capacity, and that ought to be a serious matter to all of us here. We need to be vigilant in maintaining an industrial base when we can in these critical industries.

Essentially, U.S. contractors are helping other nations build up their strategic industries at the expense of the United States's defense manufacturing base, and the U.S. Government is doing nothing, unfortunately, to stop this from happening. Our prime contractors admit this is an unfortunate trend and insist they are being forced to follow these arrangements to stay competitive in their foreign contract bids.

As I see it, these offsets amount to unfair trade practices, plain and simple. While U.S. prime contractors may be selling their defense system abroad, they are being coerced—against their wishes—into laying off U.S. workers and domestic suppliers in favor of foreign workers and suppliers. In turn, as the U.S. Defense Department decides to buy these same weapons systems, we are now even more frequently turning to these newly established foreign suppliers.

In several recent reports, the General Accounting Office and the Commerce Department have repeatedly tried to alert Congress to the disastrous effects these arrangements are having on America's economic and defense security, but their warnings have gone unheeded. In fact, the two major governmental bodies established by the Defense Procurement Agency to monitor and coordinate U.S. policy on foreign offsets have been effectively dissolved. The most important of these bodies is the interagency team on foreign offsets whose job it was—is or was—to engage with foreign countries in an effort to mitigate the effects of these offsets.

My colleagues should be alarmed to know that this interagency team, headed by the Department of Defense, has reported no activity since the year 2000. In fact, this team has been stripped of resources and staff. They don't exist.

Certainly, we all understand that the Defense Department has been preoccupied with other priorities—I understand that—over the last couple of years; namely, the effort to wage and win wars in Afghanistan and Iraq. No one can seriously claim the Department of Defense should have any higher priorities than those. That is not my point. That is why I think this amendment is critically important to shift to the Department of Commerce the principal responsibility of monitoring and mitigating these offset arrangements.

It is an economic issue fundamentally, and the fact the Defense Department has not financed or staffed this interagency team says to me we ought to shift that responsibility, considering the economic implications of not trying to reduce these archaic and outdated offset arrangements with the European nations and others.

For this reason, my amendment would transfer the authority over the interagency team—this is what the amendment does; it is not a radical amendment at all. The amendment would transfer the authority over the interagency team to the Commerce Secretary and would require the Secretary to negotiate with foreign countries toward the reduction and eventual elimination of all foreign offsets.

In addition, it would expand the Commerce Department's data collection system to include the effects of offset on America's second- and third-tier subcontractors. I believe these provisions would greatly enhance America's response to the growing specter of foreign offset arrangements and provide a clear picture of the total impact these arrangements are having on our economy. But I think we ought to do something more.

As I said before, offset arrangements have essentially allowed foreign governments to coerce U.S. contractors into laying off American workers and shifting their jobs to foreign employees. This is an unfair trade practice, in my view, and must be addressed as such. For this reason, this amendment further directs the U.S. Trade Representative to designate offsets that exceed the total value of the underlying contract as unjustifiable and burdensome on U.S. commerce, subjecting the country to U.S. sanctions accompanying such a designation.

Already various important policy and trade organizations and associations have expressed their support for the proposal I wish to offer to the Defense Production Act, including the International Association of Machinists and Auto Workers, the American Shipbuilding Association, the AFL–CIO, the Manufacturing Alliance, as well as the Aerospace Components Manufacturers. This is a unique combination of industries, business, and labor saying this World War II proposal is no longer justified.

Let me explain how it works. These offset agreements they insist on—Holland is the biggest offender, by the way. They say to a corporation in the United States: You want to sell your products. Fine. But you have to provide a certain amount of workers here. So instead of looking around for the best subcontractor to provide, say, ball bearings by a firm in Ohio or Connecticut, they then have to hire the firm in Holland or some other European country. This was designed, as I say, to help Europe at the end of World War II. It made a lot of sense. But 70 years later, the idea that I have to say to a manufacturer in the United States you cannot get this bid because I have to do it to win the contract in Holland—if it was 5 percent or 10 percent, I might think that is unfair. But they are getting 300 percent in Holland—300 percent.

According to the Department of Commerce, the average is now between 90 and 100 percent in every European country. If I thought this bill was going to be authorized for 3 months, I would wait and try to build support. This bill is a 5-year authorization bill. Almost 10,000 jobs a year are going to be lost, not to mention small manufacturing firms that go out of business.

Then when we need those ball bearings, to use that example, we no longer have a firm in Ohio or Connecticut, and I have to deal with a firm in Holland or Sweden or some other place. It is dangerous to lose that industrial base in critical technologies.

This provision of offset contracts has no relevancy in today's world, particularly with the European community. It did maybe 50, 60, or 70 years ago, but not today. I am being told I cannot offer the amendment because I am dealing with a proposal on trade, but if I do not do it here, where do I do it? I have to wait until some trade bill comes along?

Normally, a Senator cannot offer amendments on trade bills. So when do I do it and where do I do it, if I want to make a point? Maybe the proposal will get defeated, but at least I would like to raise the awareness of my colleagues. If there are provisions that do not make sense, let somebody bring up a better idea, but I think it is wrong to continue a situation where 10,000 American jobs get lost because we are sitting around with an archaic idea that has no value and no relevancy.

The manufacturers will tell us that and labor tells us that. They do not like doing it. It is like the Foreign Corrupt Practices Act where we were told over and over we have no choice, but our firms in the United States do not like having to do this. They are being forced to do it in order to win these contracts.

We need to have some ability to negotiate the elimination of these deals, and when they cannot get rid of them, at least to consider it as an unfair trade practice so we can try to work it out so we do not have to rely on them any longer. That is really what the amendment would do.

Again, this whole Defense Production Act goes out of existence tonight, I am told. As I said earlier, I wanted to offer

this amendment in the committee, but I was told not to do it there, to wait until we go to the floor. Now I am on the floor and I am being told do not do it here. So I am sort of stuck in a way. I do not want to tie up a bill. I think defense production is important, but to have to wait 5 more years to come back with this idea is something I do not want to do, either. So I am using this time to encourage people who may have a better idea on how we can resolve this to make some suggestions so we can avoid holding up this legislation.

I do not need to remind my colleagues, I would just say at the end of all of this, that since 2001 we have lost 2.7 million manufacturing jobs in the United States. In Connecticut, we have lost more than 14 out of every 100 manufacturing jobs in the past 3 years. I have 5,400 small manufacturers in my State of over 240,000 people. A lot of them are what we call mom and pop, with 5, 6, 8, 10 people. Some of them are second and third generation.

I see my colleague from New Hampshire, as well as my colleague from Ohio. They have similar situations with small firms in their own States. Many of them provide critical technologies to our major defense contractors. If I thought the offset agreements had some great relevancy today, I would be the first to say we have to live with this; it is an unfortunate reality. But taking an idea we used at the end of World War II to help our allies get on their feet and to still perpetuate it in the year 2003 I think is wrong.

We better say something about it soon and try to do something about it before we just continue the way we are going and seeing a further loss of jobs and a loss of a manufacturing base in critical technologies which I think we will regret deeply in the years to come.

When this bill comes up, if it does come up, I would like to offer the amendment or have someone work out something so we might address this issue in some way that would not delay the enactment of the Defense Production Act but would give me some sense of hope that we could resolve this kind of problem.

I yield the floor.

BIRTHDAY WISHES TO GEORGE GOLSON

Mr. REID. Mr. President, I rise today to express my congratulations and best wishes to George Golson on the occasion of his 90th birthday. A devoted husband, a father of four children, an industrious businessman, an accomplished jurist, and a veteran of World War II, George Golson has led a distinguished life.

Born on October 24, 1913, George received his undergraduate education at the University of Columbia, NY, and his legal education at St. John's University. After practicing law for several years in New York, he served his country proudly for 4 years during World War II in the Judge Adjutant General office in Liverpool, England.

Upon his return from military service, George Golson built a new home in Columbia, SC, and launched a new career in business. He returned to legal practice in 1958 as a member of the South Carolina Bar, and in 1973 was admitted to serve as Attorney of Law in the Supreme Court of the United States.

In 1980, George Golson established an office in Las Vegas to provide consulting services on legal matters in the field of real estate planning. He became a respected and beloved member of the southern Nevada community, and his work contributed to the dramatic growth and development of the State.

Throughout his long and productive life, George has made the most of his free time. He has challenged himself both intellectually and athletically by writing short stories, composing ballads, music, and lyrics, fishing, and playing racquetball.

Please join me in wishing George Golson the happiest of birthdays.

VOTE EXPLANATION

Mr. REED. Mr. President, I was unable to participate in last evening's vote on the nomination of Carlos Bea to be a U.S. Circuit Judge for the Ninth Circuit due to my participation in a memorial service for Rhode Island National Guardsmen killed while serving in Iraq.

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 Houston, TX. On May 25, 2003, a Houston high school student was attacked by a teacher's aide in class because he is gay. The teacher's aide, also an assistant coach at the school, allegedly taunted the student with comments about his sexual orientation over the course of the school year. The incident was in full view of the class and was later corroborated by seven or eight other students.

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.

TRIBUTE TO THE HONORABLE ERNEST F. HOLLINGS

Mr. INOUYE. Mr. President, it has come to my attention that Mr. Mark Shields, whose syndicated column appears in more than 100 newspapers, including The Washington Post and the St. Petersburg Times, paid tribute in a recent column to our dear friend and colleague, the Honorable ERNEST F. HOLLINGS.

That column was most insightful, as it examined the character of Senator FRITZ HOLLINGS, who, unfortunately, has announced that he will not be seeking reelection to the U.S. Senate after nearly four decades of service in this Chamber.

I hope that throughout the history of our Nation there will always be a FRITZ HOLLINGS. As Mr. Shields noted in his column, FRITZ HOLLINGS ''was a leader of uncommon courage and uncommon candor.'' Indeed, FRITZ HOLLINGS' leadership, courage, and candor will be sorely missed.

I ask unanimous consent that Mr. Shields' column, as it appeared on September 5, 2003, in The State, one of the newspapers in Senator HOLLINGS' home State of South Carolina, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

A CANDIDATE WITH THAT RAREST OF ATTRIBUTES: CANDOR

(By Mark Shields)

On Oct. 6, 1983, in a televised debate among Democratic presidential candidates, one candidate said the following about the 1,800 U.S. Marines whom the Reagan administration had then sent to warring Lebanon: ''If they were sent there to fight, they were too few. If they were sent there to die, they are too many.''

Less than three years later in Beirut, just before dawn on Oct. 23, a terrorist driving a truck loaded with thousands of pounds of explosives plowed into the Marine barracks and killed 241 Americans.

That same presidential candidate went on Nov. 4, 1983, to Dartmouth College, a prestigious Ivy League school with an advantaged student body, and shocked the undergraduates: ''I want to draft everyone in this room for the good of the country.''

He was not advocating the ''old Vietnam-style draft, where if you had enough money, you were either in college or in Canada.'' His campus audience gasped at the man's discomforting bluntness: ''Conscience tells us that we need a cross-section of America in our armed forces. Defense is everybody's business . . . everybody's responsibility. A professional army is un-American. It is anathema to a democratic republic—a glaring civil wrong.''

You like candor in your political leaders? This Democrat truly brimmed with the stuff.

That July, to a Washington gathering of the National Council of Senior Citizens—a group with political clout in its membership and Social Security and Medicare benefits on its agenda—he refused to coddle.

Instead, in the face of runaway federal budget deficits, he reminded the seniors, not of the obligations owed to them, but of the seniors' own obligation ''to your children and grandchildren.'' He, alone, would say, ''If I'm elected, I will freeze your cost-of-living adjustments for a year.''

To a Capitol Hill meeting of defense contractors, pleased and prosperous with President Reagan's doubling of the Pentagon budget, the candidate, himself a combat veteran of World War II, had been frank: ''If I'm

elected president, I will freeze the defense budget at 3 percent real growth and do away with the MX (missile) and the B–1.''

Exempted from his proposed spending freeze? Food stamps and assistance to the disabled.

We in the press corps are forever lamenting the lack of candor in our political debates and the lack of courage in our presidential candidates, who are unwilling to ask us to sacrifice even the slightest personal comfort for the national well-being.

But when we do encounter the brand of straightforwardness that this 1984 Democratic candidate practiced, we do not applaud or praise it. Doubts are predictably recorded about ''the discipline,'' the ''presidential temperament,'' even the rashness of the fellow.

That's mostly the press treatment Sen. Ernest ''Fritz'' Hollings, D–S.C., received when he ran for president and publicly said all of the above and again, earlier this month, when he announced that he would retire after 38 years in the Senate.

True, Hollings gave us a lot to work with. While President Bush was furiously trying to publicly distance himself from the disgraced chief of Enron, Hollings quipped, ''I did not have political relations with that man, Ken Lay.''

That was a take-off on a discredited disclaimer by President Clinton—of whose then-improving poll ratings, Hollings had quipped, ''If they reach 60 percent, then he can start dating again.''

When his own presidential campaign failed, Hollings reported that ''Thomas Wolfe was wrong—'You can go home again.' I know. That's what the people of New Hampshire told me to do.''

But let it be recorded that in 1963, when the states of Alabama and Mississippi, governed respectively by George Wallace and Ross Barnett, were battlefields of bloodshed and bayonets in the struggle for civil rights, a young South Carolina governor delivered a much different message to his state and its Legislature: ''(T)his General Assembly must make clear South Carolina's choice, a government of laws rather than a government of men. . . . We of today must realize the lesson of 100 years ago, and move on for the good of South Carolina and our United States. This should be done with dignity. It must be done with law and order.''

Fritz Hollings was no plaster saint. His tongue was sometimes too sharp. His temper was sometimes too short. But his departure will leave a lonesome place against the sky. He was a leader of uncommon courage and uncommon candor.

HONORING OUR ARMED FORCES

Mrs. LINCOLN. Mr. President, I have risen on numerous occasions in the past 6 months to pay tribute to the men and women who are fighting in Iraq and elsewhere in the war on international terror. Today I rise once again to pay tribute and to honor a young man who was recently killed in action in Iraq—Master Sergeant Kevin Morehead, a native of Little Rock, AR, and a soldier in the U.S. Army 5th Special Forces Group. MSG Morehead was killed September 12 in the early morning raid in Ar Ramadi, an Iraqi city about 70 miles west of Baghdad.

Keven Morehead graduated from Central High School in Little Rock in 1987. After attending the University of Arkansas, Kevin opted for a military career, enlisting in the U.S. Army in 1989. In 1994, he joined the elite Special Forces. His service over his 14-year career in the Army was exemplary, earning him a number of commendations, including the Bronze Star, the Silver Star, and the Purple Heart. In the last 2 years, he served with distinction in the Middle Eastern theater, first in Afghanistan, where he served as an adviser to the Northern Alliance in the fight against the Taliban extremists. In Afghanistan from October 2001 to February 2002, MSG Morehead called in airstrikes on Taliban positions, and his actions reportedly saved the lives of hundreds of men. MSG Morehead was sent to Iraq in January of this year, where he served with further distinction. Although his unit had already returned from service in Iraq, MSG Morehead had stayed behind to help with orientation for his unit's replacements.

Keven was buried on September 21 in Bald Knob, AR, in a grave on a hilltop next to that of his grandfather. Our condolences and our prayers go out to Kevin's wife Theresa; to his stepdaughters, Kirsten Inman and Kaylyn Council, to his sister, Kristen Wright; to his grandmother, Zelda Guthrie; and to his parents, James and Jeanette Morehead, of Benton, AR.

One attendee at his funeral was quoted in our State's newspaper, the Arkansas Democrat-Gazette, as saying that Master Sergeant Kevin Morehead ''did not die in vain. Hopefully, by his actions the world will be a better place for all mankind.'' The mission continues in Iraq, and we remain confident that, as coalition troops move to secure and stabilize the country, Iraq will emerge as a democracy in the Middle East, and that Kevin Morehead's courage and sacrifice will prove to have been given in a worthy cause.

RAPE KITS AND DNA EVIDENCE BACKLOG ELIMINATION ACT OF 2003

Mr. DEWINE. Mr. President, I rise today to speak about the Advancing Justice Through DNA Technology Act of 2003. This bill contains several important provisions. I am especially pleased with title I of the bill—the Rape Kits and DNA Evidence Backlog Elimination Act, which mirrors the bill of the same name that I introduced earlier this year. The purpose of this title and our original bill is to extend more Federal funding to States and localities to fight crime with DNA technology, expand our national database of DNA profiles from criminals, and train sexual assault examiners.

While the overall violent crime rate has decreased in recent years, the occurrence of rape has only increased. Tragically, somewhere in America, a woman is sexually assaulted every 2 minutes. In other words, by the time I conclude my remarks, at least five women will have been assaulted. It has been estimated, as well, that 1 in 6 women and 1 in 33 men in the United States have been the victim of a completed or attempted rape. These statistics are truly staggering, especially considering that rape is a chronically underreported crime. Experts contend that rape could be much more prevalent than even these statistics reflect.

The majority of sexual assault victims who report their crimes do so in a hospital emergency room, where they frequently wait hours for treatment—in many cases, to see doctors or nurses who have not received specialized training in dealing with assault victims and who lack the proper forensic tools for evidence collection. As you can imagine, the collection of forensic evidence can be a very invasive process for a rape victim. But in many cases, this is where the investigation stops. In cities across the country, hundreds of thousands of rape kits are sitting untested in police department evidence rooms. While these kits contain vital DNA evidence that could lead to the arrest of rapists, many rape kits have gone untested for more than a decade due to a lack of funding.

In my own home State of Ohio, officials estimated in May 2002 that at least 3,000 kits with rape evidence—and maybe even more—remained unanalyzed, despite recent strides in science that allow DNA evidence from rapes and other violent crimes to be compared against DNA profiles in the Combined DNA Index System, CODIS, our national DNA database. Laboratory researchers at the Ohio Bureau of Criminal Identification and Investigation report that they have a high success rate in matching unknown DNA collected from crime scenes to either the DNA of offenders on file or to other crime scenes. That would mean that if all 3,000 unexamined Ohio rape kits contained extractable DNA, several kits very likely could yield evidence leading to the identity of rapists.

We now have both the technology to analyze DNA evidence and a growing database of DNA profiles with which to compare this evidence. This system works, and it catches criminals. Let me share an example of how evidence from rape kits has led to the arrest of a rapist in Ohio. Last year, a Hamilton, Ohio man was convicted and sentenced to 25 years in prison for an April 1998 attack on a woman in a grocery store parking lot. Although a DNA sample from this rape was sent to the State crime lab 3 days after the attack, it took until November 2001—nearly 3½ years later—for scientists to analyze the sample and add it to the State's DNA database. Once this sample was added, a positive match was made and this rapist was prosecuted and put behind bars. Unfortunately, this victim had to wait 3 years for justice, while her rapist remained on the street. While this is an excellent example of how DNA has been used successfully to catch rapists, it also shows the critical need to promptly analyze the kits we have on hand. The longer this evidence sits around unanalyzed, the longer sex offenders will remain free—and free to potentially harm more victims.

The Rape Kits and DNA Evidence Backlog Elimination Act would help to address the issues I have just outlined, particularly those involving the collection and processing of DNA evidence. We owe it to rape victims, as well as to our society as a whole, to do all we can to apprehend and prosecute sex offenders. To this end, title I would do several important things. Specifically, and perhaps most importantly, this bill would extend the authorization for the DNA Analysis Backlog Elimination Act of 2000. This law, of which I was one of the chief Senate sponsors, aims to reduce the backlog of unanalyzed DNA samples in forensic laboratories across the United States. Unfortunately, the authorization for the grant programs established under the act will expire soon, but many States still have a long way to go to clear their DNA evidence backlogs. The Rape Kits and DNA Evidence Backlog Elimination Act would extend that authorization, while also increasing the funds authorized for grants under the Act. This would help States to further reduce their DNA evidence backlogs, processing crucial evidence that could bring criminals to justice.

Furthermore, title I would expand CODIS, our national DNA database. The expansion of this database is important, since the larger the database, the more likely it is that State crime laboratories will be able to match DNA evidence to offenders. Under the Rape Kits and DNA Evidence Backlog Elimination Act, the FBI could accept for inclusion in CODIS any DNA sample submitted by the States for inclusion in the database, including DNA samples from all felons convicted of Federal crimes. Given the high rate of recidivism among sexual offenders, this last addition may prove very useful to law enforcement as they utilize CODIS. The U.S. Department of Justice has expressed support for expanding the DNA database in this manner.

In addition to providing funds to help States and localities process evidence, we also must improve the way that DNA evidence is collected and used. To this end, title II of the Advancing Justice through DNA Technology Act also contains many components of the bill I introduced earlier this year involving important training programs. This title would provide Federal resources to support a new training program for Sexual Assault Forensic Examiners, known as SAFEs. This program is modeled on a separate bill that Senator SCHUMER and I introduced during the 107th Congress. As I discussed before, many rape victims first report their crimes in a hospital emergency room, where they are treated by inexperienced staff, many of whom have no training in the proper use of a rape evidence kit. SAFEs, by contrast, are well-trained in the collection of forensic evidence and are able to give competent and sensitive treatment to rape victims at a time when they are most vulnerable—immediately after their attack. Furthermore, the intervention of SAFEs in a sex crime case bolsters the odds of prosecution and conviction of offenders, as their expertise generally renders them better witnesses than most emergency room personnel during trials. While these programs have proven to be effective, only a few hundred SAFE programs currently exist in the United States, treating a minute number of sexual assault victims. These nurse examiners provide an important service, both to the victim and to justice system, and I strongly advocate funding more training programs for them.

Finally, title II would make two changes in the criminal code to better protect victims of crimes in which DNA evidence is recovered. It would extend or ''toll'' the statute of limitations under Federal law for prosecuting many crimes in which DNA evidence is recovered, but the identity of the perpetrator is unknown. Also, this title would amend the Violence Against Women Act to include legal assistance for victims of dating violence.

In closing, I strongly encourage my colleagues to support the Advancing Justice through DNA Technology Act of 2003. This bill is a good one, and one deserving of the Senate's support. It can do a great deal to help rape victims, as well as to prosecute sexual offenders.

FREEDOM'S ANSWER

Mr. ALEXANDER. Mr. President, just recently the Senate approved the Labor, HHS Appropriations bill for fiscal year 2004. During the same time period we paused to remember the tragic events of September 11. So it is a good moment to bring to the attention of my Senate colleagues and of the Department of Education the nonpartisan, nonprofit Freedom's Answer project which is a direct result of the 9/11 experience—and which seeks to engage high school students across America in the elections process even before they are old enough to vote.

At a time when Senator KENNEDY and I, along with many other Members of the Senate, are convinced that restoring civics education to schools should get a high priority, Freedom's Answer is one effort that is doing just that. It should have the highest priority for funding by the Department of Education within the discretionary funds of the Fund for Innovation in Education, the Character Education Program, the Civics Education program, or the Fund for Improvement in Post-Secondary Education.

Freedom's Answer is a totally nonpartisan program, begun by long-time political professionals Mike McCurry and Doug Bailey. Its National Advisory Council is co-chaired by the Republican Leader in the Senate, BILL FRIST, and the Democratic Leader in the House, NANCY PELOSI. The chairs of the Republican and Democratic National Committees both sit on its National Advisory Council.

Started after the 9/11 tragedy, Freedom's Answer urged high school students in over 2,500 high schools throughout the country to seek 10 voting pledges each in the 2002 election, not for any particular party or candidate, but rather to honor the servicemen and women serving our country and risking their lives daily for our freedom.

These students didn't just help set a mid-term voter turnout record—nationally and in 27 different states—they learned first hand the power of political involvement. Even before they could vote, they learned the power not just of each and every vote, but also of collective involvement in the political process. It may well have been as good a civics lesson as they could ever receive—one certain to make them voters in the years ahead.

Our young people owe it to us to be part of America's democracy. And we owe it to our young people, regardless of party, philosophy, religion, income, race or State to enable them both to know how the system works and how to be part of it. Freedom's Answer is a powerful way we can meet that commitment, and I join my colleagues in encouraging the Department of Education to consider using discretionary funds in the 2004 budget we will pass to help make this wonderful civics lesson come alive in every high school in the land.

Mr. KENNEDY. I commend the leadership of my colleague from Tennessee. He's a strong advocate for better education in both history and civics. We need to do much more to broaden students' understanding of American history and encourage them to participate in the democratic process.

Freedom's Answer is an excellent model. It is a nonpartisan program founded by Mike McCurry and Doug Bailey to involve high school students in elections. The mission of Freedom's Answer is ''to turn today's students into tomorrow's voters.''

The program was launched after the tragic events of 9/11. It was organized in over 2,500 high schools across the Nation, asking each student to line up 10 pledges from others to vote in the 2002 election—not for a particular candidate or party, but in tribute to the servicemen and women serving abroad whose commitment to our country is safeguarding our national security.

Their participation was a worthwhile factor in enhancing voter turnout in the 2002 elections. These young students learned the power of each individual vote, as well as the importance of greater involvement in the political process. It was an extraordinary civics lesson for them and for their families and neighbors, too, and it will encourage them to vote as soon as they become eligible to do so.

I'm confident that this program will generate even greater election participation in coming years. Their participation will enrich our country and help to inspire the next generation of leaders.

Freedom's Answer is the kind of innovative and practical idea that will strengthen our democratic process and the Nation as a whole, and it deserves our strong support. I commend Senator ALEXANDER for his impressive leadership on this impressive initiative.

NOMINATION OF JOSEPH KELLIHER TO THE FEDERAL ENERGY REGULATORY COMMISSION

Mr. WYDEN. Mr. President, earlier this year, I announced my intention to object to any unanimous consent request for the Senate to take up the nomination of Joseph Kelliher to the Federal Energy Regulatory Commission. I did this because at the time, Mr. Kelliher had not convinced me that he fully understood the impact of west coast market manipulation on northwest ratepayers or the problems that the Commission's standard market design proposal could create for the northwest electric power grid.

Today I received a letter from Mr. Kelliher expressing his views on these subjects. It is clear from his letter that Mr. Kelliher has done his homework about energy issues critical to the west in general and the northwest in particular. From opposing a final standard market design rule to supporting voluntary regional transmission organizations and making market manipulation illegal, Mr. Kelliher's letter reflects he now has a better understanding and appreciation of the northwest energy markets and transmission systems and the particular challenges northwest ratepayers face.

Based on his letter, I will no longer object to any unanimous consent request for the Senate to take up Mr. Kelliher's nomination.

I ask unanimous consent that a copy of Mr. Kelliher's letter to me be printed in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SEPTEMBER 30, 2003.

Hon. RON WYDEN,
U.S. Senate,
Washington, DC.

DEAR SENATOR WYDEN: I am writing to clarify my views on two issues of importance to you: Standard Market Design and market manipulation.

You have forcefully stated your opposition to the Commission's Standard Market Design. In particular, you have expressed concern that market rules developed in other regions of the country may not work in the Pacific Northwest, and emphasized the potential economic impact of the proposal on your region.

I recognize electricity markets are not national, but regional. There are significant differences among the regions—the transmission grids are different, the generation mixes are different, and the market structures are different. There are also significant legal differences—the role of nonjurisdictional utilities such as the Bonneville Power Administration and municipal utilities is more significant in the Pacific Northwest than other regions. It is essential that market rules reflect these important regional differences.

For these reasons, I do not believe imposition of uniform national market rules on your region is appropriate. I support regional flexibility, and if confirmed by the Senate I would give great deference to the views of your region. Further, I am not convinced there is a need for a final rule on Standard Market Design. A better means of achieving regional flexibility may be through regional proceedings.

Because of the unique regional characteristics in the Pacific Northwest, I believe any effort to form a regional transmission organization should be voluntary. In my view, the Commission could not successfully mandate the establishment of a regional transmission organization for the Pacific Northwest, nor should it attempt to do so.

Markets that are subject to manipulation cannot operate properly. For that reason, I believe there is an urgent need to proscribe manipulation of electricity markets. There is no express prohibition of market manipulation in the Federal Power Act. That stands in contrast with the regulatory laws governing other industries, such as securities and commodities. Market manipulation should be expressly prohibited.

In addition, penalties must be sufficient to discourage market manipulation. Well before the Western electricity crisis I advocated tougher criminal and civil penalties. In my view, the penalties set by Congress in the Federal Power Act are no longer adequate to discourage criminal behavior. They need to be increased.

The Commission has some ability to address market manipulation absent Congressional action. In my opinion, the Commission has legal authority to proscribe certain market manipulation practices by jurisdictional utilities. The Commission also has discretion to revoke authorization of a public utility to sell power at market-based rates as a remedy for market manipulation. I would support exercise of this authority.

In the past, you discussed the relationship between spot markets and long-term markets. As you know, in its ''Final Report on Price Manipulation in Western Markets'' the Commission staff concluded spot prices influenced forward prices. As a general matter, I acknowledge there is a relationship between spot markets and forward markets.

There is no question the Commission has legal authority to reform contracts. In the right circumstances, contract reform is appropriate. If it can be demonstrated that any Pacific Northwest contracts impose an excessive burden on consumers or are unduly discriminatory, or that fraud or duress were present at the time of contract formation, then I believe contract reform would be appropriate. You have expressed your strongly-held view that the just and reasonable standard should govern in contract reform cases. I respect your view, and note there is legal precedent supporting your position. I have not prejudged which legal standard should govern in contract reform cases, and Federal courts have applied both the public interest standard and the just and reasonable standard. As you know, the Commission applied the public interest standard in recent contract reform cases. I have not prejudged whether these cases were correctly decided.

I appreciate the opportunity to share my views with you on these matters.

Sincerely,

JOSEPH T. KELLIHER.

ON THE PASSING OF JOJI KONOSHIMA, PRESIDENT, U.S.-ASIA INSTITUTE

Mr. INOUYE. Mr. President, on September 17, 2003, America lost one of its true Ambassadors of Friendship, Mr. Joji Konoshima, President and co-founder of the U.S.-Asia Institute.

Mr. Konoshima was well known at home and abroad for his efforts to promote understanding and dialog between the United States and East Asian nations. His career as an educator, labor organizer, political advisor, and diplomatic mentor spanned more than 40 years.

Born in Tokyo, Japan, Mr. Konoshima immigrated with his family to the United States at the age of six years and settled in California. He was a student at the University of California, Berkeley, when he and his family were evacuated during World War II to the Heart Mountain Relocation Center in Wyoming. After the war, he received a Bachelor of arts degree in Political Science from the University of California, Berkeley, in 1953, and a Master of Arts degree in Education from New York University in 1960. Mr. Konoshima taught social studies and Japanese language in New York City, and was an adjunct assistant professor at New York University for more than a decade.

In 1973, Mr. Konoshima organized the Manhattan teachers' union in backing the successful candidacy of Mayor Abraham Beame. He then served as the labor coordinator for New York gubernatorial candidate Hugh Carey in 1974, and was the union liaison for Governor Carey after his election. In 1974, Mr. Konoshima traveled to Hawaii to organize the teachers' union. In 1976, he became the New York labor coordinator for the Presidential campaign of Jimmy Carter, and went on to join the national Carter-Mondale campaign as labor liaison. After the election, Mr. Konoshima became the National Director of the Asian Pacific Affairs Unit of the Democratic National Committee. He accompanied Vice President Walter Mondale to Japan, and traveled to Japan and Korea with President Carter. He played a key role in the historic visit of Chinese Premier Deng Xiaoping to the United States in 1978, traveling with him to New York, Houston and San Francisco.

In 1979, Mr. Konoshima co-founded, with his colleague Esther Kee, the U.S.-Asia Institute, an organization dedicated to fostering better relations between the U.S. and the countries and people of East Asia. During his tenure as President of the U.S.-Asia Institute, Mr. Konoshima personally escorted Members of Congress on visits to the People's Republic of China, as well as delegations of Congressional staff. Mr. Konoshima led more than 85 Congressional staff and trade delegations to China, Japan, Indonesia, the Philippines, Korea, Malaysia, Singapore, Thailand and Brunei. He also hosted seven international conferences in cooperation with the U.S. Department of State, and a multitude of briefings on issues of interest and concern to the U.S. and East Asian nations. Mr. Konoshima was an advisor to political,

business and diplomatic leaders on both sides of the Pacific.

Joji Konoshima will be missed by all whose lives he touched, but his extraordinary efforts in support of U.S.-Asia relations shall never be forgotten.

ON THE COMMUNITY ORIENTED POLICING SERVICES PROGRAM

Mr. FEINGOLD. Mr. President, I want to speak today on the Community Oriented Policing Services, or COPS, program. In my twenty years as a public servant, I have seen only a very small number of federally funded programs that have had such a measurable and immediate effect on local communities as the COPS program.

The Community Oriented Policing Services Program, commonly known as COPS, was established in 1994, due in large part to the efforts of my distinguished colleague from Delaware, Senator BIDEN, and the support of then-President Clinton. Since its inception, the program has greatly enhanced community oriented policing across the Nation, resulting in real, tangible crime reduction in cities such as Green Bay, Wisconsin's third-largest city, as well as in small, rural areas across Wisconsin and the country. This program has been a shining example of an effective partnership between local and Federal governments. It provides Federal assistance to meet local objectives without imposing mandates or interfering with local prerogatives. It also provides Federal dollars directly to police departments and local communities.

To date, the COPS program has facilitated the hiring and training of over 118,000 police officers who help keep our communities safe. In the State of Wisconsin alone, COPS has funded over 1,330 new officers by contributing over $100 million to communities. COPS funds have also provided over $20 million worth of crime-fighting technologies to Wisconsin law enforcement agencies. As Green Bay Police Chief Craig Van Schyndle told me last week, these funds have had a very positive and measurable impact on policing in Green Bay. Crime rates have gone down, school security has been enhanced, and more officers have gotten out from behind their desks and into the communities they protect.

But the Chief also expressed his fear that proposed cuts to the COPS program will result in devastating consequences for the Green Bay Police Department. The proposed drastic funding cuts will set many police departments back decades. Already outdated equipment will become the norm, and what's worse, our communities will see a reduction in officers patrolling our neighborhoods. The Green Bay Police Department and so many other local law enforcement agencies in Wisconsin and across the country are already crunched for resources due to the stressed state budgets in many of our home States. Due to these fiscal constraints, COPS funds that we have praised as beneficial have become absolutely crucial. If we allow the proposed cuts to the COPS program, many departments will have no choice but to cut wages and reduce personnel.

It is important to note in the post-September 11 world that when we lose our community-oriented officers, we lose first responders. This year, for the first time, COPS dollars are being used to hire community policing officers who will be engaged in homeland security efforts, and to pay for overtime costs associated with homeland security. They are also helping to provide inter-operable communications technology in communities to better help our first responders communicate during times of crisis. Many of us have heard from first responders in our home States about how important, and how lacking, this communications technology is on the front lines of the fight against terrorism.

The administration and Congress simply cannot tell the American people that we want them to feel secure and tell our local law enforcement officers how they are, while at the same time cutting funding for those officers. We must not short-change our police officers. As the tragic events of September 11th reminded our Nation, police officers play a vital role in protecting and securing our communities. In the past 2 years, the words ''security'' and ''safety'' have taken on new significance for Americans. The COPS program helps to give those words meaning. The officers who are hired and trained and funded by the COPS program are our neighbors, our first responders, our drug educators, and, in some cases, as in the COPS in Schools program, the mentors for our children. We must give them the support they need so that they can continue to keep us safe and secure.

No police department should have to choose between having up-to-date communications devices and having sufficient law enforcement officers in its community, or decide whether to continue its school crossing guard program or to fund its successful crime-reduction programs. And yet, that is exactly what is happening to local law enforcement agencies in Wisconsin and across the country as they watch funding levels for the COPS program drop.

I might add that unlike other important law enforcement grant programs, COPS delivers grant funding directly to chiefs and sheriffs. There are no overhead costs for States because the grant administration is facilitated directly by the Federal Government. Communities of all sizes are eligible to apply for COPS grants, and the payoffs are invaluable. Ensuring funding in the COPS program is an investment in our Nation's security, an investment in our children, and an investment in community safety.

As we consider appropriations for the many Federal programs that make a difference at home, I urge my colleagues to send a strong message of support to our local law enforcement officers: As we ask more of them, we must understand the fiscal pressure they face and help them bridge their funding gap so they can continue the level of excellence at which they operate. There is no question that community-oriented policing is integral to the protection and safety of all Americans.

Again, I want to applaud Senator BIDEN for his leadership on this issue. I urge my colleagues, especially those on the Appropriations Committee, to work to ensure that the COPS program is fully funded before we adjourn. Thank you, Mr. President.

I yield the floor.

ADDITIONAL STATEMENTS

CONGRATULATIONS TO DORIS HANSEN

• Mr. BURNS. Mr. President, I would like to voice my support for a woman who was recently named the American Trucking Association's National Driver of the Year, and resides in Lavina, MT.

Since Doris Hansen started driving semi trucks in 1967, she has logged more than 3 million miles. Beginning at the age of 19 as a driver for her father-in-law, Doris has preserved an accident-free driving record, with a personal commitment to safety for over 35 years. While Doris and her husband John sometimes drove as a sleeper team, she has logged most of her hours as a solo driver at a time when women were rare in the business. When Doris began her career, some companies did not offer separate shower facilities and break rooms, while others denied women access altogether.

Doris is currently leased to Quality Transportation, Inc. stationed in Baker, MT. Since signing with Quality in 1987, she has never lost a single cargo or filed a damage claim. She currently operates a conventional three-axle tractor and a 48-foot flatbed trailer, hauling general freight in ''the lower 48.'' She has also logged the last 13 summers in-State pulling belly-dump trailers on road construction projects, winning numerous safety and industry awards, including Montana Motor Carriers 2002–03 Driver of the Year. Although her job keeps her on the road, she and John have raised two children. Danielle is now a nurse in Big Sandy, MT, and J.J., who shares Doris' love of the road, is a truck driver as well.

Doris has been named American Trucking Association's first woman, and first Montanan, National Driver of the Year for 2003. Doris will be honored at American Trucking Association's 2003 Safety and Loss Prevention Management Council's Fall Conference in Jacksonville, FL tomorrow, and again at the American Trucking Association Management Conference and Exhibition in San Antonio, TX on October 20. I applaud Doris for her continued

commitment to safe driving, and hope that she will keep up the good work.●

IN CELEBRATION OF PHILLIP C. SHOWELL ELEMENTARY SCHOOL

● Mr. CARPER. Mr. President, I rise today to celebrate the selection of Phillip C. Showell Elementary School as a No Child Left Behind-Blue Ribbon Schools Award recipient. This prestigious honor is awarded to schools that meet one of two criteria. The nominated school must have at least 40 percent of their student population from disadvantaged backgrounds and have each segment—including whites, blacks, Hispanics, low-income and special education students—show scholastic improvement, or the school must score in the top 10 percent on State assessment tests in reading, writing, math, social studies and the sciences. Phillip C. Showell Elementary School was successful in meeting both of these criteria. Not only did each segment show adequate yearly progress, but the scores of students from Phillip C. Showell's have shown steady improvement on State assessment tests over the past several years. This is a remarkable honor for Phillip C. Showell Elementary School, attesting to the many achievements and the commitment this school, as well as the First State, has for educating our youth.

Located in the small town of Selbyville, DE, Phillip C. Showell Elementary School is home to many low-income and disadvantaged students. Approximately 47 percent of Phillip C. Showell Elementary School students come from a disadvantaged socio-economic background. Many students come to the school with English as a second language. To many teachers and faculty, these factors can be extremely frustrating. However, the dedicated staff at Phillip C. Showell Elementary School prides themselves on their commitment to successfully educating and impacting the lives of these underprivileged children.

Known as ''The little school that's big on learning,'' Phillip C. Showell Elementary School provides an environment that allows its faculty to work closely with students. As one of the smallest elementary schools in the State, Phillip C. Showell Elementary is described as a close-knit family. The welcoming atmosphere makes students feel accepted and special.

As a title 1 school, Phillip C. Showell Elementary is able to receive funding and resources which allow them to provide for students. A teacher who specializes in writing and reading provides Early Success and Soar to Success programs for additional support to students. There are after school opportunities for identified students who can benefit from extra reading and math help. In addition, a reading specialist coordinates with other faculty members to identify kindergarten and new students who are in need of extended kindergarten. This extra half-day of learning provides language, arts and reading skills that will be essential to these students throughout their academic career. These programs were created to identify and assist students in need of extra help. The committed faculty, staff, and administrators offer students the chance to fulfill their potential. These children are inspired not only to reach their potential, but to strive for excellence.

Delaware is a small State, but we are building a growing record of achievement in public school education. The students at Phillip C. Showell Elementary School set the standard for elementary school students across the country. They truly are an inspiration to other schools and communities throughout the Nation.●

TRIBUTE TO COMMANDER ELIZABETH MCDONALD MOORING

● Mr. LAUTENBERG. Mr. President, I rise today to recognize a great American and a true military heroine who has honorably served our country for over 22 years in the U.S. Navy Nurse Corps: Commander Elizabeth McDonald Mooring. She was born in Rahway, NJ, and grew up in Bridgewater, NJ. CDR Mooring began her military career as a staff nurse at National Naval Medical Center, Bethesda, MD. She quickly rose through the ranks and served at naval bases throughout the world, including Naval Hospital Newport, RI; Naval Hospital Okinawa, Japan; Branch Medical Clinic, Sewells Point, Norfolk, VA; and varied assignments at the Naval Medical Center Portsmouth, VA. Following in her father's footsteps, Seaman Eugene Bernard McDonald, CDR Mooring and her sister, Patricia, joined the Navy Nurse Corps, while her brother Sean joined the Seabees in the Naval Reserve.

CDR Mooring adeptly served as the medical officer recruiter at the Commander Naval Reserve Force, Philadelphia, PA. For 2 years she consistently achieved her medical recruiting goal for the States of New Jersey and Pennsylvania. For 2 years CDR Mooring served in the Naval Reserve and drilled at Naval Air Station, Willow Grove, NJ. She was one of the first women to serve aboard the USS *John F. Kennedy*, CV–67, and provided medical support during the rededication of the Statue of Liberty. Because of her clinical excellence and professionalism she was assigned to the presidential support team for President Ronald Reagan.

It is only fitting that for her final assignment, she came home to New Jersey. CDR Mooring served as the Officer in Charge of the Branch Medical Clinic at Naval Air Engineering Station Lakehurst, NJ, and Assistant Officer in Charge at the Branch Medical Clinic, Naval Weapons Station Earle, Colts Neck, NJ. She was integral to the critical medical support mission of the Naval Weapons Station during Operation Enduring Freedom and Operation Iraqi Freedom. During Operation Iraqi Freedom, 83 percent of all weapons used, were loaded from the Naval Weapons Station Earle, NJ.

In each assignment, CDR Mooring excelled and met every challenge, and was rewarded with greater responsibilities and opportunities. She is an experienced leader, administrator, clinician, educator, and mentor. Throughout her career she has been instrumental in providing navy medicine with the fine cadre of navy nurses, physicians, Medical Service Corps officers and hospital corpsmen serving today.

Above all, she is a stellar officer and leader who always put the welfare of her staff and patients first. CDR Mooring always went the extra mile to serve her country and her fellow man. Her performance reflects greatly on herself, the U.S. Navy, the Department of Defense, and the United States of America. I extend my deepest appreciation to Commander Elizabeth McDonald Mooring, on behalf of the United States, for her over 22 years of dedicated military service. Congratulations CDR Mooring and let me be one of the first to welcome you home to the State of New Jersey.●

TRIBUTE TO LIEUTENANT COLONEL TIMOTHY W. COY

● Mr. ALLARD. Mr. President, on the occasion of his retirement from the U.S. Air Force, I wish to recognize LTC Timothy W. Coy for his 27 years of dedicated service to our country. In his most recent assignment he served as the Chief, Congressional Inquiry Branch, Congressional Inquiry Division, Secretary of the Air Force Office of Legislative Liaison, where he served as liaison between the Air Force and Congress on their constituent issues.

Lieutenant Colonel Coy was born in 1958 at Bolling AFB, Washington, DC. He graduated from Tabb High School in Yorktown, VA, in 1976. He holds a masters degree in public administration from the University of Wyoming, a bachelor of arts degree from Saint Leo College, and a certificate in legislative studies from Georgetown University. He is also a graduate of Air Command and Staff College, the Armed Forces Staff College, Squadron Officers School, Noncommissioned Officer Leadership School, and the Air Force Legislative Fellowship program.

In August 1976, Lieutenant Colonel Coy enlisted in the Air Force and completed basic training at Lackland AFB, TX, in September 1976, and performed duties as an administrative specialist. During his 7-year enlisted tour, he attained the rank of technical sergeant, and was assigned to headquarters, Tactical Air Command, TAC, where he held positions in the TAC Directorate of Administration and the TAC Command Section. In 1981, he was selected as one of the first members of the 4450th Tactical Group, Nellis, AFB, NV, the unit responsible for the operation of the ten-top secret F–117A ''Stealth Fighter.''

In 1982, following a short stint as noncommissioned officer in charge, NCOIC, of the Tactical Fighter Weapons Center, TFWC Command Section, then-Staff Sergeant Coy was selected for assignment to the USAF ''Thunderbirds'' Aerial Demonstration Team, where he performed duties as NCOIC of Thunderbird administration. After attaining the rank of technical sergeant in 6 years, he received his commission through Officers Training School (OTS) in 1984.

Following OTS graduation, Lieutenant Colonel Coy completed Minuteman III training at Vandenberg AFB, CA, as a ''Top Performer,'' and was assigned to the 320th Strategic Missile Squadron at F.E. Warren, AFB, WY. He performed duties as a standardization and evaluation missileer, and following his upgrade to crew commander, was selected to become the aide-de-camp for then BG Arlen D. Jameson, commander of the 4th Air Division. This job took him back to Vandenberg AFB as aide-de-camp and executive officer for Maj. General Jameson at the 1st Aerospace Division. In January 1990, he was selected as one of Strategic Air Command's top missileers for assignments to the TOP HAND Program. Lieutenant Colonel Coy served as launch director and test manager, and was involved in 20 Minuteman III and Peacekeeper test launches.

In June 1992, he was selected as part of the initial cadre of personnel in the newly established Headquarters Air Combat Command at Langley AFB, VA, where he served in the deputy chief of staff, Plans and Programs as chief of the ICBM Plans Section. When the ICBM mission moved to Colorado Springs, CO, at the Air Force Space Command in June 1993, Lieutenant Colonel Coy became the force applications mission area planner for the Directorate of Plans. In June 1966, he moved to the 21st Space Wing Plans Office where he became the chief of the Future Systems Branch. His office was responsible for SBIRS planning, the Clear Radar Upgrade, and conducted planning in support of National Missile Defense and other programs totaling over $14 billion.

He was then selected for assignment to the Joint Staff J–3 Defense Space Operations Division, DSOD, in December 1997. Lieutenant Colonel Coy assumed his duties in the Theater Missile and Air Defense branch, which included the National Missile Defense program, and participated in development of a common operating picture for the warfighter. He was also a qualified space surveillance officer in the National Military Command Center.

In 1998, Lieutenant Colonel Coy was selected as one of nine Air Force legislative fellows, and served as my Air Force fellow in my Washington, DC office. He worked defense issues, specifically space issues. His insight and knowledge was invaluable as a new member of the Senate Armed Services Committee.

In November 1999, he returned to the Pentagon as the chief of legislative affairs for the United States Joint Forces Command, where he advocated JFCOM programs on Capitol Hill. In July 2001, Lieutenant Colonel Coy was given the additional responsibilities as the director of the Washington Liaison Office, and U.S. liaison officer to the Supreme Allied Commander, Atlantic. On November 1, 2002, he assumed his current position as the chief of the Congressional Inquiry Branch.

A master space and missile operator, Lieutenant Colonel Coy's decorations include the Defense Meritorious Service Medal, five Meritorious Service Medals, the Air Force Achievement Medal with two oak leaf clusters, the Joint Service Commendation Medal, and the Air Force Commendation Medal with four oak leaf clusters. Additionally, he was awarded the Colorado Meritorious Service Medal by the Adjutant General, Colorado National Guard.

Tim was married for 20 years to the late Barbara L. Suiter and has two children; Brian, a sophomore at James Madison University in Harrisonburg, VA, and Laura, a senior at Woodbridge Senior High School. He has proven himself to be a top officer, loving husband, and a caring father. I am very proud to call Tim ''one of my own'' and wish him the best as he moves on to his next journey.●

PAUL STACKE

● Mr. COLEMAN. Mr. President, I would like to take a moment to recognize Paul Stacke, a widely respected figure of Minnesota radio who is retiring today after 48 years in the business.

Paul began his broadcasting career in 1955. Since that time, he has worked at radio stations in cities throughout Minnesota, including Albany, Morris, Duluth, and St. Cloud, where he was a member of the award-winning news staff of AM 1240 WJON.

While he has had a few different responsibilities over the years, Paul's most notable contribution was at WJON as the station's political reporter. In this position, Paul brought the latest to his listeners by covering the senators, governors, and State and local leaders in Minnesota politics and asking them the tough questions people wanted answered.

Paul also brought national politics back home through interviews with political figures who serve the people here in Washington, from a speaker of the House to a President of the United States.

There are many people in the media who have the skills to take themselves to a successful career. Paul is qualified in this way, but he is also more. Besides being a professional, Paul is genuine.

Bringing this quality into an interview is what makes him a one-and-only. In doing so, he compels the people he is interviewing to show the same side of themselves.

In interviews with political leaders, the result is that his listeners got to hear the ''real'' person who represents them.

This is why Paul is a respected man in Minnesota, and why his contribution to Minnesota radio will be missed. The entire State of Minnesota—especially the St. Cloud area—was fortunate to have him on the air.

Unfortunately, our work here in the Senate keeps me from attending his retirement party this evening back in St. Cloud, MN. But if I were in attendance there tonight—among Paul, his wife Carol, and his family, friends, and colleagues—I would thank him for his inestimable contribution to keeping me and so many other Minnesotans informed.●

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a nomination which was referred to the Committee on the Judiciary.

(The nomination received today is printed at the end of the Senate proceedings.)

MEASURES REFERRED—September 29, 2003

The following bill was reported from Committee and referred as follows:

S. 150. A bill to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act.

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–4412. A communication from the Attorney, Research and Special Programs Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Hazardous Materials Regulations: Penalty Guidelines and Other Procedural Regulations'' (RIN2137–AD71) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4413. A communication from the Attorney, Research and Special Programs Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Hazardous Materials: Approval Program for Certain Persons Performing Visual Requalifications of DOT Specification Cylinders; Extension of Compliance Date'' (RIN2137–AD86) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4414. A communication from the Attorney, Research and Special Programs Administration, Department of Transportation,

transmitting, pursuant to law, the report of a rule entitled ''Hazardous Materials: Matter Incorporated by Reference'' (RIN2137–AD83) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4415. A communication from the Chief of Staff, Consumer and Governmental Affairs Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''In the Matter of Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991'' (CG Doc. No. 02–278) received on September 29, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4416. A communication from the Attorney, Research and Special Programs Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Pipeline Safety: Further Regulatory Review Gas Pipeline Safety Standards'' (RIN2137–AD01) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4417. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Improved Flammability Standards for Thermal/Acoustic Insulation Materials Used in Transport Category Airplanes; Doc. No. FAA–200–7909'' (RIN2120–AG91) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4418. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Airbus Model A300 B2 and B4, B4–600, B4–600R, F4–600R; A130, 319, 320, 321, 330; and A340 Series Airplanes; Equipped with PPG Aerospace Windshields, Doc. No. 2002–N–50'' (RIN2120–AA64) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4419. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: McDonnell Douglas Model MD 11 and MD 11F Airplanes; Doc. No. 2002–NM–74'' (RIN2120–AA64) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4420. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Special Air Traffic Rules in the Vicinity of Los Angeles International Airport; Doc. No. FAA–2002–14149'' (RIN2120–AH92) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4421. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revised Requirement for Material Strength Properties and Design Values for Transport Airlines; Doc. No. FAA–2002–11345'' (RIN2120–AH36) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4422. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Reports by Carriers on Incidents Involving Animals During Air Transport; Doc. No. FAA–2002–13378'' (RIN2120–AH69) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4423. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Disposition of Comments to Final Rules: Noise Certification Standards for Subsonic Jet and Subsonic Transport Category Large Airplanes; Transition to an All Stage 3 Fleet Operating in the 48 Contiguous United States and the District of Columbia'' (RIN2120–AI01) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4424. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Robert E Rust Models Dehavilland DH C1 Chipmunk 21, 22, and 22A Airplanes; Doc. No. 2000–CE–64'' (RIN2120–AA64) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4425. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airspace Actions Revision of Federal Airways V–13 and V–07; Harlingen, TX'' (RIN2120–AA66) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4426. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (26) Amendment No. 3070'' (RIN2120–AA65) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4427. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (43) Amendment No. 3069'' (RIN2120–AA65) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4428. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (77) Amendment No. 3071'' (RIN2120–AA65) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4429. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (12) Amendment No. 3072'' (RIN2120–AA65) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4430. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (124) Amendment No. 3073'' (RIN2120–AA65) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4431. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: General Dynamics (Corvair) Model P4Y–2 Airplanes, General Dynamics (Consolidated-Vultee) (Army) Model LB–30 Airplanes, and General Dynamics (Consolidated) (Army) Model C–87A Airplanes'' (RIN2120–AA64) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4432. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Schempp-Hirth Flugzeugbau GmbH Model Duo-Discus Gliders'' (RIN2120–AA64) received on September 25, 2003 ; to the Committee on Commerce, Science, and Transportation.

EC–4433. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Empresa Brasileira de Aeronautica S.A. (EMBRARER) Model EMB–135 and 145 Series Airplanes Doc. No. 2002–NE–88'' (RIN2120–AA64) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4434. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Rolls Royce plc Trent 768–60, Trent 772B–60 Turbofan Engines Doc. No. 2003–NE–29'' (RIN2120–AA64) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4435. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 747–400 Series Airplanes Equipped with General Electric Model CF6 Series Engines Doc. No. 2002–NM–128'' (RIN2120–AA64) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4436. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Rolls Royce plc. RB211–535 Turbofan Engines Doc. No. 2002–NE–16'' (RIN2120–AA64) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4437. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Eurocopter France Model SE3160, SA316B, SA315B, SA316C, and SA319B Helicopters Doc. No. 2003–SW34'' (RIN2120–AA64) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4438. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Window Rock, AZ Final Rule; Confirmation of Effective Date; Doc. No. 03–AWP–9'' (RIN2120–AA66) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4439. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Wichita ModContinent Airport, KS, Correction Doc. No. 03–ACE–52 ''(RIN2120–AA66) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4440. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation,

transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Piaggio Aero Industries S.p.A. Model P180 Airplanes Doc. No. 2003–CE–30'' (RIN2120–AA66) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4441. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Short Brothers and Harland Ltd. Models SC–7 Series 2 and SC–7 Series Airplanes Doc. No. 2000–CE–17'' (RIN2120–AA66) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4442. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Rolls Royce RB211 Series Turbofan Engines Correction Doc. No. 2003–NE–13'' (RIN2120–AA66) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4443. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: MD Helicopters, Inc. Model 369A, D, E, H, HE, HM, HS, F, and FF Helicopters; Correction Doc. No. 2003–SW–17'' (RIN2120–AA64) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4444. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Pratt and Whitney JT8D–200 Series Turbofan Engines Doc. No. 2002–NE–41'' (RIN2120–AA64) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4445. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Eurocopter France Model EC 155B, SA–365N, and N1, AS–365N2, and AS 365N3 Helicopters Doc. No. 2002–SW–53'' (RIN2120–AA64) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4446. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Wytwornia Sprzetu Komunikacyjnego (WSK) PZL–10W Turboshaft Engines Doc. No. 2003–NE–90'' (RIN2120–AA64) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4447. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Learjet Model 45 Airplanes Doc. No. 2003–NM–141'' (RIN2120–AA64) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4448. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Learjet 45 Model Airplanes Doc. No. 2003–NM–142'' (RIN2120–AA64) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4449. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: McCauley Propetter Systems, Inc. Propeller Hum Models B5JFR36C1101, C5JFR36C1102, B5JFR36C1103, and C5JFR36C1104 Doc. No. 2003–NE–32'' (RIN2120–AA64) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4450. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Rolls Royce Deutschland Ltd & Co KG Dart 528, 529, 529D, 531, 532, 535, 542, and 552 Series Turboprop Engines Doc. No. 2003–NE–10'' (RIN2120–AA64) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4451. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: MD Helicopters, Inc., Model 600 N Helicopters Doc. No. 2003–SW–04'' (RIN2120–AA64) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4452. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Corning, IA Doc. No. 03–ACE–69'' (RIN2120–AA66) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4453. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Clarion, IA Doc. No. 03–ACE–68'' (RIN2120–AA66) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4454. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Chariton, IA Doc. No. 03–ACE–67'' (RIN2120–AA66) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4455. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Closure; Prohibiting Directed Fishing for Pollock in Statistical Area 610 of the Gulf of Alaska'' received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4456. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Retention Limit Adjustment'' (ID082203D) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4457. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Final Rule to Implement the Partial Approval of Amendment 75 to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area'' (RIN0648–AQ78) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4458. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Inseason Adjustment Opening B Season for Atka Mackerel with Gears Other Than Jig'' received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4459. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Reallocation of Projected Unused Amounts of Bering Sea Subarea Pollock from the Incidental Catch Account to the Directed Fisheries'' received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4460. A communication from the Deputy Assistant Administrator for Operations, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Correction to Figure 6 to Part 679; Changes in Length Overall of a Vessel at Section 679.2'' received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4461. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Notification of Atka Mackerel Assignments for the 2003 B Season Atka Mackerel Fishery in HLA 542 and/or 543; BSAI'' received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4462. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Closure; Prohibiting Directed Fishing for Pollock in Statistical Area 630 of the Gulf of Alaska'' received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4463. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States and in the Western Pacific; Coastal Pelagic Species Fishery; Regulatory Amendment; Pacific Sardine Fishery'' (RIN0648–AP88) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4464. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Closure; prohibiting directed fishing for Pacific cod by vessels catching Pacific cod for processing by the inshore component in the Central Regulatory Area of the Gulf of Alaska'' received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4465. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Closure; Prohibiting Directed Fishing for Pollock in Statistical Area 620 of the Gulf of Alaska'' received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4466. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Closure of Directed Fishing for Non-Community Development Quota Pollock with Trawl Gear in the Chinook Salmon Savings Area of the Bering Sea and Aleutian Islands Management Area'' received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4467. A communication from the Acting Division Chief, Office of Protected Resources, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan Regulations'' (RIN0648–AN88) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4468. A communication from the Acting Division Chief, Office of Protected Resources, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan Regulations'' (RIN0648–AN40) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4469. A communication from the Acting Division Chief, Office of Protected Resources, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan Regulations'' (RIN0648–AP68) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4470. A communication from the Acting Division Chief, Office of Protected Resources, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan Regulations'' (RIN0648–AN88) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4471. A communication from the Acting Division Chief, Office of Protected Resources, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan Regulations'' received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4472. A communication from the Acting Division Chief, Office of Protected Resources, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan Regulations'' received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4474. A communication from the General Counsel, Office of the General Counsel, Consumer Product Safety Commission, transmitting, pursuant to law, the report of a rule entitled ''Confirmation of Effective Dates of Rules Declaring Metal-Cored Candlesticks Containing Lead and Candles With Such Wicks to be Hazardous Substances and Banning Them'' (FR Doc. 03–16243) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4475. A communication from the Secretary of the Commission, Bureau of Consumer Protection, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled ''Rule Concerning Disclosures Regarding Energy Consumption and Water Use of Certain Home Appliances and Other Products Required Under the Energy Policy and Conservation Act (''Appliance Labeling Rule'')'' (RIN3084–AA74) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4476. A communication from the Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Roadway Maintenance Machine Safety'' (RIN2130–AB28) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4477. A communication from the Attorney, Research and Special Programs Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Pipeline Safety: Recommendations to Change the Hazardous Liquid Pipeline Safety Standards'' (RIN2137–AD10) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4478. A communication from the Director of Industry Programs, Office of Policy, International Trade Administration, transmitting, pursuant to law, the report of a rule entitled ''Steel Import Licensing and Surge Monitoring'' (RIN0625–AA60) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4479. A communication from the Deputy Director, Office of Protected Resources, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Taking and Importing Marine Mammals; Taking of Marine Mammals Incidental to Power Plant Operations'' (RIN0648–AQ54) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4480. A communication from the Deputy Director, Office of Protected Resources, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Taking and Importing Marine Mammals; Taking of Marine Mammals Incidental to Missile Launch Operations from San Nicolas Island, CA'' (RIN0648–AQ61) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4481. A communication from the Acting Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Industry and Security Programs'' (RIN0694–xx21) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4482. A communication from the Office of Protected Resources, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife: Sea Turtle Conservation Requirements'' (RIN0648–AR34) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4483. A communication from the Patent Counsel, Office of General Counsel, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Licensing of Government Owned Inventions'' (RIN0692–AA17) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4484. A communication from the Secretary of the Commission, Bureau of Consumer Protection, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled ''16 CFR Part 305—Rule Concerning Disclosures Regarding Energy Consumption, . . . etc. (''Appliance Labeling Rule'')—(Dishwasher and Central Air Conditioner Ranges, 2003)'' (RIN3084–AA74) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SHELBY, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. 1680. An original bill to reauthorize the Defense Production Act of 1950, and for other purposes (Rept. No. 108–156).

By Mr. GRASSLEY, from the Committee on Finance, with an amendment in the nature of a substitute:

S. 622. A bill to amend title XIX of the Social Security Act to provide families of disabled children with the opportunity to purchase coverage under the medicaid program for such children, and for other purposes (Rept. No. 108–157).

By Mr. STEVENS, from the Committee on Appropriations, without amendment:

S. 1689. An original bill making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes.

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. BENNETT:

S. 1678. A bill to provide for the establishment of the Uintah Research and Curatorial Center for Dinosaur National Monument in the States of Colorado and Utah, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BUNNING:

S. 1679. A bill to amend the Internal Revenue Code of 1986 to reduce the depreciation recovery period for roof systems; to the Committee on Finance.

By Mr. SHELBY:

S. 1680. An original bill to reauthorize the Defense Production Act of 1950, and for other purposes; from the Committee on Banking, Housing, and Urban Affairs; considered and passed.

By Mr. BUNNING:

S. 1681. A bill to exempt the natural aging process in the determination of the production period for distilled spirits under section 263A of the Internal Revenue Code of 1986; to the Committee on Finance.

By Mr. ROCKEFELLER:

S. 1682. A bill to provide for a test census of Americans residing abroad, and to require that such individuals be included in the 2010 decennial census; to the Committee on Governmental Affairs.

By Mr. VOINOVICH:

S. 1683. A bill to provide for a report on the parity of pay and benefits among Federal law enforcement officers and to establish an exchange program between Federal law enforcement employees and State and local law enforcement employees; to the Committee on Governmental Affairs.

By Ms. LANDRIEU (for herself, Mrs. MURRAY, and Mr. CORZINE):

S. 1684. A bill to amend the Public Health Service Act and Employee Retirement Income Security Act of 1974 to require that group and individual health insurance coverage and group health plans provide coverage for a minimum hospital stay for mastectomies and lymph node dissections performed for the treatment of breast cancer; to the Committee on Health, Education, Labor, and Pensions.

By Mr. GRASSLEY:

S. 1685. A bill to extend and expand the basic pilot program for employment eligibility verification, and for other purposes; to the Committee on the Judiciary.

By Mr. GRASSLEY (for himself, Ms. LANDRIEU, Mr. BUNNING, Mr. ROCKEFELLER, Mr. CRAIG, Mr. BAUCUS, Mr.

DEWINE, Mr. LEVIN, Mr. INHOFE, Mr. NELSON of Nebraska, Mrs. LINCOLN, Mrs. CLINTON, and Mr. JEFFORDS):

S. 1686. A bill to reauthorize the adoption incentive payments program under part E of title IV of the Social Security Act, and for other purposes; to the Committee on Finance.

By Mr. BINGAMAN (for himself, Ms. CANTWELL, and Mrs. MURRAY):

S. 1687. A bill to direct the Secretary of the Interior to conduct a study on the preservation and interpretation of the historic sites of the Manhattan Project for potential inclusion in the National Park System; to the Committee on Energy and Natural Resources.

By Mr. ROCKEFELLER:

S. 1688. A bill to amend the Internal Revenue Code of 1986 to repeal the exclusion for extraterritorial income and provide for a deduction relating to income attributable to United States production activities, and for other purposes; to the Committee on Finance.

By Mr. STEVENS:

S. 1689. An original bill making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; from the Committee on Appropriations; placed on the calendar.

ADDITIONAL COSPONSORS

S. 333

At the request of Mr. BREAUX, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 333, a bill to promote elder justice, and for other purposes.

S. 623

At the request of Mr. WARNER, the name of the Senator from Minnesota (Mr. COLEMAN) 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. 875

At the request of Mr. KERRY, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 875, a bill to amend the Internal Revenue Code of 1986 to allow an income tax credit for the provision of homeownership and community development, and for other purposes.

S. 976

At the request of Mr. WARNER, the names of the Senator from Oklahoma (Mr. NICKLES) and the Senator from New Mexico (Mr. DOMENICI) were added as cosponsors of S. 976, a bill to provide for the issuance of a coin to commemorate the 400th anniversary of the Jamestown settlement.

S. 985

At the request of Mr. DODD, the name of the Senator from Georgia (Mr. MILLER) 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. 1034

At the request of Mrs. FEINSTEIN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1034, a bill to repeal the sunset date on the assault weapons ban, to ban the importation of large capacity ammunition feeding devices, and for other purposes.

S. 1035

At the request of Mr. CORZINE, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1035, a bill to amend title 10, United States Code, to reduce the age for receipt of military retired pay for nonregular service from 60 to 55.

S. 1082

At the request of Mr. BROWNBACK, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1082, a bill to provide support for democracy in Iran.

S. 1200

At the request of Ms. CANTWELL, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1200, a bill to provide lasting protection for inventoried roadless areas within the National Forest System.

S. 1246

At the request of Mr. ROBERTS, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Indiana (Mr. BAYH) were added as cosponsors of S. 1246, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 1531

At the request of Mr. HATCH, the names of the Senator from Indiana (Mr. LUGAR), the Senator from Montana (Mr. BURNS) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. 1531, a bill to require the Secretary of the Treasury to mint coins in commemoration of Chief Justice John Marshall.

S. 1548

At the request of Mr. GRASSLEY, the names of the Senator from Idaho (Mr. CRAIG) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 1548, a bill to amend the Internal Revenue Code of 1986 to provide incentives for the production of renewable fuels and to simplify the administration of the Highway Trust Fund fuel excise taxes, and for other purposes.

S. 1549

At the request of Mrs. DOLE, the names of the Senator from South Dakota (Mr. DASCHLE) and the Senator from Indiana (Mr. LUGAR) were added as cosponsors of S. 1549, a bill to amend the Richard B. Russell National School Lunch Act to phase out reduced price lunches and breakfasts by phasing in an increase in the income eligibility guidelines for free lunches and breakfasts.

S. 1558

At the request of Mr. ALLARD, the names of the Senator from Oklahoma (Mr. INHOFE), the Senator from Mississippi (Mr . COCHRAN) and the Senator from Mississippi (Mr. LOTT) were added as cosponsors of S. 1558, a bill to restore religious freedoms.

S. 1562

At the request of Mr. CRAIG, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 1562, a bill to amend selected statutes to clarify existing Federal law as to the treatment of students privately educated at home under state law.

S. 1622

At the request of Mr. GRAHAM of Florida, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1622, a bill to amend title 10, United States Code, to exempt certain members of the Armed Forces from the requirement to pay subsistence charges while hospitalized.

S. 1637

At the request of Mr. GRASSLEY, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1637, a bill to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes.

S. 1638

At the request of Mr. GRASSLEY, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1638, a bill to amend title II of the Higher Education Act of 1965 to increase teacher familiarity with the educational needs of gifted and talented students, and for other purposes.

S. 1660

At the request of Mr. CAMPBELL, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1660, a bill to improve water quality on abandoned and inactive mine land, and for other purposes.

S. 1664

At the request of Mr. HARKIN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1664, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to provide for the enhanced review of covered pesticide products, to authorize fees for certain pesticide products, and to extend and improve the collection of maintenance fees.

S. 1670

At the request of Mr. DAYTON, the names of the Senator from Florida (Mr. NELSON) and the Senator from New Jersey (Mr. CORZINE) were added as cosponsors of S. 1670, a bill to expand the Rest and Recuperation Leave program for members of the Armed Forces serving in the Iraqi theater of operations in support of Operation Iraqi Freedom to include travel and transportation to the members' permanent station or home.

S. CON. RES. 56

At the request of Mr. CORZINE, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. Con. Res. 56, a concurrent resolution expressing the sense of the

Congress that a commemorative postage stamp should be issued honoring Gunnery Sergeant John Basilone, a great American hero.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BENNETT:

S. 1678. A bill to provide for the establishment of the Uintah Research and Curatorial Center for Dinosaur National Monument in the States of Colorado and Utah, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BENNETT. Mr. President, I rise to introduce the Uintah Research and Curatorial Center Act. This bill would authorize the National Park Service, NPS, to construct a research and curatorial facility for Dinosaur National Monument and its partner, the Utah Field House of Natural History Museum (Museum), in Vernal, UT. The facility would be co-located with the Museum while helping to preserve, protect, and exhibit the vast treasures of one of the most productive sites of dinosaur bones in the world.

Since the first discovery of Jurassic era bones by the paleontologist Earl Douglass in 1909, and the subsequent proclamation as a national monument in 1915 by President Woodrow Wilson, the Dinosaur National Monument has been a haven for both amateur and expert dinosaur enthusiasts. At present, Dinosaur National Monument has more than 600,000 items in its museum collection. Unfortunately, these items are currently stored in 17 different facilities throughout the park. Many of these resources are at risk due to the failure of the scattered facilities to meet minimum National Park Service storage standards. A new research and curatorial facility is greatly needed to bring the park's collections up to standard and to ensure its protection.

The curatorial facility will also fill a critical role as a collection center for the park and partners' fossil, archaeological, natural resource operations and collections, and park archives. Moreover, in these days of limited budgets, the decision to co-locate this facility with the State's museum will also save taxpayer dollars. The State of Utah is nearing completion of their new Field House Museum at a cost to the State of $6.5 million dollars. Because of the co-location, NPS staff, visiting scholars, interns and volunteers would have access to the State museum's space for exhibit, classroom, conferencing, education, restrooms, public access, parking, and other needs not included in the curatorial facility.

The 22,500 square foot facility will be built outside the boundaries of the park on land donated to the Park Service by the City of Vernal and Uintah County. The legislation will also permit the Park Service to accept the donation of the land, valued at approximately $1.5 million dollars. The Park Service estimates the total cost of adding the research and curatorial center to be $8.7 million dollars.

Other Federal agencies, such as the Bureau of Land Management and the Forest Service, who are also in need of collections storage, have become minor partners and would utilize a small portion of the storage facility. An additional partner in the project, the Intermountain Natural History Association, has agreed to fund and carry out the soil and environmental testing necessary to permit the Park Service to accept the donation.

It is imperative that we care for these paleontological resources and ensure their availability to future generations, both for scientific study and the enjoyment of the public. This legislation is a proactive approach to accomplishing those objectives and is an excellent example of a cost effective partnership between the National Park Service, the State of Utah Department of Natural Resources, the City of Vernal, and Uintah County of which this Congress ought to applaud and support.

By Mr. BUNNING:

S. 1679. A bill to amend the Internal Revenue Code of 1986 to reduce the depreciation recovery period for roof systems; to the Committee on Finance.

Mr. BUNNING. Mr. President, I rise today to introduce the Realistic Roofing Tax Treatment Act of 2003 which would amend the Internal Revenue Code to provide a more realistic depreciation schedule for commercial roofs.

In 1981, Congress eliminated component depreciation and put into place a general depreciation period of 15 years for all building components. In 1993, the recovery period for nonresidential property was extended to 39 years in order to raise revenue. The current 39-year depreciation period is not a realistic measure of the average life span of a commercial roof. It is a disincentive for building owners to replace nonperforming roofs, because replacing failing roofs more frequently than 39 years means carrying the burden of roofs that no longer exist on the books.

A study by Ducker Worldwide, a leading industrial research firm, found the current aggregate commercial roof life span is 17.45 years. Ducker estimates that a shortened depreciation schedule will stimulate economic activity and generate 30,000 new jobs in a two-year period. I am particularly concerned that we help America's manufacturers and this legislation will provide them immediate tax relief. It will also provide relief to America's small businesses, which find it more difficult to absorb the impact of capital improvement expenditures than larger entities.

Congressman FOLEY will shortly be introducing similar legislation in the House of Representatives. I am pleased that this proposal has the support of the United Union of Roofers, Waterproofers and Allied Workers, and I urge my colleagues to support this important piece of legislation when it comes before the Senate.

By Mr. BUNNING.

S. 1681. A bill to exempt the natural aging process in the determination of the production period for distilled spirits under section 263A of the Internal Revenue Code of 1986; to the Committee on Finance.

Mr. BUNNING. Mr. President, today, I am pleased to introduce a bill that will address an issue of inequity in the U.S. Tax Code. Current tax law requires that certain production expenses of a product for sale by a manufacturer be capitalized into the inventory cost of that product. One such expense is the allocable portion of interest expenses that are attributable to equipment used in that production. However, this capitalization requirement only applies when the product being produced has a production period in excess of 2 years.

The bill I am introducing today will clarify that, for the production of distilled spirits, the production period for purposes of this capitalization rule includes only the distilling of the liquor—it does not include time that the liquors are naturally aged following the distillation.

This is an important clarification to insure that distilled spirits that are aged for long periods of time—in some cases many years—do not face adverse tax consequences merely due to this aging process. The clarification of this inequity will aid many small distilleries located in the United States by not forcing them to carry additional inventory costs over long periods of time.

I urge my colleagues to support this important legislation.

By Mr. ROCKEFELLER:

S. 1682. A bill to provide for a test census of Americans residing abroad, and to require that such individuals be included in the 2010 decennial census; to the Committee on Governmental Affairs.

Mr. ROCKEFELLER. Mr. President, today I want to introduce legislation to direct the Census Bureau to develop a test census of Americans living abroad in 2004. The long-term goal is to develop methods to include Americans living overseas in our next decennial census in 2010.

There are approximately 3 million to 6 million private American citizens living and working overseas, and many of them continue to vote and pay taxes in the United States. These citizens help increase exports of American goods, because they traditionally buy American, sell American,and create business opportunities for American companies and workers. Their role in strengthening the U.S. economy, creating jobs in the United States, and extending U.S. influence around the globe is vital to the well-being of our Nation.

I believe that Americans abroad deserve to be counted, and to achieve this goal we must begin with a test census next year.

For many years, I have been proud to work on policies to ensure that Americans living abroad are treated fairly.

By Mr. VOINOVICH:

S. 1683. A bill to provide for a report on the parity of pay and benefits among Federal law enforcement officers and to establish an exchange program between Federal law enforcement employees and State and local law enforcement employees; to the Committee on Governmental Affairs

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1683

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Federal Law Enforcement Pay and Benefits Parity Act of 2003''.

SEC. 2. LAW ENFORCEMENT PAY AND BENEFITS PARITY REPORT.

(a) DEFINITION.—In this section, the term ''law enforcement officer'' means an individual—

(1)(A) who is a law enforcement officer defined under section 8331 or 8401 of title 5, United States Code; or

(B) the duties of whose position include the investigation, apprehension, or detention of individuals suspected or convicted of offenses against the criminal laws of the United States; and

(2) who is employed by the Federal Government.

(b) REPORT.—Not later than April 30, 2004, the Office of Personnel Management shall submit a report to the President of the Senate and the Speaker of the House of Representatives and the appropriate committees and subcommittees of Congress that includes—

(1) a comparison of classifications, pay, and benefits among law enforcement officers across the Federal Government; and

(2) recommendations for ensuring, to the maximum extent practicable, the elimination of disparities in classifications, pay and benefits for law enforcement officers throughout the Federal Government.

SEC. 3. EMPLOYEE EXCHANGE PROGRAM BETWEEN FEDERAL EMPLOYEES AND EMPLOYEES OF STATE AND LOCAL GOVERNMENTS.

(a) DEFINITIONS.—In this section—

(1) the term ''employing agency'' means the Federal, State, or local government agency with which the participating employee was employed before an assignment under the Program;

(2) the term ''participating employee'' means an employee who is participating in the Program; and

(3) the term ''Program'' means the employee exchange program established under subsection (b).

(b) ESTABLISHMENT.—The President shall establish an employee exchange program between Federal agencies that perform law enforcement functions and agencies of State and local governments that perform law enforcement functions.

(c) CONDUCT OF PROGRAM.—The Program shall be conducted in accordance with subchapter VI of chapter 33 of title 5, United States Code.

(d) QUALIFICATIONS.—An employee of an employing agency who performs law enforcement functions may be selected to participate in the Program if the employee—

(1) has been employed by that employing agency for a period of more than 3 years;

(2) has had appropriate training or experience to perform the work required by the assignment;

(3) has had an overall rating of satisfactory or higher on performance appraisals from the employing agency during the 3-year period before being assigned to another agency under this section; and

(4) agrees to return to the employing agency after completing the assignment for a period not less than the length of the assignment.

(d) WRITTEN AGREEMENT.—An employee shall enter into a written agreement regarding the terms and conditions of the assignment before beginning the assignment with another agency.

By Mr. GRASSLEY (for himself, Ms. LANDRIEU, Mr. BUNNING, Mr. ROCKEFELLER, Mr. CRAIG, Mr. BAUCUS, Mr. DEWINE, Mr. LEVIN, Mr. INHOFE, Mr. NELSON of Nebraska, Mrs. LINCOLN, Mrs. CLINTON, and Mr. JEFFORDS):

S. 1686. A bill to reauthorize the adoption incentive payments program under part E of title IV of the Social Security Act, and for other purposes; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, Senator LANDRIEU, Senator BUNNING and I are happy to introduce the Adoption Promotion Act of 2003, a bill that would extend and improve the Adoption and Safe Families Act of 1997. Across the country there are thousands of children of all ages and needs who are waiting to be adopted into stable families. This legislation provides a reward to States that place an emphasis on finding loving homes for children who are in foster care.

The Adoption and Safe Families Act of 1997 rewarded States with cash incentives for increasing the number of adoptions of children in foster care, concentrating on children with special needs. Adoption levels were on the rise before the introduction of this legislation, but grew even faster after implementation of the program. Studies project that an additional 34,000 children were adopted during the first 3 years of the program. Currently each of the 50 States, the District of Columbia, and Puerto Rico have received incentive payments from the increased number of adoptions. My home State of Iowa just received a payment of $524,000 because of its success in finding children in foster care permanent homes. The results are clear, adoption incentives are working.

There are many people in this country who have opened their arms to children that do not fit the typical mold. The Lippert family of Council Bluffs, IA is just one example. Over the last 25 years, they have adopted 16 children, in addition to their two biological children. Their doors are still open to children in need. Within the next 6 months their nest will become even larger; they have three teenage girls who are in the process of being adopted. All but one of these children have special needs, ranging from emotional to physical disabilities. None of these challenges have stopped the Lippert family from helping their children become successful members of the community. The Lippert family has given these children a chance to be part of a loving and permanent family, an opportunity they would otherwise not have had.

But much remains to be done. While adoption incentives have helped states place a large number of children in families, there are still thousands of children without such luck. The incentive program helps to promote the needs of children for whom it is challenging to find an adoptive home. Take for example, children over the age of 9. The probability that these children will ever find a permanent home exceeds the probability they will be adopted into a loving family. This legislation adds an incentive for States to increase the number of older children adopted out of foster care.

Adoption is a positive life-changing experience. My bill builds upon the success of the Adoption and Safe Families Act of 1997. It recognizes these successes and continues to challenge States to remove children from foster care and place them with a permanent family. Adoptions give children a loving home and families an opportunity to share their love with a child in need. I encourage the Senate to consider this important piece of legislation and continue to reward States that are working to place children in permanent homes.

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. 1686

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Adoption Promotion Act of 2003''.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) In 1997, the Congress passed the Adoption and Safe Families Act of 1997 to promote comprehensive child welfare reform to ensure that consideration of children's safety is paramount in child welfare decisions, and to provide a greater sense of urgency to find every child a safe, permanent home.

(2) The Adoption and Safe Families Act of 1997 also created the Adoption Incentives program, which authorizes incentive payments to States to promote adoptions, with additional incentives provided for the adoption of foster children with special needs.

(3) Since 1997, all States, the District of Columbia, and Puerto Rico have qualified for incentive payments for their work in promoting adoption of foster children.

(4) Between 1997 and 2002, adoptions increased by 64 percent, and adoptions of children with special needs increased by 63 percent; however, 542,000 children remain in foster care, and 126,000 are eligible for adoption.

(5) Although substantial progress has been made to promote adoptions, attention should be focused on promoting adoption of older children. Recent data suggest that half of the children waiting to be adopted are age 9 or older.

SEC. 3. REAUTHORIZATION OF ADOPTION INCENTIVE PAYMENTS PROGRAM.

(a) IN GENERAL.—Section 473A of the Social Security Act (42 U.S.C. 673b) is amended—

(1) in subsection (b)—

(A) by striking paragraph (2) and inserting the following:

''(2)(A) the number of foster child adoptions in the State during the fiscal year exceeds the base number of foster child adoptions for the State for the fiscal year; or

''(B) the number of older child adoptions in the State during the fiscal year exceeds the base number of older child adoptions for the State for the fiscal year;''.

(B) in paragraph (4), by striking ''and 2002'' and inserting ''through 2007''; and

(C) in paragraph (5), by striking ''2002'' and inserting ''2007'';

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

''(2) DETERMINATION OF NUMBERS OF ADOPTIONS BASED ON AFCARS DATA.—The Secretary shall determine the numbers of foster child adoptions, of special needs adoptions that are not older child adoptions, and of older child adoptions in a State during each of fiscal years 2002 through 2007, for purposes of this section, on the basis of data meeting the requirements of the system established pursuant to section 479, as reported by the State and approved by the Secretary by August 1 of the succeeding fiscal year.'';

(3) in subsection (d)(1)—

(A) in subparagraph (A), by striking ''and'';

(B) in subparagraph (B)—

(i) by inserting ''that are not older child adoptions'' after ''adoptions'' each place it appears; and

(ii) by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(C) $4,000, multiplied by the amount (if any) by which the number of older child adoptions in the State during the fiscal year exceeds the base number of older child adoptions for the State for the fiscal year.'';

(4) in subsection (g)—

(A) in paragraph (3), by striking subparagraphs (A) and (B) and inserting the following:

''(A) with respect to fiscal year 2003, the number of foster child adoptions in the State in fiscal year 2002; and

''(B) with respect to any subsequent fiscal year, the number of foster child adoptions in the State in the fiscal year for which the number is the greatest in the period that begins with fiscal year 2002 and ends with the fiscal year preceding that subsequent fiscal year.'';

(B) in paragraph (4)—

(i) in the paragraph heading, by inserting ''THAT ARE NOT OLDER CHILD ADOPTIONS'' after ''ADOPTIONS''; and

(ii) by striking subparagraphs (A) and (B) and inserting the following:

''(A) with respect to fiscal year 2003, the number of special needs adoptions that are not older child adoptions in the State in fiscal year 2002; and

''(B) with respect to any subsequent fiscal year, the number of special needs adoptions that are not older child adoptions in the State in the fiscal year for which the number is the greatest in the period that begins with fiscal year 2002 and ends with the fiscal year preceding that subsequent fiscal year.''; and

(C) by adding at the end the following:

''(5) BASE NUMBER OF OLDER CHILD ADOPTIONS.—The term 'base number of older child adoptions for a State' means—

''(A) with respect to fiscal year 2003, the number of older child adoptions in the State in fiscal year 2002; and

''(B) with respect to any subsequent fiscal year, the number of older child adoptions in the State in the fiscal year for which the number is the greatest in the period that begins with fiscal year 2002 and ends with the fiscal year preceding that subsequent fiscal year.

''(6) OLDER CHILD ADOPTIONS.—The term 'older child adoptions' means the final adoption of a child who has attained 9 years of age if—

''(A) at the time of the adoptive placement, the child was in foster care under the supervision of the State; or

''(B) an adoption assistance agreement was in effect under section 473 with respect to the child.'';

(5) in subsection (h)—

(A) in paragraph (1)—

(i) in subparagraph (B), by striking ''and'';

(ii) in subparagraph (C), by striking the period and inserting ''; and''; and

(iii) by adding at the end the following:

''(D) $43,000,000 for each of fiscal years 2004 through 2008.''; and

(B) in paragraph (2)—

(i) by inserting '', or under any other law for grants under subsection (a),'' after ''(1)''; and

(ii) by striking ''2003'' and inserting ''2008'';

(6) in subsection (i)(4), by striking ''1998 through 2000'' and inserting ''2004 through 2006''; and

(7) by striking subsection (j).

(b) REPORT ON ADOPTION AND OTHER PERMANENCY OPTIONS FOR CHILDREN IN FOSTER CARE.—Not later than October 1, 2004, the Secretary of Health and Human Services shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report on State efforts to promote adoption and other permanency options for children in foster care, with special emphasis on older children in foster care. In preparing this report, the Secretary shall review State waiver programs and consult with representatives from State governments, public and private child welfare agencies, and child advocacy organizations to identify promising approaches.

SEC. 4. AUTHORITY TO IMPOSE PENALTIES FOR FAILURE TO SUBMIT AFCARS REPORT.

Section 474 of the Social Security Act (42 U.S.C. 674) is amended by adding at the end the following:

''(f)(1) If the Secretary finds that a State has failed to submit to the Secretary data, as required by regulation, for the data collection system implemented under section 479, the Secretary shall, within 30 days after the date by which the data was due to be so submitted, notify the State of the failure and that payments to the State under this part will be reduced if the State fails to submit the data, as so required, within 6 months after the date the data was originally due to be so submitted.

''(2) If the Secretary finds that the State has failed to submit the data, as so required, by the end of the 6-month period referred to in paragraph (1) of this subsection, then, notwithstanding subsection (a) of this section and any regulations promulgated under section 1123A(b)(3), the Secretary shall reduce the amounts otherwise payable to the State under this part, for each quarter ending in the 6-month period (and each quarter ending in each subsequent consecutively occurring 6-month period until the Secretary finds that the State has submitted the data, as so required), by—

''(A) ⅙ of 1 percent of the total amount expended by the State for administration of foster care activities under the State plan approved under this part in the quarter so ending, in the case of the 1st 6-month period during which the failure continues; or

''(B) ¼ of 1 percent of the total amount so expended, in the case of the 2nd or any subsequent such 6-month period.''.

SEC. 5. EFFECTIVE DATE.

The amendments made by this Act shall take effect on October 1, 2003.

Mr. ROCKEFELLER. Mr. President, I am proud to join Senator GRASSLEY and a bipartisan coalition in sponsoring the Adoption Promotion Act of 2003. This legislation will reauthorize and expand on the adoption bonuses created as part of the 1997 Adoption and Safe Families Act.

The Adoption and Safe Families Act stated clearly that a child's health and safety are paramount, and that every child deserves a permanent home. Key policy changes were made to promote permanency, including streamlining the process and creating incentives for adoption. Since 1997, the number of adoptions from foster care increased by 64 percent, and the number of adoptions of children with special needs increased by 63 percent. This is wonderful news for the children and families. But over 500,000 children are still in foster care, and 126,000 of those children have adoption as a goal.

This legislation would reauthorize the existing adoption bonuses, and it would create a new bonus for children over the age of 9 who represent almost half of the children waiting for adoption. The Adoption Promotion Act is an important next step to improving our child welfare system.

In West Virginia, over 900 children have been adopted from the foster care system since enactment of the Adoption and Safe Families Act. This is good news for the children and families, but many more children in my State and across the country are waiting for a safe, permanent home.

Adoption is a wonderful event that changes a child's life and creates a special family. Today, in addition to introducing this legislation, the Congressional Adoption Caucus will celebrate its Angels in Adoption Award, including an award to a very special West Virginian, Millie Mairs, who has worked on adoption issues in my State for almost 30 years at the West Virginia Children's Home Society. Her work has helped to change many lives.

This legislation is key, but it is only part of the puzzle to improving our foster care system which, according to the findings of the Child and Family Service Reviews, needs to be strengthened. As more children move into adoption, especially older children, we must become more aware and respond to the needs for post-adoption services. I hope that future action on child welfare reform will be bipartisan, like the Adoption Promotion Act. It is encouraging to know that the Pew Commission on Children in Foster Care is working to develop recommendations regarding child welfare financing and the role of the courts in child welfare policy. Hopefully, these recommendations can help forge bipartisan consensus for future changes that will enhance the lives of our most vulnerable children, those in foster care.

Mr. INHOFE. Mr. President, I rise today to join my colleagues in introducing this bill to reauthorize the Adoption Incentives Program.

The Adoption Incentives Program was created in 1997 as a part of the Adoption and Safe Families Act to encourage and expedite adoptions for children in foster care.

Under the current program, States are given incentive payments for increased adoptions of all foster children, as well as for adoptions of children with special needs. This reauthorization bill will continue that program, while offering new, targeted incentives for adoptions of older children.

There is an overwhelming need for adoption of foster children. Over 550,000 children are currently languishing in foster care in the United States. Of this number, more than 165,000 are children who will never be adopted.

Only half of the children in foster care graduate from high school and only 11 percent of that number go to college. Within 1 year of leaving foster care, 49 percent of these young people are unemployed and within 3 years of leaving foster care, up to 45 percent have been arrested and almost 75 percent have been arrested at least once.

Providing these children with a permanent, stable family helps them become successful, contributing members of society. I am proud to lend my support to this important legislation that will help give these young people a home.

Mr. BUNNING. Mr. President, I would like the opportunity to talk for a few minutes with my colleague from Iowa about the important role of adoption and foster care. Today, I am proud to be supporting legislation that the Senator from Iowa is introducing to reauthorize the Adoption Incentive Program. This is an important program that encourages States to do all they can to find permanent homes for children in foster care.

Mr. GRASSLEY. I appreciate that the Senator from Kentucky has worked so hard with me on the reauthorization of the Adoption Incentive Program. I also appreciate the lead the Senator took several months ago when he introduced the original legislation to reauthorize this program, which was based on the administration's proposal. This was an important step to help get the ball rolling on this program's reauthorization.

Our legislation builds upon the Adoption Incentive Program created in the Adoption and Safe Family Act of 1997. This bill sets the authorization level for this program at $43 million for each of fiscal year 2004 through fiscal year 2008. Through this legislation, States would continue to be rewarded for all increased adoptions of children in foster care.

States that earn incentive payments for increased adoptions of foster children would also continue to be rewarded for increased adoptions of special needs children. However, the special needs payment would be limited only to adoptions of special needs children who are under age 9 at the time the adoption is finalized.

Senator BUNNING, as you well know, our bill would create a third incentive payment, for each increased adoption of all children in foster care who are age 9 or older at the time of adoption. This is important because children over the age of nine are less likely to find a permanent adoptive home. In fact, the probability that these children never find a permanent home exceeds the probability they will be adopted into a loving family.

Mr. BUNNING. I am pleased that we are continuing the bonuses for States that increase the number of adoptions each year, along with keeping the additional incentive for adoptions of special needs children and providing a new incentive for States to focus on the adoptions of older children.

I am proud to say that Kentucky has also done fairly well under the Adoption Incentive Program over the years, and I am glad we are continuing the program. From 1998 to 2001, Kentucky received $1.6 million adoption incentives. For 2002, the Department of Health and Human Services recently announced that my State will receive $204,000 in adoption incentives.

Mr. GRASSLEY. My home State of Iowa and its child welfare program has also benefited from this program. Last year, Iowa received a payment of $524,000 because of its success in finding children in foster care, permanent homes. Our States' successes underscore the results of this program; adoption incentives are working.

Mr. BUNNING. I am sure the Senator from Iowa will agree with me that we need to make it as easy as possible for loving families to either adopt or become foster parents for children in need. There is nothing more special than a family opening up their home to a child and providing a safe and supportive environment. This is why I have worked on adoption and foster care issues for so long in Congress.

In fact, last year I was pleased that one of my foster care initiatives was passed as part of the 2002 economic stimulus bill. Many families who take in foster care children receive stipends from the placement agency which helps pay for food, clothes and other expenses.

In the past, some of these stipends were tax-free for families, while others were taxable. I didn't feel that was fair, so my provision made all stipends that foster care families receive to be tax free. This provision corrected an inconsistency in the tax code that unfairly punished foster care families and the children for whom they care, and I was happy we could finally correct this problem.

Mr. GRASSLEY. In the recent past, Congress has also taken some positive steps to promote adoption through tax credit. In 2001, as chairman of the Finance Committee, I extended and expanded two important provisions which provide tax relief for adoptive families.

The 2001 tax bill ensured that neither adoption tax credit, nor the exclusion from income for qualified employer-paid adoption expenses expired. In addition, the amount of each of these benefits was doubled—i.e., from $5,000 to $10,000 per qualifying child. Finally, in the case of special needs adoptions, Congress eliminated expense reporting requirements thus ensuring that the families who take special needs children into their homes receive the maximum relief possible under these provisions, while minimizing their administrative burdens.

Mr. BUNNING. I certainly agree with you that the adoption tax credits are good policy, and I am very familiar with them. In fact, back in 1996, I worked as a Member of the Ways and Means Committee to pass the original legislation providing for the tax credits to help families afford to adopt children. We finally got this credit passed as part of the Small Business Job Protection Act which passed over seven years ago. I was very supportive of the provisions in the 2001 tax bill to expand these credits, but would like to take them one step further.

Within the next couple of weeks, I will be introducing legislation to make these tax credits permanent. If we don't eliminate the sunset which was built into the tax bill, then the current maximum credit of $10,000 will be reduced back down to $5,000 in 2010. To me, this seems like a common-sense change that needs to be made.

I introduced a similar bill in the 107th Congress, and I am hopeful that we can get this bill passed before the end of the 108th Congress.

Mr. GRASSLEY. I look forward to working with you on this issue in the near future.

Mr. BUNNING. Finally, I would like to say a few words about the importance of promoting interracial adoptions. In the past, many times there were barriers to families adopting minority children. This isn't fair to the family or the child. That is why in 1996, I pushed for legislation stopping discrimination against minority children in order to make it easier for them to move from foster care into a loving, permanent home.

All of these initiatives are designed to help find permanent or temporary homes for our Nation's children. Today, we are taking another important step by reauthorizing the Adoption Incentive Program, and I hope that we can get this bill through the Senate and onto the President's desk soon.

Mr. GRASSLEY. It is also my hope that we can get this bipartisan bill through Congress and allow it to become law. I would like to thank you, Senator BUNNING, and the other members of the Senate who have worked so hard on this legislation.

By Mr. BINGAMAN (for himself, Ms. CANTWELL, and Mrs. MURRAY):

S. 1687. A bill to direct the Secretary of the Interior to conduct a study on the preservation and interpretation of the historic sites of the Manhattan Project for potential inclusion in the National Park System; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, I rise to introduce the Manhattan Project National Historical Park Study Act. This bill authorizes the National Park Service, in coordination with the Secretaries of Energy and Defense, to undertake a special resource study to assess the national significance, suitability, and feasibility of designating various Manhattan Project sites and their facilities as a National Historical Park. Specifically, the study will evaluate the historic significance of the Manhattan Project facilities of Los Alamos and the Trinity Site in the State of New Mexico, of the Hanford Site in the State of Washington, and of Oak Ridge in the State of Tennessee. I am pleased that my distinguished colleagues from the States of Washington, Senators CANTWELL and MURRAY, are cosponsoring this bill.

The significance of the Manhattan Project to this Nation—and indeed the World—would be difficult to overstate. The project was initiated as a desperate effort in the middle of World War II to beat Nazi Germany to the construction of the first nuclear bomb. The effort was of a magnitude and intensity not seen before or since: in a mere three years, 130,000 men and women went to work on a $2.2 billion mission that furiously pushed science, technology, engineering, and society into a new age.

The magnitude of the effort is easily matched by its legacy. This legacy includes an ending to the Second World War, as well as the foundation for nuclear medicine and great advances in physics, mathematics, engineering, and technology. A number of scholars have argued that it also includes a dramatic change to a sustained era of relative world peace. But this legacy also includes the deaths of hundreds of thousands of Japanese, and the sacrifices of the homesteaders that were forced off of the sites to make way for the project, its thousands of workers and their families, and the uranium miners, ''down-winders'', and others. This legacy has been the subject of hot debate for decades, and this debate continues today—as it must.

There are historic facilities at the four Manhattan Project sites that are absolutely essential resources for informing this important debate, and there should be no question that they are of great national and international significance. Pulitzer Prize-winning Manhattan Project author Richard Rhodes has said that ''the discovery of how to release nuclear energy was arguably the most important human discovery since fire—reason enough to preserve its remarkable history.''

But while the enormous significance of the Manhattan Project makes our obligation to preserve and interpret this history abundantly clear, it makes it equally challenging. The greatest challenge has been—and will continue to be—interpreting this history in a sensitive and balanced way. This Nation is blessed with historic assets that praise the best of humanity and some that mourn the worst, some that grace us with glory and some that humble us with anguish, some that impress us with brilliance and some that embarrass us with senselessness, some that manifest beginnings and some that mark ends, some that inspire us with awe and some that fascinate us with curiosities, and some that grip us with the fear of destruction and some that give us the hope of creation. But I don't know of any others that challenge us with legitimate passions for all of these.

Preserving and interpreting this history also includes the challenge of respecting the ongoing missions and responsibilities of the Department of Energy and the Department of Defense at the Manhattan Project sites. Access to some of the historic facilities must be restricted—to some prohibited—and other precautions also may be necessary. The Departments of Energy and Defense have begun to take on these challenges, and they deserve much credit for doing so. The Bradbury Museum in Los Alamos is a good example, as are the biannual tours of the Trinity Site on White Sands Missile Range. They have recognized that preserving this history offers great opportunities not only for the public, but for their employees. Employees who better appreciate this history will be more likely to appreciate their careers, and they certainly will appreciate the boost interested tourists give to their local economies.

This bill asks the question whether we will do better to preserve and interpret the important history of the Manhattan Project by unifying and promoting the various efforts at these sites as a National Historical Park. It is appropriate that our Nation's leader in historic preservation and interpretation—the National Park Service—lead the effort to answer this question. In doing so, they will consult with the Secretaries of Energy and Defense, as well as State, tribal, and local officials, and representatives of interested organizations and members of the public. The Park Service's expertise, experience, and enthusiasm is critical to the endeavor.

In asking this question we are neither celebrating the Manhattan Project nor lamenting it. But we are recognizing our responsibility to society to ensure it is neither forgotten nor misunderstood.

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. 1687

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Manhattan Project National Historical Park Study Act of 2003''.

SEC. 2. FINDINGS.

Congress finds that—

(1) the Manhattan Project, the World War II effort to develop and construct the world's first atomic bomb, represents an extraordinary era of American and world history that—

(A) included remarkable achievements in science and engineering made possible by innovative partnerships among Federal agencies, universities, and private industries; and

(B) culminated in a transformation of the global society by ushering in the atomic age;

(2) the Manhattan Project was an unprecedented $2,200,000,000, 3-year, top-secret effort that employed approximately 130,000 men and women at its peak;

(3) the Manhattan Project sites contain historic resources that are crucial for the interpretation of the Manhattan Project, including facilities in—

(A) Oak Ridge, Tennessee (where the first uranium enrichment facilities and pilot-scale nuclear reactor were built);

(B) Hanford, Washington (where the first large-scale reactor for producing plutonium was built);

(C) Los Alamos, New Mexico (where the atomic bombs were designed and built); and

(D) Trinity Site, New Mexico (where the explosion of the first nuclear device took place);

(4) the Secretary of the Interior has recognized the national significance in American history of Manhattan Project facilities in the study area by—

(A) designating the Los Alamos Scientific Laboratory in the State of New Mexico as a National Historic Landmark in 1965 and adding the Laboratory to the National Register of Historic Places in 1966;

(B) designating the Trinity Site on the White Sands Missile Range in the State of New Mexico as a National Historic Landmark in 1965 and adding the Site to the National Register of Historic Places in 1966;

(C) designating the X-10 Graphite Reactor at the Oak Ridge National Laboratory in the State of Tennessee as a National Historic Landmark in 1965 and adding the Reactor to the National Register of Historic Places in 1966;

(D) adding the Oak Ridge Historic District to the National Register of Historic Places in 1991;

(E) adding the B Reactor at the Hanford Site in the State of Washington to the National Register of Historic Places in 1992; and

(F) by adding the Oak Ridge Turnpike, Bear Creek Road, and Bethel Valley Road Checking Stations in the State of Tennessee to the National Register of Historic Places in 1992;

(5) the Hanford Site has been nominated by the Richland Operations Office of the Department of Energy and the Washington State Historic Preservation Office for addition to the National Register of Historic Places;

(6) a panel of experts convened by the Advisory Council on Historic Preservation in 2001 reported that the development and use of the atomic bomb during World War II has been called ''the single most significant event of the 20th century'' and recommended that various sites be formally established ''as a collective unit administered for preservation, commemoration, and public interpretation in cooperation with the National Park Service'';

(7) the Advisory Council on Historic Preservation reported in 2001 that the preservation and interpretation of the historic sites of the Manhattan Project offer significant value as destinations for domestic and international tourists; and

(8) preservation and interpretation of the Manhattan Project historic sites are necessary for present and future generations to fully appreciate the extraordinary undertaking and complex consequences of the Manhattan Project.

SEC. 3. DEFINITIONS.

In this Act:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(2) STUDY.—The term ''study'' means the study authorized by section 4(a).

(3) STUDY AREA.—The term ''study area'' means the following Manhattan Project sites:

(A) Los Alamos National Laboratory and townsite in the State of New Mexico.

(B) The Trinity Site on the White Sands Missile Range in the State of New Mexico.

(C) The Hanford Site in the State of Washington.

(D) Oak Ridge Laboratory in the State of Tennessee.

(E) Other significant sites relating to the Manhattan Project determined by the Secretary to be appropriate for inclusion in the study.

SEC. 4. SPECIAL RESOURCE STUDY.

(a) STUDY.—

(1) IN GENERAL.—The Secretary shall conduct a special resource study of the study area to assess the national significance, suitability, and feasibility of designating the various historic sites and structures of the study area as a unit of the National Park System in accordance with section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5(c)).

(2) ADMINISTRATION.—In conducting the study, the Secretary shall—

(A) consult with the Secretary of Energy, the Secretary of Defense, State, tribal, and local officials, representatives of interested organizations, and members of the public; and

(B) evaluate, in coordination with the Secretary of Energy and the Secretary of Defense, the compatibility of designating the study area, or 1 or more parts of the study area, as a national historical park or national historic site with maintaining security, productivity and management goals of the Department of Energy and the Department of Defense, and public health and safety.

(b) REPORT.—Not later than 1 year after the date on which funds are made available to carry out the study, the Secretary shall submit to Congress a report that describes the findings of the study and any conclusions and recommendations of the Secretary.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

Ms. CANTWELL. Mr. President, I rise today as a cosponsor, along with my colleagues, Senators BINGAMAN and MURRAY of the Manhattan Project National Historical Park Study Act.

This bill authorizes a special resource study to determine the suitability and feasibility of developing a national park site at one or more of the facilities that playing a major role in the Manhattan Project—the Federal Government's top-secret effort during World War II to develop nuclear weapons before its opponents, an initiative that changed the course of world history. I believe it is tremendously important for the citizens of our Nation to learn about the important functions the various Manhattan Project sites served in defending our Nation, from World War II through the cold war, and to recognize and understand the complicated and weighty issues arising from the production and use of nuclear weapons, their impact on world history as well as their human and environmental costs.

In January of 1943, Hanford, WA was selected by the War Department to serve as a part of President Franklin Delano Roosevelt's Manhattan Project plan. The site was selected for several reasons: It was remotely located from population centers, which fostered security and safety; the Columbia River provided plenty of water to cool the reactors; and cheap and abundant electricity was available from nearby Federal dams.

The history of this era is a complicated one—as farmers and tribes were displaced, given 30 days to move from their homes in central Washington. By March 1943, construction had started on the site, which covers about 625 square miles. At the time, the priority facility on the Hanford Reservation was the B reactor. Built in just 11 months as American scientists and their allies engaged in what was then perceived as a race with the Germans to develop nuclear capability, B reactor was the world's first large-scale plutonium production reactor.

The need for labor for the project turned Hanford into an atomic boomtown, with the population reaching 50,000 by the summer of 1944. Workers at the sprawling Hanford complex were not even sure of what they were producing, and tales of German rockets used during battles led many workers to believe they were producing rocket fuel. In fact, this secrecy continued even after the atomic bombs were dropped. One worker recalled that many children who lived in the area didn't even know what their parent who worked at Hanford did on the job.

Clearly, the B reactor at Hanford made significant contributions to U.S. defense policies during its production run, from 1944 through 1968. Plutonium from the B reactor was used in the world's first nuclear explosion, called the Trinity Test, in New Mexico on July 16, 1945. B reactor plutonium was also used in the ''Fat Man'' bomb dropped on Nagasaki, Japan on August 9, 1945. The blast devastated more than two square miles of the city, effectively ending World War II. The B reactor also produced plutonium for the cold war efforts until 1968.

The B reactor is simply a stunning feat of engineering. Built in less than a year, the reactor consisted of a 1,200-ton graphite cylinder lying on its side, which was penetrated through its entire length horizontally by over 2,000 aluminum tubes. Two hundred tons of uranium slugs the size of rolls of quarters went into the tubes. Cooling water from the Columbia River, which first had to be treated, was pumped through the aluminum tubes at 75,000 gallons per minute. Water consumption approached that of a city with a population of 300,000. The B reactor was one of three reactors that had its own auxiliary facilities that included a river pump house, large storage and settling basins, a filtration plant, huge motor-driven pumps for delivering the water, and facilities for emergency cooling in case of a power failure. It was the first of an eventual nine nuclear reactors that remain on the banks of the Columbia River—a potent reminder of both the war effort and the environmental burden with which we must contend.

The people of Washington State, and especially the residents of the tri-cities, are proud of their contributions to the World War II and cold war efforts. We are left with these irreplaceable relics of the Manhattan Project—such as the B reactor—which are incredibly important in understanding the engineering achievements that propelled this country into the nuclear age, with all of the complicated moral issues it poses for the possessors of such technology. As the Department of Energy continues its work to clean up the Hanford site, the country's most contaminated nuclear reservation, it is important that we also honor the achievements of the important work done here, as well as commemorate the tremendous sacrifices made by workers, displaced families and tribes, and this era's environmental legacy.

There is already strong support in the communities that surround Hanford for preserving the history of the Manhattan Project, and I would like to commend the B reactor Museum Association and Bechtel Hanford, Inc. for all this work to date. In recent years, they have worked hard to decontaminate, clean, inventory, and spruce up B reactor's interior so that people can walk in to see three chambers. But more work needs to be done if we want to preserve the reactor for future generations, which must learn about the Manhattan Project and its impact on world history.

One such way to do that is to look into the possibility of adding the B reactor as well as Manhattan Project sites in other parts of the country as a new National Park unit.

I look forward to working with my colleagues to ensure passage of this bill, as the study it authorizes is a much-needed first step in determining the best options for preserving this important piece of American history.

By Mr. ROCKEFELLER:

S. 1688. A bill to amend the Internal Revenue Code of 1986 to repeal the exclusion for extraterritorial income and provide for a deduction relating to income attributable to United States production activities, and for other purposes; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, I would like to draw your attention to a few very troubling statistics. Manufacturing employment in the United States has now fallen to its lowest level in 41 years. In the last five years, we have lost 16 percent of all our factory jobs. In the last 2 years alone we have lost approximately 2.5 million manufacturing jobs.

These are frightening statistics. They ought to jolt every Member of the Senate and prompt an urgent call for action. A vibrant manufacturing base is essential to our standard of living. For generations, factory jobs have been the path to the middle class, providing good wages, health insurance, and pension benefits. Advances in manufacturing technology accounts for most of our economy's increased productivity. And every dollar spent on finished manufactured goods is estimated to produce $2.43 of economic activity. Simply put, we cannot become a service-only economy and expect to maintain our high standard of living. We ought to act swiftly to ensure that Americans still produce steel and computers and cars and pharmaceuticals.

We ought not be timid in the face of the devastating statistics I cited. Piecemeal efforts will not revitalize our industrial base. Therefore, today I am introducing the Securing America's Factory Employment (SAFE) Act. This bill will offer relief to American manufacturers on several fronts. First, my legislation would provide a tax deduction to any company that offers manufacturing jobs in the United States. Second, this bill helps companies cover the cost of providing health care for retirees, a crippling obligation for many of our once proud industries. And third, I propose that we strengthen our trade laws to ensure that they offer the protections that our domestic industries deserve from unfair and illegal trade practices.

Let me take a moment to explain in greater detail how these proposals can help our domestic manufacturing base. This Congress is compelled to repeal the Foreign Sales Corporation/Extraterritorial Income provisions of the U.S. Tax Code in order to avoid $4 billion in trade sanctions authorized by the World Trade Organization. Regardless of my opinion of the WTO's decision in this matter, I recognize that it may be that to protect our economy from a trade war we must update our Tax Code. We can do so and still encourage manufacturing by reducing the overall effective corporate income tax rate on domestic manufacturing.

The SAFE Act provides a 9-percent deduction for profits derived from manufacturing activities in the United States; this is the equivalent of lowering the corporate income tax rate from 35 percent to 32 percent for the portion of profits that can be directly linked to U.S. factories, mining operations, and the like. This straightforward tax break will lower the cost of doing business in the United States and will help companies that employ Americans compete in the global marketplace.

In addition, this bill includes a tax credit to employers to encourage them to retain their retiree health insurance coverage. As you know, employers and other health plan sponsors continue to restructure how they provide health care benefits for both workers and retirees. The percent of employers offering retiree health benefits has declined substantially over the past 15 years. Two-thirds of all firms with 200 or more workers sponsored retiree coverage 15 years ago. According to the most recent data, only 38 percent of such employers provide retiree benefits today. Despite these reductions, the employer-sponsored health care system is the largest source of health care coverage in this country today. The SAFE Act would provide employers with a tax credit to cover 75 percent of the costs associated with providing health care coverage to their retirees in order to protect existing coverage and reverse the current trend.

Finally, my legislation would strengthen our trade protections. Our antidumping and countervailing duty (AD/CVD) trade law are often the first and last time of defense for U.S. industries injured by unfairly or illegally traded imports. These laws are absolutely essential to the survival of our manufacturing sector in an increasingly global market—but some of their provisions have become antiquated by recent changes in our global economy and the new structure of international trade. The Americans steel crisis has made it clear that these trade laws need to be strengthened. Companies, workers, families and communities rely heavily on these laws to prevent the ill-effects of unfair trade. Our antidumping and countervailing duty laws need to be updated and amended so they work as intended, and as permitted, under the rules of international trade.

For example, the SAFE Act includes a provision that allows us to consider whether or not an industry is vulnerable to the effects of imports in making antidumping and countervailing duty determinations. Another provision in this bill will make it tougher for our trading partners to circumvent antidumping or countervailing duty orders by clarifying that AD/CVD orders include products that have been changed in only very minor respects. This will help prevent foreign nations from making slight alterations to products that they are exporting to us to in order to skirt existing AD/CVD orders.

Another clear problem under our current trade laws is that foreign producers and exporters of subject merchandise may avoid AD/CVD duties by using complex schemes that mask payment of countervailing duties resulting in the understatement of duty rates. My legislation would restrict such practices by requiring the importer, if affiliated with the foreign producers or exporters, to demonstrate that the importer was in no way reimbursed for any AD/CVD duties paid. There are certainly other changes we should consider to update our trade remedy laws. These provisions are by no means an exhaustive list of needed reforms. But we do need to get the debate started, and I offer this bill as a way to re-energize the debate.

The SAFE Act addresses several of the most dire needs of our manufacturing companies. It improves our trade laws, helps with the burden of retiree health care costs, and effectively lowers the corporate tax rate on manufacturing activities. This package of reforms is an effective plan to stem the flow of good manufacturing jobs overseas. If we are serious about revitalizing our economy and maintaining our standard of living, we must act quickly to shore up our manufacturing base. I hope that my colleagues will join me in this effort.

I ask that the text of my legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1688

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

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This Act may be cited as the ''Securing American Factory Employment (SAFE) Act''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

TITLE I—PROVISIONS RELATING TO REPEAL OF EXCLUSION FOR EXTRATERRITORIAL INCOME

SEC. 101. REPEAL OF EXCLUSION FOR EXTRATERRITORIAL INCOME.

(a) IN GENERAL.—Section 114 is hereby repealed.

(b) CONFORMING AMENDMENTS.—

(1)(A) Subpart E of part III of subchapter N of chapter 1 (relating to qualifying foreign trade income) is hereby repealed.

(B) The table of subparts for such part III is amended by striking the item relating to subpart E.

(2) The table of sections for part III of subchapter B of chapter 1 is amended by striking the item relating to section 114.

(3) The second sentence of section 56(g)(4)(B)(i) is amended by striking ''or under section 114''.

(4) Section 275(a) is amended—

(A) by inserting ''or'' at the end of paragraph (4)(A), by striking ''or'' at the end of paragraph (4)(B) and inserting a period, and by striking subparagraph (C), and

(B) by striking the last sentence.

(5) Paragraph (3) of section 864(e) is amended—

(A) by striking:

''(3) TAX-EXEMPT ASSETS NOT TAKEN INTO ACCOUNT.—

''(A) IN GENERAL.—For purposes of''; and inserting:

''(3) TAX-EXEMPT ASSETS NOT TAKEN INTO ACCOUNT.—For purposes of'', and

(B) by striking subparagraph (B).

(6) Section 903 is amended by striking ''114, 164(a),'' and inserting ''164(a)''.

(7) Section 999(c)(1) is amended by striking ''941(a)(5),''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to transactions occurring after the date of the enactment of this Act.

(2) BINDING CONTRACTS.—The amendments made by this section shall not apply to any transaction in the ordinary course of a trade or business which occurs pursuant to a binding contract—

(A) which is between the taxpayer and a person who is not a related person (as defined in section 943(b)(3) of such Code, as in effect on the day before the date of the enactment of this Act), and

(B) which is in effect on September 17, 2003, and at all times thereafter.

(d) REVOCATION OF SECTION 943(e) ELECTIONS.—

(1) IN GENERAL.—In the case of a corporation that elected to be treated as a domestic corporation under section 943(e) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of this Act)—

(A) the corporation may, during the 1-year period beginning on the date of the enactment of this Act, revoke such election, effective as of such date of enactment, and

(B) if the corporation does revoke such election—

(i) such corporation shall be treated as a domestic corporation transferring (as of such date of enactment) all of its property to a foreign corporation in connection with an exchange described in section 354 of such Code, and

(ii) no gain or loss shall be recognized on such transfer.

(2) EXCEPTION.—Subparagraph (B)(ii) of paragraph (1) shall not apply to gain on any asset held by the revoking corporation if—

(A) the basis of such asset is determined in whole or in part by reference to the basis of such asset in the hands of the person from whom the revoking corporation acquired such asset,

(B) the asset was acquired by transfer (not as a result of the election under section 943(e) of such Code) occurring on or after the 1st day on which its election under section 943(e) of such Code was effective, and

(C) a principal purpose of the acquisition was the reduction or avoidance of tax (other than a reduction in tax under section 114 of such Code, as in effect on the day before the date of the enactment of this Act).

(e) GENERAL TRANSITION.—

(1) IN GENERAL.—In the case of a taxable year ending after the date of the enactment of this Act and beginning before January 1, 2007, for purposes of chapter 1 of such Code, a current FSC/ETI beneficiary shall be allowed a deduction equal to the transition amount determined under this subsection with respect to such beneficiary for such year.

(2) CURRENT FSC/ETI BENEFICIARY.—The term ''current FSC/ETI beneficiary'' means any corporation which entered into one or more transactions during its taxable year beginning in calendar year 2002 with respect to which FSC/ETI benefits were allowable.

(3) TRANSITION AMOUNT.—For purposes of this subsection—

(A) IN GENERAL.—The transition amount applicable to any current FSC/ETI beneficiary for any taxable year is the phaseout percentage of the base period amount.

(B) PHASEOUT PERCENTAGE.—

(i) IN GENERAL.—In the case of a taxpayer using the calendar year as its taxable year, the phaseout percentage shall be determined under the following table:

Years:	The phaseout percentage is:
2004	80
2005	80
2006	60.

(ii) SPECIAL RULE FOR 2003.—The phaseout percentage for 2003 shall be the amount that bears the same ratio to 100 percent as the number of days after the date of the enactment of this Act bears to 365.

(iii) SPECIAL RULE FOR FISCAL YEAR TAXPAYERS.—In the case of a taxpayer not using the calendar year as its taxable year, the phaseout percentage is the weighted average of the phaseout percentages determined under the preceding provisions of this paragraph with respect to calendar years any portion of which is included in the taxpayer's taxable year. The weighted average shall be determined on the basis of the respective portions of the taxable year in each calendar year.

(4) BASE PERIOD AMOUNT.—For purposes of this subsection, the base period amount is the aggregate FSC/ETI benefits for the taxpayer's taxable year beginning in calendar year 2002.

(5) FSC/ETI BENEFIT.—For purposes of this subsection, the term ''FSC/ETI benefit'' means—

(A) amounts excludable from gross income under section 114 of such Code, and

(B) the exempt foreign trade income of related foreign sales corporations from property acquired from the taxpayer (determined without regard to section 923(a)(5) of such Code (relating to special rule for military property), as in effect on the day before the date of the enactment of the FSC Repeal and Extraterritorial Income Exclusion Act of 2000).

In determining the FSC/ETI benefit there shall be excluded any amount attributable to a transaction with respect to which the taxpayer is the lessor unless the leased property was manufactured or produced in whole or in part by the taxpayer.

(6) SPECIAL RULE FOR FARM COOPERATIVES.—Determinations under this subsection with respect to an organization described in section 943(g)(1) of such Code, as in effect on the day before the date of the enactment of this Act, shall be made at the cooperative level and the purposes of this subsection shall be carried out in a manner similar to section 250(h) of such Code, as added by this Act. Such determinations shall be in accordance with such requirements and procedures as the Secretary may prescribe.

(7) CERTAIN RULES TO APPLY.—Rules similar to the rules of section 41(f) of such Code shall apply for purposes of this subsection.

(8) COORDINATION WITH BINDING CONTRACT RULE.—The deduction determined under paragraph (1) for any taxable year shall be reduced by the phaseout percentage of any FSC/ETI benefit realized for the taxable year by reason of subsection (c)(2), except that for purposes of this paragraph the phaseout percentage for 2003 shall be treated as being equal to 100 percent.

(9) SPECIAL RULE FOR TAXABLE YEAR WHICH INCLUDES DATE OF ENACTMENT.—In the case of a taxable year which includes the date of the enactment of this Act, the deduction allowed under this subsection to any current FSC/ETI beneficiary shall in no event exceed—

(A) 100 percent of such beneficiary's base period amount for calendar year 2003, reduced by

(B) the aggregate FSC/ETI benefits of such beneficiary with respect to transactions occurring during the portion of the taxable year ending on the date of the enactment of this Act.

SEC. 102. DEDUCTION RELATING TO INCOME ATTRIBUTABLE TO UNITED STATES PRODUCTION ACTIVITIES.

(a) IN GENERAL.—Part VI of subchapter B of chapter 1 (relating to itemized deductions for individuals and corporations) is amended by adding at the end the following new section:

''SEC. 199. INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION ACTIVITIES.

''(a) IN GENERAL.—There shall be allowed as a deduction an amount equal to 9 percent of the qualified production activities income of the taxpayer for the taxable year.

''(b) PHASEIN.—In the case of taxable years beginning in 2004, 2005, 2006, 2007, or 2008, subsection (a) shall be applied by substituting for the '9 percent' the transition percentage determined under the following table:

''Taxable years beginning in:	The transition percentage is:
2004	1
2005	2
2006	3
2007 or 2008	6.

''(c) QUALIFIED PRODUCTION ACTIVITIES INCOME.—For purposes of this section, the term 'qualified production activities income' means an amount equal to the portion of the modified taxable income of the taxpayer which is attributable to domestic production activities.

''(d) DETERMINATION OF INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION ACTIVITIES.—For purposes of this section—

''(1) IN GENERAL.—The portion of the modified taxable income which is attributable to domestic production activities is so much of the modified taxable income for the taxable year as does not exceed—

''(A) the taxpayer's domestic production gross receipts for such taxable year, reduced by

''(B) the sum of—

''(i) the costs of goods sold that are allocable to such receipts,

''(ii) other deductions, expenses, or losses directly allocable to such receipts, and

''(iii) a proper share of other deductions, expenses, and losses that are not directly allocable to such receipts or another class of income.

''(2) ALLOCATION METHOD.—The Secretary shall prescribe rules for the proper allocation of items of income, deduction, expense, and loss for purposes of determining income attributable to domestic production activities.

''(3) SPECIAL RULES FOR DETERMINING COSTS.—

''(A) IN GENERAL.—For purposes of determining costs under clause (i) of paragraph (1)(B), any item or service brought into the United States without a transfer price meeting the requirements of section 482 shall be treated as acquired by purchase, and its cost shall be treated as not less than its value when it entered the United States. A similar rule shall apply in determining the adjusted basis of leased or rented property where the lease or rental gives rise to domestic production gross receipts.

''(B) EXPORTS FOR FURTHER MANUFACTURE.—In the case of any property described in subparagraph (A) that had been exported by the taxpayer for further manufacture, the increase in cost or adjusted basis under subparagraph (A) shall not exceed the difference between the value of the property when exported and the value of the property when brought back into the United States after the further manufacture.

''(4) MODIFIED TAXABLE INCOME.—The term 'modified taxable income' means taxable income computed without regard to the deduction allowable under this section.

''(e) DOMESTIC PRODUCTION GROSS RECEIPTS.—For purposes of this section, the

term 'domestic production gross receipts' means the gross receipts of the taxpayer which are derived from—

''(1) any sale, exchange, or other disposition of, or

''(2) any lease, rental, or license of,

qualifying production property which was manufactured, produced, grown, or extracted in whole or in significant part by the taxpayer within the United States.

''(f) QUALIFYING PRODUCTION PROPERTY.—For purposes of this section—

''(1) IN GENERAL.—Except as otherwise provided in this paragraph, the term 'qualifying production property' means—

''(A) any tangible personal property,

''(B) any computer software, and

''(C) any property described in section 168(f) (3) or (4).

''(2) EXCLUSIONS FROM QUALIFYING PRODUCTION PROPERTY.—The term 'qualifying production property' shall not include—

''(A) consumable property that is sold, leased, or licensed by the taxpayer as an integral part of the provision of services,

''(B) electricity,

''(C) water supplied by pipeline to the consumer,

''(D) utility services, or

''(E) any property (not described in paragraph (1)(B)) which is a film, tape, recording, book, magazine, newspaper, or similar property the market for which is primarily topical or otherwise essentially transitory in nature.

''(g) DEFINITIONS AND SPECIAL RULES.—

''(1) TREATMENT OF PASS-THRU ENTITIES.—The Secretary shall prescribe rules for the proper application of this section in the case of pass-thru entities other than cooperatives to which paragraph (2) applies and subchapter S corporations.

''(2) EXCLUSION FOR PATRONS OF COOPERATIVES.—

''(A) IN GENERAL.—If any amount described in paragraph (1) or (3) of section 1385 (a)—

''(i) is received by a person from an organization to which part I of subchapter T applies, and

''(ii) is allocable to the portion of the qualified production activities income of the organization which is deductible under subsection (a) and designated as such by the organization in a written notice mailed to its patrons during the payment period described in section 1382(a),

then such person shall be allowed an exclusion from gross income with respect to such amount. The taxable income of the organization shall not be reduced under section 1382 by the portion of any such amount with respect to which an exclusion is allowable to a person by reason of this paragraph.

''(B) SPECIAL RULES.—For purposes of applying subparagraph (A), in determining the qualified production activities income of the organization under this section—

''(i) there shall not be taken into account in computing the organization's modified taxable income any deduction allowable under subsection (b) or (c) of section 1382 (relating to patronage dividends, per-unit retain allocations, and nonpatronage distributions), and

''(ii) the organization shall be treated as having manufactured, produced, grown, or extracted in whole or significant part any qualifying production property marketed by the organization which its patrons have so manufactured, produced, grown, or extracted.

''(3) COORDINATION WITH MINIMUM TAX.—The deduction under this section shall be allowed for purposes of the tax imposed by section 55; except that for purposes of section 55, alternative minimum taxable income shall be taken into account in determining the deduction under this section.

''(4) ORDERING RULE.—The amount of any other deduction allowable under this chapter shall be determined as if this section had not been enacted.

''(5) COORDINATION WITH TRANSITION RULES.—For purposes of this section—

''(A) domestic production gross receipts shall not include gross receipts from any transaction if the binding contract transition relief of section 101(c)(2) of the Securing American Factory Employment (SAFE) Act applies to such transaction, and

''(B) any deduction allowed under section 101(e) of such Act shall be disregarded in determining the portion of the taxable income which is attributable to domestic production gross receipts.''.

(b) DEDUCTION ALLOWED TO SHAREHOLDERS OF S CORPORATIONS.—

(1) IN GENERAL.—Section 1363(b) (relating to computation of S corporation's taxable income) is amended by striking ''and'' at the end of paragraph (3), by striking the period at the end of paragraph (4) and inserting '', and'', and by adding at the end the following new paragraph:

''(5) the deduction under section 199 shall be allowed to the S corporation.''

(2) INCREASE IN BASIS.—Section 1367(a)(1) (relating to increases in basis) is amended by striking ''and'' at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting '', and'', and by adding at the end the following new subparagraph:

''(D) any deduction allowed under section 199.''

(c) MINIMUM TAX.—Section 56(g)(4)(C) (relating to disallowance of items not deductible in computing earnings and profits) is amended by adding at the end the following new clause:

''(v) DEDUCTION FOR DOMESTIC PRODUCTION.—Clause (i) shall not apply to any amount allowable as a deduction under section 199.''

(d) CLERICAL AMENDMENT.—The table of sections for part VI of subchapter B of chapter 1 is amended by adding at the end the following new item:

''Sec. 199. Income attributable to domestic production activities.''

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

(2) APPLICATION OF SECTION 15.—Section 15 of the Internal Revenue Code of 1986 shall apply to the amendments made by this section as if they were changes in a rate of tax.

TITLE II—EMPLOYER-PROVIDED RETIRED EMPLOYEE HEALTH CARE TAX CREDIT

SEC. 201. TAX CREDIT FOR 75 PERCENT OF EMPLOYER-PROVIDED RETIRED EMPLOYEE HEALTH PREMIUMS.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 (relating to business-related credits) is amended by adding at the end the following:

''SEC. 45G. RETIRED EMPLOYEE HEALTH INSURANCE EXPENSES.

''(a) GENERAL RULE.—For purposes of section 38, in the case of a qualified employer, the retired employee health insurance expenses credit determined under this section is an amount equal to 75 percent of the amount paid by the taxpayer during the taxable year for qualified retired employee health insurance expenses.

''(b) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) QUALIFIED EMPLOYER.—The term 'qualified employer' means any employer which is eligible for the deduction allowable under section 199 for the taxable year.

''(2) QUALIFIED RETIRED EMPLOYEE HEALTH INSURANCE EXPENSES.—

''(A) IN GENERAL.—The term 'qualified retired employee health insurance expenses' means any amount paid by an employer for health insurance coverage to the extent such amount is attributable to coverage provided to any retired employee and such retired employee's spouse and dependents.

''(B) EXCEPTION FOR AMOUNTS PAID UNDER SALARY REDUCTION ARRANGEMENTS.—No amount paid or incurred for health insurance coverage pursuant to a salary reduction arrangement shall be taken into account under subparagraph (A).

''(C) HEALTH INSURANCE COVERAGE.—The term 'health insurance coverage' has the meaning given such term by paragraph (1) of section 9832(b) (determined by disregarding the last sentence of paragraph (2) of such section).

''(3) RETIRED EMPLOYEE—The term 'retired employee' means an individual who has met any years of service or disability requirements under an employee benefit plan of the employer.

''(c) CERTAIN RULES MADE APPLICABLE.—For purposes of this section, rules similar to the rules of section 52 shall apply.

''(d) DENIAL OF DOUBLE BENEFIT.—No deduction or credit under any other provision of this chapter shall be allowed with respect to qualified retired employee health insurance expenses taken into account under subsection (a).

''(e) TERMINATION.—This section shall not apply to taxable years beginning after December 31, 2003.''.

(b) CREDIT TO BE PART OF GENERAL BUSINESS CREDIT.—Section 38(b) (relating to current year business credit) is amended by striking ''plus'' at the end of paragraph (14), by striking the period at the end of paragraph (15) and inserting '', plus'', and by adding at the end the following:

''(16) the retired employee health insurance expenses credit determined under section 45G.''.

(c) NO CARRYBACKS.—Subsection (d) of section 39 (relating to carryback and carryforward of unused credits) is amended by adding at the end the following:

''(11) NO CARRYBACK OF SECTION 45G CREDIT BEFORE EFFECTIVE DATE.—No portion of the unused business credit for any taxable year which is attributable to the retired employee health insurance expenses credit determined under section 45G may be carried back to a taxable year ending before the date of the enactment of section 45G.''.

(d) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following:

''Sec. 45G. Retired employee health insurance expenses.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2003.

TITLE III—AMENDMENTS TO TITLE VII OF THE TARIFF ACT OF 1930

SEC. 301. CAPTIVE PRODUCTION.

Section 771(7)(C)(iv) of the Tariff Act of 1930 (19 U.S.C. 1677(7)(C)(iv)) is amended to read as follows:

''(iv) CAPTIVE PRODUCTION.—If domestic producers transfer internally, including to affiliated persons as defined in paragraph (33), significant production of the domestic like product for the production of a downstream article and sell significant production of the domestic like product in the merchant market, then the Commission, in determining market share and the factors affecting financial performance set forth in

clause (iii), shall focus primarily on the merchant market for the domestic like product.''.

SEC. 302. PRICE.

Section 771(7)(C)(ii) of the Tariff Act of 1930 (19 U.S.C. 1677(7)(C)(ii)) is amended by adding at the end the following flush sentence:

''Imports of the subject merchandise may have a significant effect on prices irrespective of whether the magnitude of, or change in the volume of, imports of the subject merchandise is significant.''.

SEC. 303. VULNERABILITY OF INDUSTRY.

Section 771(7)(C)(iii) of the Tariff Act of 1930 (19 U.S.C. 1677(7)(C)(iii)) is amended in the last sentence by striking the period at the end and inserting '', including whether the industry is vulnerable to the effects of imports of the subject merchandise.''.

SEC. 304. CAUSAL RELATIONSHIP BETWEEN IMPORTS AND INJURY.

Section 771(7)(E)(ii) of the Tariff Act of 1930 (19 U.S.C. 1677(7)(E)(ii)) is amended by adding at the end the following: ''The Commission need not determine the significance of imports of the subject merchandise relative to other economic factors.''.

SEC. 305. PREVENTION OF CIRCUMVENTION.

Section 781(c) of the Tariff Act of 1930 (19 U.S.C. 1677j(c)) is amended by adding at the end the following new paragraph:

''(3) SPECIAL RULE.—The administering authority shall apply paragraph (1) with respect to altered merchandise excluded from, or not specifically included in, the merchandise description used in an outstanding order or finding, if such application is not inconsistent with the affirmative determination of the Commission on which the order or finding is based.''.

SEC. 306. FULL RECOGNITION OF SUBSIDY CONFERRED THROUGH PROVISION OF GOODS AND SERVICES AND PURCHASE OF GOODS.

Section 771(5)(E) of the Tariff Act of 1930 (19 U.S.C. 1677(5)(E)) is amended by adding at the end the following: ''If transactions in the country which is the subject of the investigation or review do not reflect market conditions due to government action associated with provision of the good or service or purchase of the goods, determination of the adequacy of remuneration shall be through comparison with the most comparable market price elsewhere in the world.''.

SEC. 307. PROHIBITION ON MASKING REIMBURSEMENT OF DUTIES.

Section 772(d) of the Tariff Act of 1930 (19 U.S.C. 1677a(d)) is amended—

(1) by striking ''and'' at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting ''; and''; and

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

''(4) if the importer is the producer or exporter, or the importer and the producer or exporter are affiliated persons, an amount equal to the dumping margin calculated under section 771(35)(A), unless the producer or exporter is able to demonstrate that the importer was in no way reimbursed for any antidumping duties paid; and

''(5) if the importer is the producer or exporter, or the importer and the producer or exporter are affiliated persons, an amount equal to the net countervailable subsidy calculated under section 771(6), unless the producer or exporter is able to demonstrate that the importer was in no way reimbursed for any countervailing duties paid.''.

SEC. 308. EXPORT PRICE AND CONSTRUCTED EXPORT PRICE.

Section 772(c)(2)(A) of the Tariff Act of 1930 (19 U.S.C. 1677a(c)(2)(A)) is amended by inserting ''(including countervailing duties imposed under this title)'' after ''duties''.

SEC. 309. APPLICATION TO CANADA AND MEXICO.

Pursuant to article 1902 of the North American Free Trade Agreement and section 408 of the North American Free Trade Agreement Implementation Act, the amendments made by this title shall apply with respect to goods from Canada and Mexico.

SEC. 310. EFFECTIVE DATE.

The amendments made by this title shall apply with respect to determinations made under title VII of the Tariff Act of 1930 that—

(1) are made with respect to investigations initiated or petitions filed after the date of enactment of this Act; or

(2) have not become final as of such date of enactment.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1790. Mr. SCHUMER (for himself, Mr. DASCHLE, Mr. REID, Ms. MIKULSKI, Mr. ROCKEFELLER, Mr. LEAHY, Mr. LEVIN, Mr. NELSON of Florida, Mr. KENNEDY, Mr. DURBIN, Mr. BAUCUS, Mr. HARKIN, Mr. BAYH, Mr. HOLLINGS, Mr. BIDEN, Mr. LAUTENBERG, Mr. SARBANES, Mr. BINGAMAN, Mr. KERRY, Mr. WYDEN, Mr. GRAHAM of Florida, Mrs. BOXER, Mr. LIEBERMAN, and Mrs. FEINSTEIN) proposed an amendment to the bill H.R. 2765, making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2004, and for other purposes.

SA 1791. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table.

SA 1792. Mr. MCCONNELL (for Mr. SHELBY (for himself and Mr. SARBANES)) proposed an amendment to the bill S. 1680, to reauthorize the Defense Production Act of 1950, and for other purposes.

SA 1793. Mr. MCCONNELL (for Mr. GRASSLEY) proposed an amendment to the bill H.R. 3146, to extend the Temporary Assistance for Needy Families block grant program, and certain tax and trade programs, and for other purposes.

TEXT OF AMENDMENTS

SA 1790. Mr. SCHUMER (for himself, Mr. DASCHLE, Mr. REID, Ms. MIKULSKI, Mr. ROCKEFELLER, Mr. LEAHY, Mr. LEVIN, Mr. NELSON of Florida, Mr. KENNEDY, Mr. DURBIN, Mr. BAUCUS, Mr. HARKIN, Mr. BAYH, Mr. HOLLINGS, Mr. BIDEN, Mr. LAUTENBERG, Mr. SARBANES, Mr. BINGAMAN, Mr. KERRY, Mr. WYDEN, Mr. GRAHAM of Florida, Mrs. BOXER, Mr. LIEBERMAN, and Mrs. FEINSTEIN) proposed an amendment to the bill H.R. 2765, making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF CONGRESS CONCERNING THE APPOINTMENT OF A SPECIAL COUNSEL TO CONDUCT A FAIR, THOROUGH, AND INDEPENDENT INVESTIGATION INTO A NATIONAL SECURITY BREACH.

(a) FINDINGS.—Congress finds that—

(1) the national security of the United States is dependent on our intelligence operatives being able to operate undercover and without fear of having their identities disclosed;

(2) recent reports have indicated that administration or White House officials may have deliberately leaked the identity of a covert CIA agent to the media;

(3) the unauthorized disclosure of a covert intelligence agent's identity is a Federal felony; and

(4) the Attorney General has the power to appoint a special counsel of integrity and stature who may conduct an investigation into the leak without the appearance of any conflict of interest.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Attorney General of the United States should appoint a special counsel of the highest integrity and statute to conduct a fair, independent, and thorough investigation of the leak and ensure that all individuals found to be responsible for this heinous deed are punished to the fullest extent permitted by law.

SA 1791. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page ___, between lines ___ and ___, insert the following:

SEC. . (a) The Secretary of Defense shall expand the United States Central Command Rest and Recuperation Leave program to provide a member of the Armed Forces participating in the program with travel and transportation allowances for travel at the expense of the United States between the original airport of debarkation for the member and the member's permanent station or home if the member elects to travel to such destination.

(b) The travel and transportation allowances that may be provided under subsection (a) are the travel and transportation allowances specified in section 404(d) of title 37, United States Code, except that no per diem allowance may be paid to a member for a period that the member is at the member's permanent station or home.

(c) Travel and transportation allowances provided for travel under subsection (a) are in addition to any other travel and transportation or other allowances that may be provided for such travel by law.

(d) This section shall apply with respect to travel under the United States Central Command Rest and Recuperation Leave program that is commenced before, on, or after the date of the enactment of this Act.

(e) In this section:

(1) The term ''United States Central Command Rest and Recuperation Leave program'' means the Rest and Recuperation Leave program for certain members of the Armed Forces serving in the Iraqi theater of operations in support of Operation Iraqi Freedom as established by the United States Central Command on September 25, 2003.

(2) The term ''original airport of debarkation'' means an airport designated as an airport of debarkation for members of the Armed Forces under the Central Command Rest and Recuperation Leave program as of the establishment of such program on September 25, 2003.

(f) Of the amount appropriated under title ___ for the Iraqi witness protection program, $60,000,000 is hereby transferred to the

Secretary of Defense for payment of travel and transportation allowances provided under this section.

SA 1792. Mr. MCCONNELL (for Mr. SHELBY (for himself and Mr. SARBANES)) proposed an amendment to the bill S. 1680, to reauthorize the Defense Production Act of 1950, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Defense Production Act Reauthorization of 2003''.

SEC. 2. REAUTHORIZATION OF DEFENSE PRODUCTION ACT OF 1950.

(a) IN GENERAL.—The 1st sentence of section 717(a) of the Defense Production Act of 1950 (50 U.S.C. App. 2166(a)) is amended—

(1) by striking ''sections 708'' and inserting ''sections 707, 708,''; and

(2) by striking ''September 30, 2003'' and inserting ''September 30, 2004''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 711(b) of the Defense Production Act of 1950 (50 U.S.C. App. 2161(b)) is amended by striking ''through 2003'' and inserting ''through 2004''.

SEC. 3. RESOURCE SHORTFALL FOR RADIATION-HARDENED ELECTRONICS.

(a) IN GENERAL.—Notwithstanding the limitation contained in section 303(a)(6)(C) of the Defense Production Act of 1950 (50 U.S.C. App. 2093(a)(6)(C)), the President may take actions under section 303 of the Defense Production Act of 1950 to correct the industrial resource shortfall for radiation-hardened electronics, to the extent that such Presidential actions do not cause the aggregate outstanding amount of all such actions to exceed $200,000,000.

(b) REPORT BY THE SECRETARY.—Before the end of the 6-month period beginning on the date of the enactment of this Act, the Secretary of Defense shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives describing—

(1) the current state of the domestic industrial base for radiation-hardened electronics;

(2) the projected requirements of the Department of Defense for radiation-hardened electronics;

(3) the intentions of the Department of Defense for the industrial base for radiation-hardened electronics; and

(4) the plans of the Department of Defense for use of providers of radiation-hardened electronics beyond the providers with which the Department had entered into contractual arrangements under the authority of the Defense Production Act of 1950, as of the date of the enactment of this Act.

SEC. 4. CLARIFICATION OF PRESIDENTIAL AUTHORITY.

Subsection (a) of section 705 of the Defense Production Act of 1950 (50 U.S.C. App. 2155(a)) is amended by inserting after the end of the 1st sentence the following new sentence: ''The authority of the President under this section includes the authority to obtain information in order to perform industry studies assessing the capabilities of the United States industrial base to support the national defense.''.

SEC. 5. CRITICAL INFRASTRUCTURE PROTECTION AND RESTORATION.

Section 702 of the Defense Production Act of 1950 (50 U.S.C. App. 2152) is amended—

(1) by redesignating paragraphs (3) through (17) as paragraphs (4) through (18), respectively;

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

''(3) CRITICAL INFRASTRUCTURE.—The term 'critical infrastructure' means any systems and assets, whether physical or cyber-based, so vital to the United States that the degradation or destruction of such systems and assets would have a debilitating impact on national security, including, but not limited to, national economic security and national public health or safety.''; and

(3) in paragraph (14) (as so redesignated by paragraph (1) of this section), by inserting ''and critical infrastructure protection and restoration'' before the period at the end of the last sentence.

SEC. 6. REPORT ON CONTRACTING WITH MINORITY- AND WOMEN-OWNED BUSINESSES.

(a) REPORT REQUIRED.—Before the end of the 1-year period beginning on the date of the enactment of this Act, the Secretary of Defense shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on the extent to which contracts entered into during the fiscal year ending before the end of such 1-year period under the Defense Production Act of 1950 have been contracts with minority- and women-owned businesses.

(b) CONTENTS OF REPORT.—The report submitted under subsection (a) shall include the following:

(1) The types of goods and services obtained under contracts with minority- and women-owned businesses under the Defense Production Act of 1950 in the fiscal year covered in the report.

(2) The dollar amounts of such contracts.

(3) The ethnicity of the majority owners of such minority- and women-owned businesses.

(4) A description of the types of barriers in the contracting process, such as requirements for security clearances, that limit contracting opportunities for minority- and women-owned businesses, together with such recommendations for legislative or administrative action as the Secretary of Defense may determine to be appropriate for increasing opportunities for contracting with minority- and women-owned businesses and removing barriers to such increased participation.

(c) DEFINITIONS.—For purposes of this section, the terms ''women-owned business'' and ''minority-owned business'' have the meanings given such terms in section 21A(r) of the Federal Home Loan Bank Act, and the term ''minority'' has the meaning given such term in section 1204(c)(3) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989.

SA 1793. Mr. MCCONNELL (for Mr. GRASSLEY) proposed an amendment to the bill H.R. 3146, to extend the Temporary Assistance for Needy Families block grant program, and certain tax and trade programs, and for other purposes; as follows:

At the end of title IV, insert:

SEC. ___. EXTENSION OF PROVISION EQUALIZING URBAN AND RURAL STANDARDIZED MEDICARE INPATIENT HOSPITAL PAYMENTS.

(a) IN GENERAL.—Paragraphs (1) and (2) of section 402(b) of the Miscellaneous Appropriations Act, 2003 (Public Law 108–7; 117 Stat. 548) are each amended by striking ''September 30, 2003'' and inserting ''March 31, 2004''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Subject to paragraph (2), the amendments made by subsection (a) shall take effect as if included in the enactment of the Miscellaneous Appropriations Act, 2003.

(2) AUTHORITY TO DELAY IMPLEMENTATION.—

(A) IN GENERAL.—If the Secretary of Health and Human Services (in this subsection referred to as the ''Secretary'') determines that it is not administratively feasible to implement the amendments made by subsection (a), notwithstanding such amendments and in order to comply with Congressional intent, the Secretary may delay the implementation of such amendments until such time as the Secretary determines to be appropriate, but in no case later than November 1, 2003.

(B) TEMPORARY ADJUSTMENT FOR REMAINDER OF FISCAL YEAR 2004 TO EFFECT FULL RATE CHANGE.—If the Secretary delays implementation of the amendments made by subsection (a) under subparagraph (A), the Secretary shall make such adjustment to the amount of payments affected by such delay, for the portion of fiscal year 2004 after the date of the delayed implementation, in such manner as the Secretary estimates will ensure that the total payments for inpatient hospital services so affected with respect to such fiscal year is the same as would have been made if this paragraph had not been enacted.

(C) NO EFFECT ON PAYMENTS FOR SUBSEQUENT PAYMENT PERIODS.—The application of subparagraphs (A) and (B) shall not affect payment rates and shall not be taken into account in calculating payment amounts for services furnished for periods after September 30, 2004.

(D) ADMINISTRATION OF PROVISIONS.—

(i) NO RULEMAKING OR NOTICE REQUIRED.—The Secretary may carry out the authority under this paragraph by program memorandum or otherwise and is not required to prescribe regulations or to provide notice in the Federal Register in order to carry out such authority.

(ii) LIMITATION ON REVIEW.—There shall be no administrative or judicial review under section 1869 or 1878 of the Social Security Act (42 U.S.C. 1395ff and 1395oo), or otherwise of any delay or determination made by the Secretary under this paragraph or the application of the payment rates determined under this paragraph.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, September 30, 2003, at 2:30 p.m., in open session, to receive testimony regarding investigations into allegations of sexual assault at the United States Air Force Academy.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on September 30, 2003, at 10 a.m. to conduct a hearing on ''The State of the Securities Industry.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and

Transportation be authorized to meet on Tuesday, September 30, 2003, at 9:30 a.m. on Do-Not-Call.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, September 30, 2003, at 9:30 a.m. to hold a hearing on nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Tuesday, September 30, 2003, at 9 a.m. for a hearing to consider the nominations of Dale Cabaniss to be Chairman, Federal Labor Relations Authority; Craig S. Iscoe to be Associate Judge, Superior Court of the District of Columbia; and Brian F. Holeman to be Associate Judge, Superior Court of the District of Columbia.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Tuesday, September 30, 2003, at 10 a.m. in room 366 of the Dirksen Senate Office Building to conduct a joint hearing with the Senate Energy and Natural Resources Committee, Subcommittee on Water and Power, on S. 437, the Arizona Water Settlement Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Tuesday, September 30, 2003, at 4 p.m., for a markup on pending legislation. The meeting will be held in room 418 of the Russell Senate Office Building.

Agenda

1. S. 1131, a bill to increase, effective as of December 1, 2003, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.

2. Committee Print of S. 1132, a bill to improve and enhance certain benefits for survivors of veterans, and for other purposes, as amended, to incorporate, in addition, original provisions and provisions derived from S. 257, S. 517, S. 1133, S. 1156, S. 1188, S. 1213, S. 1239, S. 1281, and S. 1360.

3. Committee Print of S. 1156, a bill to improve and enhance the provision of long-term health care for veterans, to enhance and improve authorities relating to the administration of personnel of the Department of Veterans Affairs, and for other purposes, as amended, to incorporate, in addition, original provisions and provisions derived from S. 548, S. 615, S. 1144, S. 1213, S. 1283, S. 1289, S. 1341, and S. 1572.

4. Committee Print of S. 1136, a bill to restate, clarify and revise. The Soldiers and Sailors Civil Relief Act of 1940, as amended.

5. H.R. 1516. a bill to provide for the establishment by the Secretary of Veterans Affairs of five additional cemeteries of the National Cemetery System, as amended.

The PRESIDING OFFICER. Without objection, it is so ordered.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. GREGG. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs be authorized to meet on Tuesday, September 30, 2003, at 10 a.m., for a hearing entitled ''Privacy & Piracy: The Paradox of Illegal File Sharing on Peer-to-Peer Networks and the Impact of Technology on the Entertainment Industry.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CONSUMER AFFAIRS AND PRODUCT LIABILITY

Mr. GREGG. Mr. President, I ask unanimous consent that the Subcommittee on Consumer Affairs and Product Liability be authorized to meet on Tuesday, September 30, 2003, at 2:30 p.m., on the Obesity War: Are our Dietary Guidelines Losing?

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON IMMIGRATION AND BORDER SECURITY

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Immigration and Border Security be authorized to meet to conduct a hearing on ''Visa Issuance: Our First Line of Defense for Homeland Security'' on Tuesday, September 30, 2003, at 2 p.m. in SD226.

WITNESS LIST:

The Honorable Asa Hutchinson, Undersecretary for Border and Transportation Security Directorate, Department of Homeland Security, Washington, DC.

The Honorable Marua Harty, Assistant Secretary for Consular Affairs, Department of State, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions, Subcommittee on Substance Abuse and Mental Health Services be authorized to meet for a hearing on Underage Drinking: Research and Recommendations during the session of the Senate on Tuesday, September 30, 2003, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WATER AND POWER

Mr. GREGG. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power of the Committee on Energy and Natural Resources and the Committee on Indian Affairs be authorized to meet jointly during the session of the Senate on September 30, 2003, at 10 a.m.

The purpose of this hearing is to examine S. 437, the Arizona water settlements acts, which is a bill to provide for adjustments to the Central Arizona Project in Arizona, to authorize the Gila River Indian Community Water Rights Settlement, to reauthorize and amend the Southern Arizona Water Rights Settlement Act of 1982, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMENDING JOHN E. DOLIBOIS FOR DEDICATION TO HIS COUNTRY

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 199 and the Senate then proceed to its consideration.

The PRESIDING OFFICER. The clerk will state the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 199) commending John E. Dolibois for dedication to his country, contributions to global education, and more than a half century of service to humanity.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to, en bloc, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD, without further intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 199) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 199

Whereas John Dolibois was born in Luxembourg and when he arrived in the United States of America at 12 years of age, he was not able to speak English, but learned it quickly and added it to his fluency in German and French;

Whereas John Dolibois became a naturalized citizen in 1941;

Whereas John Dolibois' service as a captain in United States Army intelligence called on his highly developed personal skills to make him a prime interrogator of 86 top Nazi prisoners, in preparation for and during the International War Crimes Trial in Nuremberg after World War II;

Whereas John Dolibois contributed to spreading the understanding of World War II atrocities by speaking publicly for decades about his experiences following the War Crimes Trial, including speaking engagements this year;

Whereas John Dolibois served Miami University in Oxford, Ohio for 34 years, including service as vice president for university

relations from 1967 to 1981, and while in that role he was instrumental in the University establishing an overseas campus in Luxembourg, named the John E. Dolibois European Center;

Whereas John Dolibois was responsible for funds raised in the late 1940s through early 1980s that helped build Miami University's art museum, conference center, chapel, and alumni center, and helped provide numerous scholarships;

Whereas John Dolibois authored major sections on alumni programming and college public relations in the International Encyclopedia of Higher Education and contributed articles to the State Department's ''Exchange Magazine'' on international education;

Whereas John Dolibois received the Miami University's highest honor, the Benjamin Harrison Medal, and the ''Citizen of the Year'' award from an Oxford, Ohio, committee of residents in 1963, in part for his service as a trustee to the Lane Public Library and as a director of the Community Chest;

Whereas John Dolibois was 1 of 12 United States citizens named by President Richard Nixon to the Board of Foreign Scholarships, which he served on for 3 terms, supervising the Fulbright Program and playing a major role in the development of the Fulbright Alumni Program;

Whereas John Dolibois' personal and diplomatic skills further distinguished his ability to communicate effectively, allowing him to serve as the United States Ambassador to Luxembourg from 1981 to 1985, upon the request of President Ronald Reagan;

Whereas John Dolibois, as a member of Luxembourg's Board of Economic Development, encouraged United States business in Luxembourg and stimulated trade between Luxembourg and Ohio;

Whereas John Dolibois has been decorated twice by the Grand Duchy of Luxembourg for his wartime service and his contributions to international education and tourism;

Whereas John Dolibois has stayed connected to youth via 50 years of activity with the Boy Scouts, including becoming an Eagle Scout, serving as a vice president for the Dan Beard Scout Council in Cincinnati, and receiving scouting's highest honor, the Silver Beaver Award;

Whereas John Dolibois earned critical acclaim for his memoir, ''Pattern of Circles'', in which he professed his gratitude for the United States of America, his adopted country; and

Whereas John Dolibois was inducted into Ohio's Veterans Hall of Fame in 1998 and has been noted in ''Who's Who in America'' and ''Who's Who in the World'': Now, therefore, be it

Resolved, That the Senate—

(1) commends John E. Dolibois for superior lifetime achievements, an indisputable resolve to contribute, and an inspirational legacy of service to this country and to the global community; and

(2) expresses its appreciation for his lifelong service.

RUNAWAY, HOMELESS, AND MISSING CHILDREN PROTECTION ACT

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.R. 1925 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 1925) to reauthorize programs under the Runaway and Homeless Youth Act and Missing Children's Assistance Act, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. I urge the Senate to take up and pass H.R. 1925, the Runaway, Homeless, and Missing Children Protection Act. The Senate version of this bill—which was identical—passed unanimously in the Judiciary Committee last Thursday, and this bill deserves the support of every Senator. I joined with Senator HATCH in introducing the Senate legislation to reauthorize and improve the Runaway and Homeless Youth Act, and to extend the authorization of the Missing Children's Assistance Act. 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. I have worked in the past to extend the program, most recently in the 106th Congress, when I cosponsored S. 249, the Missing, Exploited, and Runaway Children Protection Act, which extended the Act through this year. I am pleased to help extend it once again.

A Justice Department report released last year estimated that 1.7 million young people either ran away from or were thrown out of their homes in 1999 alone. 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 we should not allow that to happen.

In my State, both the Vermont Coalition for Runaway and Homeless Youth and Spectrum Youth and Family Services in Burlington receive grants under this law, and they 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 law by extending the period during which older homeless youth can receive services under the Transitional Living Program, to ensure that all homeless youth can take advantage of services at least until they turn 18. The bill would also make permanent the Secretary of Health and Human Services' authority to make grants explicitly to help rural areas met 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.

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. This bill 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 good bill on the whole, I am disappointed that it includes a provision 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. I ask Senator HATCH to leave it out of the Senate version of this bill, and was disappointed when he refused. The inclusion of this needless provision, however, does not change the fact that this is still a very good bill.

The Runaway and Homeless Youth Act programs have received tremendous bipartisan support over the years. The House passed this bill by a vote of 404–14, and the Senate bill passed by unanimous consent last Friday. I urge the Senate to pass H.R. 1925 and send it to the President today.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1925) was read the third time and passed.

DEFENSE PRODUCTION REAUTHORIZATION ACT OF 2003

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 1680, an original bill reported by the Banking Committee.

The PRESIDING OFFICER. The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1680) to reauthorize the Defense Production Act of 1950, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. SHELBY. Mr. President, I rise today in support of passage of the Defense Production Reauthorization Act of 2003. This bill will reauthorize the Defense Production Act of 1950 for an additional 5 years.

Mr. President, the Defense Production Act of 1950 was originally passed in response to the outbreak of war on the Korean Peninsula. The U.S. defense industrial base that had provided the fighter planes, tanks and ships that were so crucial to the outcome of World War II had been largely scrapped following the end of that horrific conflict. The prevailing view, of course, was that such an industrial base was no longer needed in light of the defeat of Nazi Germany and Imperial Japan and the introduction into the American arsenal of atomic weapons.

As we learned literally within hours of the crossing of the 38th Parallel by the first North Korean Army units, that view was catastrophically wrong. The Defense Production Act was the recognition by the executive and legislative branches of Government that a large industrial base oriented toward national defense was still vital to our national security and that the usual process by which weapons and other equipment are procured would not suffice in a genuine crisis.

As in June 1950, the United States remains dependent upon the ability to respond to crises in a manner appropriate to the circumstances. That is where the Defense Production Act of 1950 continues to play a vital role in providing for the national defense. Its authorities allow the President to prioritize and reallocate contracts when the United States is confronted by an imminent threat to its well-being, and to respond to those threats after they've materialized. It provides the authority for the Department of Defense to go into factories that can not afford to maintain a critical capability due to insufficient demand and provide the means for that factory to continue to produce the required item. It indemnifies contractors against legal actions taken as result of U.S. Government directives issued under Defense Production Act authorities, as was needed during the first Persian Gulf War when Civil Air Reserve commercial aircraft were drafted into the war effort at the expense of their commercial obligations.

Over time, the Defense Production Act has been expanded to include natural disasters as well as man-made events like terrorist attacks, and disasters resulting from accidents and equipment failures that can result in large sections of the United States being blacked-out by a major utility failure. In short, it is an emergency capability that we keep in our back pocket and hope it is never needed.

But the Defense Production Act is routinely needed. I have alluded to the Transportation Security Administration's use of it in the wake of the terrorist attacks of September 11, 2001. It has also been used by the Department of Defense in support of Operation Enduring Freedom in Afghanistan to procure vital military equipment like Predator UAVs and military satellite communications technology vital for the conduct of joint operations. And with the scale of contraction in the U.S. defense industrial base over the past decade, the act's authorities will remain as vital as ever for the foreseeable future.

In drafting reauthorizing legislation, it was the committee's intent to modernize the Defense Production Act to take into account the dramatic changes that occurred since the act's last update in 1994. The emergence of terrorism, evident in the U.S. Embassy bombings in East Africa, the attack on the USS Cole in the Gulf of Aden, and the tragic events of 9–11, as the central focus of U.S. national security planning has created an imperative that the Defense Production Act be adapted to that reality. That is why the Banking Committee-passed bill includes new findings and a declaration of policy: because the war on terrorism and the growth in scale of threat to the nation's critical infrastructure of telecommunications, transportation, energy, banking, and other sectors of society the security of which are vital to our national security and our economic and social well-being.

The committee-passed bill, in line with the recommendations of the President's Report to Congress on the Modernization of the Defense Production Act and the Report of the President's Commission on Critical Infrastructure Protection, included in its findings and declaration of policy this emphasis on the war on terrorism and critical infrastructure protection. In addition, language was added intended to further strengthen the linkage between critical infrastructure and the authorities provided by the Defense Production Act during committee consideration of this bill.

Unfortunately, this modernization of the act was more than the other chamber could swallow right now. That is why the ranking member of the Banking Committee, Senator SARBANES, and I will offer an amendment in the nature of a substitute. Because the Defense Production Act expires today, there would be no time for a protracted conference. Consequently, the Banking Committee and its House counterpart have agreed to a more modest update of the Act. The amendment by the ranking member and me does the following:

Reauthorizes the Defense Production Act for five years, as requested by the Defense Department;

Provides funding the department requested for hardening electronics against the effects of radiation;

Clarifies the President's authority to obtain information needed for the performance of assessments of the U.S. defense industrial base—a provision requested by the Department of Commerce; and

Formally incorporates the concept of critical infrastructure protection under Defense Production Act authorities by including it under the definition of ''national defense.''

Mr. President, I cannot emphasize enough the importance of the Senate passing the amendment in the nature of a substitute and then voting on final passage as soon as possible. The minute the Defense Production Act lapses, vital authorities for the conduct of military operations in Afghanistan and Iraq disappear. I urge my colleagues' support for the amendment and for final passage of the bill.

Mr. SARBANES. Mr. President, I rise in support of the Defense Production Act Reauthorization of 2003.

The Defense Production Act provides the President with important authorities to ensure the availability of industrial resources to meet national security needs and to deal with domestic civil emergencies. This is obviously a period in which the authorities of the DPA are being actively utilized. The DPA expires today, September 30. The Administration has made clear that the reauthorization of the DPA is a high priority.

The Committee on Banking, Housing, and Urban Affairs marked up and reported out this bill last week by unanimous consent. The House Financial Services Committee, our counterpart Committee, has also reported out a reauthorization of the DPA that is pending on the House floor. Both bills are essentially simple extensions of the DPA with minor changes requested by the Administration. The imminent expiration of the authorities of the DPA led the staff of the two committees to meet last week to reconcile the few differences between the two bills. That has been accomplished, and Senator SHELBY and I will shortly offer an amendment in the nature of a substitute reflecting that agreement.

Both bills contained provisions requested by the Administration to correct the industrial resource shortfall for radiation-hardened electronics, and to clarify the President's authority under the DPA to obtain information in order to perform industry studies assessing the capabilities of the United States industrial base to support the national defense.

The Senate bill also contained a provision sponsored by Senator Bennett, which makes explicit that the authorities of the DPA can be used to protect and restore critical infrastructure. This authority takes on a heightened sense of importance in the aftermath of 9/11, and is retained in the substitute amendment with the strong support of the Administration. The Senate bill provides for a 5 year authorization, as requested by the Administration, and the House bill provides for a 4 year authorization. Senator DODD has raised a concern about the need to address the issue of offsets, which falls under the authority of the DPA. As a result, the

substitute will provide for a 1 year authorization. This is essentially the package.

I would like to commend Chairman SHELBY and his staff for working cooperatively to bring this bill and the substitute amendment before the Senate today. I hope the Senate can act promptly to pass this legislation and send it over to the House. I believe the House will then be in a position to take up the Senate bill, pass it, and send it to the White House for the President's signature. That would ensure the continued availability of the important authorities of the Defense Production Act.

Mr. DODD. Mr. President, I thank the distinguished chairman of the Banking Committee for all his efforts to bring the reauthorization of the Defense Production Act to the floor. It is excellent legislation, and I support it wholeheartedly. I particularly want to express my appreciation for the agreement that was reached to reconsider this piece of legislation in 1 year. That will allow the Defense Production Act to continue uninterrupted, while also providing us with the opportunity to address the very grave concerns that are shared by many Senators about the issue of foreign offset arrangements over the next year.

According to the General Accounting Office and Department of Commerce, these arrangements serve no positive purpose. And yet, offsets are displacing 9,500 American workers annually. In 2000, the Commerce Department reports that out of $5.6 billion exported by the U.S. aerospace and defense industries, $5.1 billion was ''offset'' by these arrangements. In other words, offset arrangements imposed on contracts with American firms amounted to nearly 90 percent of their export value. And in the years 2002 and 2003, the total value of offsets are projected to be close to 100 percent of the value of those contracts—virtually eliminating any gains from U.S. exports of these goods.

Once again, I appreciate the willingness of the chairman and ranking member of the Banking Committee for agreeing to work with me on this issue as we assess additional reauthorization legislation for the Defense Production Act in the coming months.

Mr. SHELBY. Mr. President, I appreciate the words of the distinguished Senator from Connecticut and look forward to continuing work with my colleagues on these important issues concerning the needs of our military industrial base. The Defense Production Act is an important piece of legislation that provides vital authorities to the Departments of Defense, Homeland Security, Commerce, and Energy to prepare for and respond to crises. These provisions are particularly important during this time as the nation prosecutes its war on terror. The act's authorities allow government agencies to allocate contracts and re-prioritize contracts to meet emergency requirements. And it also provides authority to these agencies, especially the Defense Department, to work with private industry to ensure they have the industrial capabilities required to meet national security requirements that economics alone would otherwise allow to atrophy.

I am pleased the Senate will act on this legislation before it expires at midnight tonight. My hope is that it will be passed by the other body and signed into law by the President shortly.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the substitute amendment at the desk be agreed to, the bill, as amended, be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1792) was agreed to, as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Defense Production Act Reauthorization of 2003''.

SEC. 2. REAUTHORIZATION OF DEFENSE PRODUCTION ACT OF 1950.

(a) IN GENERAL.—The 1st sentence of section 717(a) of the Defense Production Act of 1950 (50 U.S.C. App. 2166(a)) is amended—

(1) by striking ''sections 708'' and inserting ''sections 707, 708,''; and

(2) by striking ''September 30, 2003'' and inserting ''September 30, 2004''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 711(b) of the Defense Production Act of 1950 (50 U.S.C. App. 2161(b)) is amended by striking ''through 2003'' and inserting ''through 2004''.

SEC. 3. RESOURCE SHORTFALL FOR RADIATION-HARDENED ELECTRONICS.

(a) IN GENERAL.—Notwithstanding the limitation contained in section 303(a)(6)(C) of the Defense Production Act of 1950 (50 U.S.C. App. 2093(a)(6)(C)), the President may take actions under section 303 of the Defense Production Act of 1950 to correct the industrial resource shortfall for radiation-hardened electronics, to the extent that such Presidential actions do not cause the aggregate outstanding amount of all such actions to exceed $200,000,000.

(b) REPORT BY THE SECRETARY.—Before the end of the 6-month period beginning on the date of the enactment of this Act, the Secretary of Defense shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives describing—

(1) the current state of the domestic industrial base for radiation-hardened electronics;

(2) the projected requirements of the Department of Defense for radiation-hardened electronics;

(3) the intentions of the Department of Defense for the industrial base for radiation-hardened electronics; and

(4) the plans of the Department of Defense for use of providers of radiation-hardened electronics beyond the providers with which the Department had entered into contractual arrangements under the authority of the Defense Production Act of 1950, as of the date of the enactment of this Act.

SEC. 4. CLARIFICATION OF PRESIDENTIAL AUTHORITY.

Subsection (a) of section 705 of the Defense Production Act of 1950 (50 U.S.C. App. 2155(a)) is amended by inserting after the end of the 1st sentence the following new sentence: ''The authority of the President under this section includes the authority to obtain information in order to perform industry studies assessing the capabilities of the United States industrial base to support the national defense.''.

SEC. 5. CRITICAL INFRASTRUCTURE PROTECTION AND RESTORATION.

Section 702 of the Defense Production Act of 1950 (50 U.S.C. App. 2152) is amended—

(1) by redesignating paragraphs (3) through (17) as paragraphs (4) through (18), respectively;

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

''(3) CRITICAL INFRASTRUCTURE.—The term 'critical infrastructure' means any systems and assets, whether physical or cyber-based, so vital to the United States that the degradation or destruction of such systems and assets would have a debilitating impact on national security, including, but not limited to, national economic security and national public health or safety.''; and

(3) in paragraph (14) (as so redesignated by paragraph (1) of this section), by inserting ''and critical infrastructure protection and restoration'' before the period at the end of the last sentence.

SEC. 6. REPORT ON CONTRACTING WITH MINORITY- AND WOMEN-OWNED BUSINESSES.

(a) REPORT REQUIRED.—Before the end of the 1-year period beginning on the date of the enactment of this Act, the Secretary of Defense shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on the extent to which contracts entered into during the fiscal year ending before the end of such 1-year period under the Defense Production Act of 1950 have been contracts with minority- and women-owned businesses.

(b) CONTENTS OF REPORT.—The report submitted under subsection (a) shall include the following:

(1) The types of goods and services obtained under contracts with minority- and women-owned businesses under the Defense Production Act of 1950 in the fiscal year covered in the report.

(2) The dollar amounts of such contracts.

(3) The ethnicity of the majority owners of such minority- and women-owned businesses.

(4) A description of the types of barriers in the contracting process, such as requirements for security clearances, that limit contracting opportunities for minority- and women-owned businesses, together with such recommendations for legislative or administrative action as the Secretary of Defense may determine to be appropriate for increasing opportunities for contracting with minority- and women-owned businesses and removing barriers to such increased participation.

(c) DEFINITIONS.—For purposes of this section, the terms ''women-owned business'' and ''minority-owned business'' have the meanings given such terms in section 21A(r) of the Federal Home Loan Bank Act, and the term ''minority'' has the meaning given such term in section 1204(c)(3) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989.

The bill (S. 1680), as amended, was read the third time and passed.

EXTENDING TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK GRANT PROGRAM

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3146, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3146) to extend the Temporary Assistance for Needy Families block grant program and certain tax and trade programs, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. GRASSLEY. Mr. President, I thank the majority leader for his work on the extension for the Temporary Assistance for Needy Families program. Unfortunately, this program has had to be extended several times while the Senate finance Committee worked to complete a very ambitious agenda.

Happily, though, the Senate finance Committee was able to report a welfare reauthorization bill on September 10, 2003. I plan to file the committee bill shortly. It is critical that the Senate act swiftly to complete action on this legislation. This program has languished, unauthorized, for a year. States need to make plans to adjust to the new provisions. Recipients need some assurances that the program will continue.

It was my preference that Senate action on the welfare bill take place this fall, but I understand that the time frame for adjournment is fluid and this impacts what the Leader is able to bring to the floor. Additionally, I would have preferred a shorter extension, in order to keep the process moving forward. I do not want to send the signal that since we are passing a 6-month extension, this means that there will be no action on this legislation until March next year. If that should occur, we would find ourselves in the position of having to seek yet another extension. This is a situation which can only be avoided, in my view, by prompt action on this legislation.

I understand why the majority leader wants a 6-month extension because I recognize that it is nearly impossible to envision a scenario in which the Senate passes a bill, the House and Senate have a conference, a conference report is drafted and filed and the measure goes back to both houses for a final vote, prior to a possible adjournment date in late November. But if it becomes at all possible for the Senate to act on the legislation in what remains of this session, leaving conference committee consideration for early next year, we should certainly do that.

It is my intention, if a window of opportunity does open up before we adjourn for the year, to work with the Leadership to bring this legislation up for consideration. In the event that such a window of opportunity does not open up in what remains of this session, I am confident that this bill will be among the first pieces of legislation brought up for consideration as soon as we reconvene next year.

MONTANA'S WELFARE WAIVER

Mr. BAUCUS. Mr. President, as we have worked over the last 2 years to reauthorize the 1996 landmark welfare reform law, I have often talked with pride about the welfare reform program in my own State of Montana. Montana was a welfare reform pioneer, embarking on reform under a waiver before 1996. We have continued to operate a program under that waiver and it has served us well.

The number of Montana families receiving monthly welfare checks is down sharply since the early 1990s. Under the waiver program, Montana achieved a participation rate of 84 percent in fiscal year 2002, despite a struggling economy. Montana is a regular recipient of ''high performance'' bonus awards, especially for the key criteria of moving welfare recipients quickly into jobs. An independent study by Abt Associates concluded that under Montana's program ''a Work First model has been implemented effectively in varied rural settings, including Indian reservations and remote areas'' and that it reflects an ''efficient and successful'' strategy. In other words, we're on the right track.

However, the waiver expires on December 31. We would like it extended. Given our track record, we think it is only common sense to continue a successful model. Others, unfortunately, have opposed such an extension. It is an issue we expect to be debated during consideration of the full 5 year reauthorization bill.

As we extend the Temporary Assistance for Needy Families, or TANF, program for 6 months, I want to confirm with the distinguished chairman of the Finance Committee, that he is willing to work with me to ensure that the welfare reauthorization bill allows Montana to maintain the successful direction of the program it has operated under its waiver. Given his efforts to work in a bipartisan manner, I am optimistic we will be able to reach an understanding on these policies.

Mr. GRASSLEY. Mr. President, I understand the concerns of the Senator from Montana, and look forward to continuing to work with him to reauthorize the TANF program in the coming months. I appreciate his concern for the need for Montana to pursue welfare policies it believe make sense in that State. I agree that we will discuss these and other issues as we reauthorize the TANF program and am also optimistic we will be able to reach an understanding on these policies.

Mr. President, current law penalizes rural and small urban facilities by paying them 1.6 percent less on every inpatient discharge than their counterparts in urban areas of a million or more people. This is one reason for MedPAC's finding that Medicare inpatient profit margins are substantially worse for rural and small urban facilities than for those located in large urban areas.

The provision raises the inpatient base rate for hospitals in rural and small urban areas to the same rate as that in large urban areas from October 1, 2003 through March 31, 2004. Every State except Rhode Island has rural or small urban hospitals, so 49 States will benefit from this provision.

The fiscal year 2003 omnibus Appropriations bill included a 6-month version of this policy. The policy ends on September 30, 2003. A permanent version of this policy was included in the Senate- and House-passed prescription drug bills this summer. MedPAC has endorsed a permanent version of this policy in its 2003 recommendations.

The cost of the provision is $300 million, for the 6-month period beginning October 1, 2003 and ending March 31, 2004, according to preliminary scores from CBO.

I ask unanimous consent to print in the RECORD the preliminary CBO estimates.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PRELIMINARY CBO ESTIMATE OF THE FEDERAL BUDGET EFFECTS OF H.R. 3146—BASED ON DRAFT LEGISLATIVE LANGUAGE, THOMAS.068, DATED SEPTEMBER 29, 2003 (11:22 AM)—ESTIMATED USING CBO MARCH 2003 BASELINE

[By fiscal year, in millions of dollars]

	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2004–2008	2004–2013
CHANGES IN DIRECT SPENDING												
Title I: Family assistance Provisions												
Fund Supplemental Grants for 2 quarters:												
Budget Authority	191	0	0	0	0	0	0	0	0	0	191	191
Outlays	96	38	19	19	19	0	0	0	0	0	191	191
Increase Transfer Authority to 10 percent for 2 quarters:												
Budget Authority	0	0	0	0	0	0	0	0	0	0	0	0
Outlays	77	−14	−28	−15	−15	−5	0	0	0	0	5	0
Extend TMA through March 2004:												
Budget Authority	86	135	19	4	0	−1	0	0	0	−1	244	242
Outlays	83	130	20	5	0	0	0	1	0	0	238	239

PRELIMINARY CBO ESTIMATE OF THE FEDERAL BUDGET EFFECTS OF H.R. 3146—BASED ON DRAFT LEGISLATIVE LANGUAGE, THOMAS.068, DATED SEPTEMBER 29, 2003 (11:22 AM)—ESTIMATED USING CBO MARCH 2003 BASELINE—Continued

[By fiscal year, in millions of dollars]

	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2004–2008	2004–2013
Extend Abstinence Education Grants for 2 quarters:												
Budget Authority	25	0	0	0	0	0	0	0	0	0	25	25
Outlays	7	9	3	2	1	0	0	0	0	0	22	22
Extend TANF Research Funding for 2 quarters:												
Budget Authority	8	0	0	0	0	0	0	0	0	0	8	8
Outlays	1	3	4	0	0	0	0	0	0	0	8	8
Extend Child Welfare Research Funding for 2 quarters:												
Budget Authority	3	0	0	0	0	0	0	0	0	0	3	3
Outlays	(1)	1	2	0	0	0	0	0	0	0	3	3
Subtotal Title I:												
Budget Authority	313	135	19	4	0	−1	0	0	0	−1	471	469
Outlays	264	167	20	11	5	−5	0	1	0	0	467	463
Title III: Trade Provisions												
Extend Custom User Fees through March 2004:												
Budget Authority	−698	0	0	0	0	0	0	0	0	0	−698	−698
Outlays	−698	0	0	0	0	0	0	0	0	0	−698	−698
Title IV: Medicare Cost-Sharing Provisions												
Extend Medicare Cost-Sharing through March 2004:												
Budget Authority	42	0	0	0	0	0	0	0	0	0	42	42
Outlays	42	0	0	0	0	0	0	0	0	0	42	42
Extend Inpatient Hospital SPA Equalization through March 2004:												
Budget Authority	292	0	0	0	0	0	0	0	0	0	292	292
Outlays	292	0	0	0	0	0	0	0	0	0	292	292
Subtotal Title IV:												
Budget Authority	334	0	0	0	0	0	0	0	0	0	334	334
Outlays	334	0	0	0	0	0	0	0	0	0	334	334
Total Direct Spending:												
Budget Authority	−51	135	19	4	0	−1	0	0	0	−1	107	105
Outlays	−100	167	20	11	5	−5	0	1	0	0	103	99
CHANGES IN REVENUE												
Title II: Tax Provisions	33	8	0	0	0	0	0	0	0	0	41	41
Net Effect on Deficit/Surplus	−133	159	20	11	5	−5	0	1	0	0	62	58

Notes: TANF=Temporary Assistance for Needy Families. TMA=Transitional Medical Assistance. SPA=Standardized Payment Amount.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the amendment that is at the desk be agreed to; that the bill, as amended, be read a third time and passed; that the motion to reconsider be laid upon the table; and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1793) was agreed to, as follows:

(Purpose: 6-month extension of provision equalizing urban and rural standardized payment amounts under Medicare Inpatient Hospital Prospective Payment System)

At the end of title IV, insert:

SEC. ___. EXTENSION OF PROVISION EQUALIZING URBAN AND RURAL STANDARDIZED MEDICARE INPATIENT HOSPITAL PAYMENTS.

(a) IN GENERAL.—Paragraphs (1) and (2) of section 402(b) of the Miscellaneous Appropriations Act, 2003 (Public Law 108–7; 117 Stat. 548) are each amended by striking ''September 30, 2003'' and inserting ''March 31, 2004''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Subject to paragraph (2), the amendments made by subsection (a) shall take effect as if included in the enactment of the Miscellaneous Appropriations Act, 2003.

(2) AUTHORITY TO DELAY IMPLEMENTATION.—

(A) IN GENERAL.—If the Secretary of Health and Human Services (in this subsection referred to as the ''Secretary'') determines that it is not administratively feasible to implement the amendments made by subsection (a), notwithstanding such amendments and in order to comply with Congressional intent, the Secretary may delay the implementation of such amendments until such time as the Secretary determines to be appropriate, but in no case later than November 1, 2003.

(B) TEMPORARY ADJUSTMENT FOR REMAINDER OF FISCAL YEAR 2004 TO EFFECT FULL RATE CHANGE.—If the Secretary delays implementation of the amendments made by subsection (a) under subparagraph (A), the Secretary shall make such adjustment to the amount of payments affected by such delay, for the portion of fiscal year 2004 after the date of the delayed implementation, in such manner as the Secretary estimates will ensure that the total payments for inpatient hospital services so affected with respect to such fiscal year is the same as would have been made if this paragraph had not been enacted.

(C) NO EFFECT ON PAYMENTS FOR SUBSEQUENT PAYMENT PERIODS.—The application of subparagraphs (A) and (B) shall not affect payment rates and shall not be taken into account in calculating payment amounts for services furnished for periods after September 30, 2004.

(D) ADMINISTRATION OF PROVISIONS.—

(i) NO RULEMAKING OR NOTICE REQUIRED.—The Secretary may carry out the authority under this paragraph by program memorandum or otherwise and is not required to prescribe regulations or to provide notice in the Federal Register in order to carry out such authority.

(ii) LIMITATION ON REVIEW.—There shall be no administrative or judicial review under section 1869 or 1878 of the Social Security Act (42 U.S.C. 1395ff and 1395oo), or otherwise of any delay or determination made by the Secretary under this paragraph or the application of the payment rates determined under this paragraph.

The bill (H.R. 3146), as amended, was read the third time and passed.

CONSUMER PRODUCT SAFETY COMMISSION REAUTHORIZATION ACT OF 2003

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 252, S. 1261.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1261) to reauthorize the Consumer Product Safety Commission, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

(Strike the part shown in black brackets and insert the part shown in italic.)

S. 1261

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

[SECTION 1. SHORT TITLE.

[This Act may be cited as the ''Consumer Product Safety Commission Reauthorization Act of 2003''.

[SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

[Section 32(a) of the Consumer Product Safety Act (15 U.S.C. 2081(a)) is amended by striking paragraphs (1) and (2) and inserting the following:

[''(1) $60,000,000 for fiscal year 2004;

[''(2) $66,800,000 for fiscal year 2005;

[''(3) $70,100,000 for fiscal year 2006; and

[''(4) $73,600,000 for fiscal year 2007.''.

[SEC. 3. FTE STAFFING LEVELS.

[Section 4(g) of the Consumer Product Safety Act (15 U.S.C. 2053(g)) is amended by adding at the end the following:

[''(5) The Commission is authorized to hire and maintain a full time equivalent staff of 471 persons in each of fiscal years 2004 through 2007.''.

[SEC. 4. EXECUTIVE DIRECTOR AND OFFICERS.

[So much of section 4(g) of the Consumer Product Safety Act (15 U.S.C. 2053(g) as precedes paragraph (2) is amended to read as follows:

[''(g) EXECUTIVE DIRECTOR; OFFICERS AND EMPLOYEES.—(1)(A) The Chairman, subject to the approval of the Commission, shall appoint as officers of the Commission an Executive Director, a General Counsel, an Associate Executive Director for Engineering Sciences, an Associate Executive Director

for Laboratory Sciences, an Associate Executive Director for Epidemiology, an Associate Executive Director for Health Sciences, an Assistant Executive Director for Compliance, an Associate Executive Director for Economic Analysis, an Associate Executive Director for Administration, an Associate Executive Director for Field Operations, an Assistant Executive Director for Office of Hazard Identification and Reduction, an Assistant Executive Director for Information Services, and a Director for Office of Information and Public Affairs. Any other individual appointed to a position designated as an Assistant or Associate Executive Director shall be appointed by the Chairman, subject to the approval of the Commission. The Chairman may only appoint an attorney to the position of Assistant Executive Director for Compliance, but this restriction does not apply to the position of Acting Assistant Executive Director for Compliance.''.]

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Consumer Product Safety Commission Reauthorization Act of 2003''.

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

Section 32(a) of the Consumer Product Safety Act (15 U.S.C. 2081(a)) is amended by striking paragraphs (1) and (2) and inserting the following:

''(1) $60,000,000 for fiscal Year 2004;

''(2) $66,800,000 for fiscal year 2005;

''(3) $70,100,000 for fiscal year 2006; and

''(4) $73,600,000 for fiscal year 2007.''.

SEC. 3. FTE STAFFING LEVELS.

Section 4(g) of the Consumer Product Safety Act (15 U.S.C. 2053(g)) is amended by adding at the end the following:

''(5) The Commission is authorized to hire and maintain a full time equivalent staff of 471 persons in each of fiscal years 2004 through 2007.''.

SEC. 4. EXECUTIVE DIRECTOR AND OFFICERS.

So much of section 4(g) of the Consumer Product Safety Act (15 U.S.C. 2053(g)(1) as precedes subparagraph (B) is amended to read as follows:

''(g) EXECUTIVE DIRECTOR; OFFICERS AND EMPLOYEES.—(1)(A) The Chairman, subject to the approval of the Commission, shall appoint as officers of the Commission an Executive Director, a General Counsel, an Associate Executive Director for Engineering Sciences, an Associate Executive Director for Laboratory Sciences, an Associate Executive Director for Epidemiology, an Associate Executive Director for Health Sciences, an Assistant Executive Director for Compliance, an Associate Executive Director for Economic Analysis, an Associate Executive Director for Administration, an Associate Executive Director for Field Operations, an Assistant Executive Director for Office of hazard Identification and Reduction, an Assistant Executive Director for Information Services, and a Director for Office of Information and Public Affairs. Any other individual appointed to a position designated as an Assistant or Associate Executive Director shall be appointed by the Chairman, subject to the approval of the Commission. The Chairman may only appoint an attorney to the position of Assistant Executive Director for Compliance, but this restriction does not apply to the position of Acting Assistant Executive Director for Compliance.''.

SEC. 5. SUBSTANTIAL PRODUCT HAZARD RECALLS.

Section 15 of the Consumer Product Safety Act (15 U.S.C. 2064) is amended by adding at the end the following:

''(i) COMMISSION-FINANCED RECALLS.—

''(1) IN GENERAL.—The Commission may take the actions otherwise required of a manufacturer, retailer, or distributor under subsection (c)(1), (2), and (3) with respect to a product if the Commission—

''(A) staff makes a preliminary hazard determination that a product presents a substantial product hazard classified as a Class A or B product hazard (as defined in the Commission's Recall Handbook) or the Commission makes a substantial product hazard determination classified as a Class A or B product hazard (as defined in the Commission's Recall Handbook) with respect to such a product; and

''(B) finds that—

''(i) notification of the hazard is in the public interest; and

''(ii) the manufacturer, retailer, or distributor is financially unable to provide adequate notification.

''(2) IMPLEMENTING REGULATIONS.—Not more than 120 days after the date of enactment of the Consumer Product Safety Commission Reauthorization Act of 2003, the Commission shall prescribe regulations to implement paragraph (1). In promulgating such regulations, the Commission shall establish strict standards for ensuring that Commission funding is expended only on the product recall notifications of manufacturers, retailers, or distributors that are financially unable to effect adequate notifications required by this section.

''(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commission for each fiscal year $2,000,000 to carry out this subsection.''.

SEC. 6. INCREASE IN CIVIL PENALTIES.

Section 20(a)(1) of the Consumer Product Safety Act (15 U.S.C. 2069(a)(1)) is amended by striking ''$1,250,000'' each place it appears and inserting ''$20,000,000''.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the committee-reported amendment be agreed to; that the bill, as amended, be read a third time and passed; that the motion to reconsider be laid upon the table; and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 1261), as amended, was read the third time and passed.

ORDERS FOR WEDNESDAY, OCTOBER 1, 2003

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Wednesday, October 1. I further ask unanimous consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period for morning business until 10:30 a.m., with the first half of the time under the control of the minority leader or his designee, and the second half of the time under the control of Senator HUTCHISON or her designee; provided further, that at 10:30 a.m., the Senate begin consideration of the supplemental appropriations bill for Iraq and Afghanistan, as under the previous order, with the time under the control of the two leaders or their designees.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MCCONNELL. Mr. President, for the information of all Senators, tomorrow morning, following morning business, the Senate will begin consideration of the Iraq supplemental appropriations bill. Amendments are possible as early as 12:30 p.m. Therefore, rollcall votes are expected throughout the day. As always, Senators will be notified when the first vote is expected.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, before the distinguished Senator asks that the Senate be closed, I was thinking that the Senate is a great institution. To think we are at the point we are tonight, with peace and quiet in the Senate, after having faced lots of procedural problems, the two leaders are to be commended for having arrived at the point where we can civilly approach this most important legislation and have amendments offered. It is going to be good for the Senate and good for the American people.

Mr. MCCONNELL. Mr. President, I thank the assistant Democratic leader for his role in helping us get to the place where we arrived today. I, too, share his optimism that we will be able to move forward on this very important legislation this week and then wrap it up the week after the recess.

AUTHORITY TO SIGN DULY ENROLLED BILLS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that until the Senate reconvenes tomorrow, it be in order for the majority leader, the assistant majority leader, or the junior Senator from Missouri to sign duly enrolled bills.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. MCCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:43 p.m., adjourned until Wednesday, October 1, 2003, at 9:30 a.m.

NOMINATIONS

Executive nomination received by the Senate September 30, 2003:

UNITED STATES SENTENCING COMMISSION

WILLIAM K. SESSIONS III, OF VERMONT, TO BE A MEMBER OF THE UNITED STATES SENTENCING COMMISSION FOR A TERM EXPIRING OCTOBER 31, 2009. (REAPPOINTMENT)

CONFIRMATIONS

Executive nominations confirmed by the Senate September 30, 2003:

THE JUDICIARY

MARCIA A. CRONE, OF TEXAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF TEXAS.

RONALD A. WHITE, OF OKLAHOMA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF OKLAHOMA.

EXTENSIONS OF REMARKS

IN RECOGNITION OF VAHAK AND PARIS HOVNANIAN

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Mr. PALLONE. Mr. Speaker, I rise today to laud the accomplishments of Mr. and Mrs. Vahak Hovnanian, who are this year's recipients of the Artistic Eminence Award presented by Pacific Encore Performances, for their outstanding commitment to the arts and music. These two remarkable individuals have served their community through numerous contributions to the economy, culture, and education.

Together, this couple's service to local, national, and the world community has been nothing short of extraordinary. In 1976, they began the Hovnanian School that started with only thirteen students in a church basement. Today the school consists of 200 students with a curriculum that focuses on multicultural studies as well as art, music, and theater. In 1998, the Hovnanians together with the Armenian Minister of Culture sponsored competitions in all cultural arts. Later, Mr. and Mrs. Hovnanian started the Sayat Hoa Festival where Armenian artists could showcase their talent.

Mr. and Mrs. Hovnanian are remarkable individuals in their own right, and should be celebrated for their personal accomplishments as well as those they accomplish together. In 1952, Mr. Hovnanian emigrated from Baghdad to America in pursuit of higher education. After receiving his degree in physics, he and his three brothers formed the Hovnanian Brothers Corporation, building homes in Monmouth and Ocean Counties, New Jersey. In 1969, the brothers chose to separate and form businesses of their own. It was at this time that Mr. Hovnanian became the founding chairman and president of the widely recognized residential and commercial real estate and development corporation, Hovbilt Inc. and Adelphia Water and Sewer Company. In addition, he and his son Shant created the V.S. Hovnanian Group, elevating them to a prominent status amongst New Jersey real estate developers, entrepreneurs, and philanthropists.

Yet, Mr. Hovnanian's ambitions did not stop with his business endeavors. He went on to become the president of the Howell Township Chamber of Commerce, Chairman of the local Rotary Club, a Monmouth University trustee, and Chairman of the Monmouth Conservation Foundation. In 1988, Mr. Hovnanian sponsored the first New Jersey Waterfront Marathon and underwrote the banquet honoring Olympic Marathon Trials.

Mrs. Paris Hovnanian has also accomplished much to be proud of. Born in Jerusalem, she too immigrated to America to further her education. She completed her Bachelors Degree in sociology and education and later attended Columbia University on scholarship for graduate studies. Mrs. Hovnanian is a co-founder of the New York Academy of Art and an active participant in a host of charitable organizations where she exhibits her strong and effective leadership skills.

Mr. Speaker, Vahak and Paris Hovnanian have given back so generously to their community. Their tireless and selfless efforts have benefited those in America and around the world. Accordingly, I ask that my colleagues rise and join me in honoring these remarkable individuals, Mr. and Mrs. Vahak and Paris Hovnanian.

HONORING THE 50TH ANNIVERSARY OF THE MAUMEE, OHIO KIWANIS CLUB

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Ms. KAPTUR. Mr. Speaker, on March 17, 1953, the Maumee, Ohio Kiwanis Club was chartered. This year, the organization proudly celebrates its fiftieth anniversary. Its members through the years have fostered its growth, and ''have demonstrated that service, hard work, and good fellowship bring individual satisfaction'' according to its guide.

An integral part of Maumee's fabric, the Kiwanians have contributed much to the community in the club's half-century. Many students have received scholarships that have enabled them to further their higher education. Other young people have been able to participate in sports because of the Kiwanis Club's gifts and team sponsorships. Still more youth have had the opportunity to attend summer camp and recreational activities thanks to the Maumee Kiwanis. Senior citizens, too, have been helped by Kiwanis' donations to the Maumee Senior Center. The community at large has also benefited from Kiwanis civic offerings such as park maintenance and purchases to restore buildings of the Maumee Historical Society.

The Maumee Kiwanis Club is an able embodiment of the international organization's motto, ''We Build.'' Through its efforts, all of the residents of Maumee but especially its children, have been built up and strengthened. Truly, Maumee Kiwanians have proudly upheld its theme: ''Serving the children of the world.'' I am very pleased to recognize the achievements of the Maumee Kiwanis Club and congratulate its members past and present on 50 years of service as we look forward to 50 more. Onward.

EXPRESSING THE SENSE OF THE HOUSE OF REPRESENTATIVES THAT THE UNITED STATES POSTAL SERVICE SHOULD ISSUE A POSTAGE STAMP COMMEMORATING THE FISK JUBILEE SINGERS

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Mr. HASTINGS of Florida. Mr. Speaker, today I am proud to introduce a resolution calling on the U.S. Postal Service to honor the Fisk Jubilee Singers with a commemorative stamp.

The Fisk Jubilee Singers are true heroes in the fight for civil rights and racial equality in education. Their heritage goes back more than one hundred and thirty years to just after the Civil War. These singers are part of a unique group of former slaves who made it their passion to achieve the kind of education that they did not have access to before emancipation. Their spirit has been felt all across this nation and around the world, and it is my honor to stand before you today to tell you about the legacy of the Fisk Jubilee Singers, whom I hold near to my heart.

The Fisk School was founded in Nashville, Tennessee, just after the end of the Civil War. This school was intended to transcend the racial divide, with the founders of the University opening the doors of education to all persons, regardless of their race. Recently emancipated slaves, ecstatic at the limitless possibilities for freedom offered by learning, took it upon themselves to create in the Fisk School an educational institution that would give to them a sense of profound moral purpose in the great American democracy. The sale of slave paraphernalia paid for the opening of the school, and in 1867 the Fisk School became Fisk University, now the oldest university in Nashville.

Fisk University's accomplishments in the advancement of educational opportunities for African-American's is far too long to mention here. I will tell you briefly that some of the most honored African-American artists, thinkers and activists attended or were involved with Fisk, including W.E.B DuBois, Booker T. Washington, Charles Spurgeon Johnson, James Weldon Johnson, and Thurgood Marshall, to name a few of the more distinguished African-Americans. Indeed, Fisk University played an enormously profound role in the advancement of black learning and culture in America. I am both humbled by and proud of the time that I, too, spent at Fisk University. Many of the values I hold dear to my heart today I learned from my colleagues and professors at Fisk.

It was in 1871 that a group of students at Fisk University formed a choral group that they named the Fisk Jubilee Singers.

Mr. Speaker, the Fisk Jubilee Singers have made a lasting contribution to racial equality

and black culture in America. They introduced the spiritual as a musical genre, and demonstrated a truly unique commitment to their education. It is time that we in Congress honor their incredible achievements in such a manner that all of America will come to know of their commitment.

Mr. Speaker, I ask my colleagues to pass my resolution encouraging the Postal Service to issue a postage stamp commemorating the legacy and achievements of the Fisk Jubilee Singers.

RECOGNIZING CONGRESSMAN DONALD M. PAYNE

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Mr. PALLONE. Mr. Speaker, I rise today to call attention to one of our distinguished colleagues, Representative DONALD M. PAYNE from New Jersey's 10th District. Congressman PAYNE is this year's recipient of the Justice for Cypress Award presented by the Cypress Federation of America. This award is presented to an individual who has exhibited exemplary leadership and has advocated for the liberation of Cypress from the Turkish occupation forces and the restoration of the human rights of the Cypriot people. I can think of no one more deserved of this award then my friend, Congressman DONALD PAYNE.

Congressman PAYNE has represented his district in the U.S. House of Representatives since 1988, when he was elected as New Jersey's first African American Congressman. In 2002, he was re-elected to serve an eighth term to represent the people of New Jersey's 10th Congressional District in the 108th Congress.

Congressman PAYNE is a member of the International Relations Committee and its Subcommittee on the Western Hemisphere and Subcommittee on Africa, where he holds the position of ranking member. Through these committee assignments, Congressman PAYNE has become a key player in the arena of International Relations. He has been one of the leading advocates of the restoration of democracy and human rights in many nations throughout the world. Congressman PAYNE lead an effort among pharmaceutical companies to donate over $2 million worth of medicine to war-torn Somalia. Similarly, Mr. PAYNE also introduced the Sudan Peace Act, which facilitated famine relief efforts and a comprehensive solution to the war in Sudan.

In addition, Congressman PAYNE has proven himself to be an influential member of the House Committee on Education and the Workforce. Congressman PAYNE is a leading advocate of education and has played an instrumental role in the passage of key legislation aimed at improving elementary and secondary schools.

Congressman PAYNE has also worked diligently on important issues like healthcare and the environment. Congressman PAYNE was a major influence in directing attention towards the AIDS epidemic and the rising incidence of tuberculosis in many nations. He has also devoted much time and energy to the elimination of poverty and was a key sponsor of the minimum wage increase and the Family and Medical Leave Act. Furthermore, Congressman PAYNE's record on environmental conservation issues has been rated one of the best in Congress.

Before being elected to serve in the House of Representatives, Mr. PAYNE had a distinguished career that included service on the Newark Municipal Council and the Essex County Board of Chosen Freeholders. Mr. PAYNE was also an executive of the Prudential Insurance Company, Vice President of Urban Data Systems, and an educator in the Newark public school system.

Congressman PAYNE, a native of New Jersey, graduated from Seton Hall University and pursued graduate studies at Springfield College in Massachusetts. He holds honorary degrees from Chicago State University, Drew University, Essex County College and William Paterson University. Congressman PAYNE is a widower, father of three and grandfather of four.

Mr. Speaker, Congressman PAYNE's contributions to his community, our nation and the world have been numerous and successful. He is a man of great character and a true asset to the United States Congress. I ask that my colleagues rise and join me in honoring my dear friend and colleague, the Honorable DONALD M. PAYNE.

TRIBUTE TO THE FIREFIGHTERS OF SEPTEMBER 11, 2001

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Ms. KAPTUR. Mr. Speaker, on September 11, 2003 communities all across America held observances to remember those who fell in the events two years before. In my own hometown of Toledo, part of our observance included a reading of the names of those who died on that fateful day, and inspirational readings and poems. I would like to quote one of these poems for the record. It is a special tribute to firefighters, written by Toledoan Ernest Fodor and entitled ''Just Because You Call.''

There is a well-known fact in heaven
All the firefighters tell
When they put out their last fire on earth
They did their job so well
Some how they had the strength
To do what they could do
Sometimes they even gave their life
For the likes of me and you
But now that they're in heaven
If they hear a fire call
They would try so hard to come back
And bravely save us all
There are so many people
With lives that are much brighter
Just because a call was answered
By a firefighter

Thank you Ernest Fodor for remembering, and for your inspired words.

RECOGNIZING THE DESIGNATION OF THE CAPITAL CHILDREN'S MUSEUM AS THE NATIONAL CHILDREN'S MUSEUM

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Ms. NORTON. Mr. Speaker, I was pleased to support enactment of H.R. 13, the Museum and Library Services Act of 2003. In addition to authorizing Federal funding support for our Nation's museums and libraries, the bill contains a small provision with great importance to the District of Columbia. It designates the Capital Children's Museum as the National Children's Museum which will be a new state-of-the-art, interactive museum offering a national model for exhibits oriented and dedicated to children. The purpose of the museum will be to explain the Nation's institutions and ideas to American children, providing a gateway of understanding not only for children in the Washington, DC, metropolitan area, but also for the millions of school children and families who visit the Nation's capital from across the Nation and the world.

The National Children's Museum designation is critical for several reasons. The designation enables the museum to highlight its activities and exhibits, and expand the reach of its educational experiences to children both in the United States and abroad. The museum serves as a flagship for the Nation's children's museums, and the Association of Children's Museums supports the designation because it increases public understanding of the purpose of all children's museums. In addition, the designation will help facilitate partnerships for the National Children's Museum with other regional museums to create models for innovative learning experiences.

For almost 30 years, the Capital Children's Museum has been serving the children of the Nation's capital. I hope my colleagues will join me in thanking the Capital Children's Museum on its service to children for these many years, and in congratulating the museum on this designation and its commitment to the creation of the National Children's Museum.

RECOGNIZING MR. BENON V. SEVAN

HON. FRANK PALLONE, Jr.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Mr. PALLONE. Mr. Speaker, I rise today to laud the accomplishments of Mr. Benon V. Sevan, and his 38 years of service to the United Nations Secretariat. Mr. Sevan, a national of Cyprus, is the recipient of the Life Time Achievement Award presented by the Cypress Federation of America.

This award is given to an individual that has shown how valuable and effective they have been during their time with the United Nations. It is clear to me that Mr. Sevan is truly deserving of this award because of his dedication and diligence with every project that he has taken on. Over the years, Mr. Sevan has worked in several departments at the U.N. and has held several positions within the U.N. Secretariat.

Mr. Sevan first began at the United Nations in 1965 where he worked in the department of Public Information until 1996. In 1973 he joined the Secretarial of the Economic and Social Council and served as secretary of the council from 1982 until 1988.

In May of 1989 Mr. Sevan was appointed to the position of the Secretary-General's Personal Representative in Afghanistan and Pakistan. A year later he was asked to serve, concurrently, as the Secretary-General's Representative on the implementation of the Geneva Accords on Afghanistan. In 1991, Mr. Sevan took on yet another duty when he assumed responsibility for the overall direction and administration of the Office for the Coordination of the United Nations Humanitarian and Economic Assistance Programs in Afghanistan.

From August of 1992 until March of 1994 he served as Assistant Secretary-General and Deputy Head of the Department of Political Affairs. In 1997 Mr. Sevan was appointed as the Executive Director of the Iraq Program. Prior to this position he served as Assistant Secretary-General for Conference and Support Services and United Nations Security Coordinator, which he carried out until 2002. Since 1992 Mr. Sevan served as the Special Envoy of the Secretary-General for issues related to missing persons in the Middle East, where he engaged in preventive diplomacy and mediation in the world's trouble spots.

Once again, Mr. Speaker, I would like to congratulate Mr. Sevan on his Lifetime Achievement award. I would like to thank Mr. Sevan for nearly 40 years of service to the international community and I ask my colleagues to rise with me in honoring the distinguished Benon V. Sevan.

HONORING THE OWENS BOTTLE MACHINE COMPANY

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Ms. KAPTUR. Mr. Speaker, one hundred years ago in Toledo, Ohio a revolution took place. In September 1903, a machine allowing the mass production of glass bottles changed the industry, and it changed the world as ''the most significant advance in glass production in over 2,000 years'' as noted by the American Society of Mechanical Engineers. The company that grew out of this invention, Owens-Illinois, is celebrating its centennial anniversary.

At the dawn of the last century, Michael J. Owens was a young glass blower working in Toledo's Libbey Glass factory. Another inventive visionary and civic leader, Edward Drummond Libbey became Mr. Owens' primary backer as Mr. Owens developed his idea for the complete mechanization of glass bottle making. Though machines were patented in the latter half of the nineteenth century, all relied heavily on human toil. In 1903, Michael J. Owens patented a fully automated ''bicycle pump'' which operated in a similar fashion to this machine. The Owens Bottle Machine Company was incorporated on September 3, 1903.

In two years, the company was able to begin commercial sales with a machine that could make ten bottles per minute. It was the first of many patented machines which developed products including glass building blocks, tumblers, plywood, paper cups, metal cans, television tubes, flat electronic display panels, corrugated boxes, lab glassware, plastic soft drink bottles, medicine vials, glass cookware, plastic and glass containers for food and beverages, and materials for range tops and telescope mirror blanks.

The company's sharp minds developed many innovations we know today and use in our everyday lives including the method for fusing graphics onto bottles, squeezable dispensers for foodstuffs, disposable and recyclable bottles, child-proof medicine bottles, tamper-resistant containers, plastic toothpaste pumps, microwavable food containers, barrier shields to prevent the release of carbonation for plastic soft drink bottles, the design of 2 liter bottles and many other types of bottles, and even the ''clamshell'' packages for McDonald's hamburgers.

Within twenty years of the founding of Owens Bottle Machine Company, machines manufactured 94 percent of the bottles. This innovation pleased the National Child Labor Committee, which in 1913 praised the Toledo technological advance in reducing child labor. The labor saving machines were also beneficial to the glassblowers, whose profession when practiced manually was devastating to their health.

By 1920, the Owens Bottle Company was the nation's largest bottle manufacturer, and Toledo earned its nickname as the ''glass capitol of the world,'' a moniker still proudly borne today.

In 1930, several years after the deaths of its founders, an acquisition of the Illinois Glass Company brought William Levis on board. Mr. Levis' contributions to the success of the newly christened Owens-Illinois Company are widely held to be as significant as its founders'. During the depths of the Great Depression in 1930, Owens-Illinois made $2.7 million. He foresaw the end to Prohibition, and was ready to capture the market on glass bottles when alcohol production resumed in 1933. William Levis invested heavily in glass fiberization technology, leading to the development of another well-known Toledo company, Owens-Corning. He also brought Toledo's Libbey Glass Company into the fold.

By 1950, Owens-Illinois was the largest glass bottle manufacturer in the world. With factories all over the world, employment worldwide reached 80,000 people including scientists, researchers, skilled labor, and management. Today its signature building, a glass skyscraper in downtown Toledo, stands as a monument to its zenith years.

Even though the company declined somewhat during the 1980s years of hostile corporate takeovers, Owens-Illinois remains a viable leader on the world market stage and one of Toledo's principal companies. One of every two bottles produced worldwide is made by Owens-Illinois or one of its subsidiaries. It is Toledo's second largest company as it begins its second century of operation. I am proud to salute its workforce past and present. America looks forward to the creative technology of its future.

A TRIBUTE TO ALAN AND KRISTINE YEADON OF JEROME, MI, FOR THEIR WORK WITH FOSTER CHILDREN

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Mr. SMITH of Michigan. Mr. Speaker, I rise today to honor Alan and Kristine Yeadon of Jerome, MI. The Yeadons have been selected to receive the National ''Angels in Adoption'' Award for their tireless effort to care for the children of Michigan. On this date, September 30, 2003, the Congressional Adoption Institute will present this award at ceremonies in the Ronald Reagan Building in Washington, DC.

Alan and Kristine have their home in Somerset Township, MI and are active participants at Somerset Congregational Church. Alan is a successful engineer. More importantly, however, Alan and Kristine have fostered children for the last 3 years. In that time they fostered 13 children and raised five of their own.

When Alan and Kristine Yeadon first applied for foster parenthood they asked for children younger than their own. Their oldest child at the time was 12. Their first placement turned out to be three teenage children and an infant! The Yeadons quickly found that older children were a good fit for their family. Currently, children ranging from 1–15 years old live in their home.

They began their foster parenthood after seeing firsthand the great need for parents. Kristine's parents took in foster children. Alan participated in the Kinship program. They had the time, concern, and love to share with children and their families. Today, the Yeadons are adopting a daughter to add to their ever-changing family.

They have had many successes. Some children returned to a better life with their biological parents, some were placed with relatives, and others are ready for adoption. In addition to helping these foster children, Alan and Kristine believe that this experience benefited their own children. ''All of our children have made many adjustments along the way. It has not always been easy for them but the lessons they have learned and the great amount of compassion, understanding, acceptance, and flexibility they now possess will stay with them always.''

On behalf of Congress, I offer our thanks and congratulations for their tireless efforts to help others. It is their kind of dedication that makes America great.

IN RECOGNITION OF MR. JOHN C. RAKKOU

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Mr. PALLONE. Mr. Speaker, I rise today to laud the accomplishments of Mr. John C. Rakkou as a businessman and a dedicated member of his community. Mr. Rakkou is the President and CEO of the Interbank of New York and the recipient of this year's Humanitarian and Philanthropic award presented by the Cyprus Federation of America.

Mr. Rakkou was born on April 17, 1938 in the small town of Korisos in the prefecture of Kastoria, Greece. He received his first college degree in forestry in 1959 and later honored his country by serving in the Royal Army of Greece until he was honorably discharged in 1961. After marrying his wife in September of 1961, the couple immigrated to the United States in 1962. In pursuit of higher education, Mr. Rakkou enrolled at The City University of New York where he received his Bachelor's Degree in Economics. He later completed his Masters Degree in Economics from CUNY.

After graduation, and with the addition of two children to his family, Mr. Rakkou joined the Atlantic Bank of New York, initiating thereby a long and successful career in banking. While there he stood out amongst his colleagues for his dedication, extreme work ethic, and overall performance, which subsequently contributed to his professional advancement to Executive Vice President in charge of the Commercial Lending Activities Division of the bank. Mr. Rakkou's past performance, degree of expertise, and dedication to his profession were more effectively demonstrated in 1993, when he joined, as President and C.E.O., the Interbank of New York. It was at this small community bank, where Mr. Rakkou found pleasure in serving his community by creating and providing jobs for community members and contributing to the economic improvement of the area.

Mr. Rakkou furthered his genuine love for his neighbors, by joining the Community Board of St. Spyridon Church in Washington Heights, where he was elected president for 2 consecutive years. He served for several years as a member of the School Board of the Th. Tsolainos and C. Goulandris Parochial School in New York. Mr. Rakkou was appointed to the Board of Trustees of the St. Michael's Home for the Aged in Yonkers, NY, and served as treasurer for 3 years. In addition to these and many other accomplishments, in 2002 Mr. Rakkou was honored with the Ellis Island Medal of Honor, an award that pays tribute to individuals who have made outstanding contributions to America.

Once again, Mr. Speaker, I would like to congratulate Mr. Rakkou for his tireless dedication to his community both professionally and civically, and I ask that my colleagues rise and join me in honoring the distinguished Mr. John C. Rakkou.

HONORING DOROTHY B. BIDDLE

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Ms. KAPTUR. Mr. Speaker, Dorothy Biddle is a very special lady in the hearts of the residents of Fulton County, Ohio and her hometown of Wauseon. Proud to call her friend myself, I am pleased to note an action recently taken by this gracious centenarian, a wonderful and lasting gift she gave to her community.

For many years, Wauseon has been working to establish a ballpark. The ''Field of Dreams'' has been a goal of the community and special project of the Wauseon Rotary. Mrs. Biddle's husband, Clark, was a Rotarian until his passing, and she has remained in touch with the group's activities. In her 105th year, Dorothy Biddle decided to offer a bequest to the Wauseon Rotary in order to fulfill this 14 yearlong dream. Long a supporter of youth activities and opportunities, Mrs. Biddle is donating the astounding sum of $1,254,000.00 for the completion of the park. This gift numbers among the largest ever received by any Rotary organization.

Now the park, which will feature baseball diamonds, soccer fields, and walking trails on 73 acres of land will bear the name of Wauseon's most treasured citizen, who though she has traveled around the world still considers her hometown to be ''the best place in the world to live.'' Children of the future will see by her example what one person can do for her community when the Dorothy B. Biddle Park remains as a living testament to a truly remarkable lady. Thank you, Dorothy, for your beneficence and civic-minded patriotism.

IN SUPPORT OF SSG WILLIAM L. MURWIN AND H.R. 2998

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Mr. PORTER. Mr. Speaker, I rise today in strong support of H.R. 2998 offered by my friend and colleague, the distinguished Chairman of the Appropriations Committee, Mr. YOUNG of Florida. This vital legislation will benefit thousands of our men and women in uniform, including one brave Nevadan in particular, Staff Sergeant William L. Murwin.

Staff Sergeant Murwin is a Marine Reservist from Nevada whose unit was activated for service in Operation Iraqi Freedom. While in Iraq, he was injured while patrolling with his unit. Sergeant Murwin suffered grave injuries, and was evacuated to the United States for treatment. He received care and treatment for a month at Walter Reed Army Hospital in Washington, DC, and was then released from active duty and returned to Nevada. He was deeply shocked to receive a bill from the Federal government for more than $200 for the food he received while being treated for his combat injuries.

Fortunately for Staff Sergeant Murwin, Mr. YOUNG and his wife Beverly visited Walter Reed and personally paid Sergeant Murwin's bill. Then, motivated by his desire to make sure this did not happen to any service member ever again, BILL YOUNG introduced H.R. 2998 to ban this practice forever. I am proud to be a co-sponsor of this legislation, and urge every Member of the House to become a co-sponsor of this vital, non-partisan legislation.

On behalf of the people of Nevada, I want to thank Chairman and Mrs. Young for the service and compassion they have shown Sergeant Murwin and all of our men and women in uniform. I am proud to serve in the House with Chairman YOUNG and hope that he continues his career of public service here for many years to come.

TRIBUTE TO ADMIRAL ROBERT J. NATTER, U.S. NAVY, COMMANDER, U.S. FLEET FORCES COMMAND, COMMANDER, U.S. ATLANTIC FLEET

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Mr. SKELTON. Mr. Speaker, I rise today to recognize the dedication, public service and patriotism that personified the Naval career of Admiral Robert J. Natter, United States Navy. Admiral Natter is currently serving as the Commander, U.S. Fleet Forces Command and Commander, U.S. Atlantic Fleet, and he will soon retire from the Navy after more than 37 years of distinguished service wearing the uniform of our Nation.

I have had the pleasure to know the Natter family for nearly 16 years and have personally worked with the Admiral on a variety of important issues affecting the Navy and the U.S. military, so it is with great pride and admiration that I honor a dear friend as he begins the next chapter of his life.

I first met Bob in 1981 when he was a commander. I hired him as a military fellow on my staff and assigned him to work all of my legislative issues on the Armed Services Committee. I was impressed with how quickly Bob became an expert at the complicated legislative and budget processes. In hindsight, it is clear to me that the Navy afforded Commander Natter this position because they knew he was flag officer material, and this professional development opportunity would serve Bob and the Navy well. It did.

During the years following the 1991 Tailhook Convention, the Navy was struggling to repair its reputation. At this critical time Rear Admiral Natter was assigned as Chief of Legislative Affairs. His wartime and operational experience gave him instant credibility. But it was Admiral Natter's knowledge of Washington and the Hill along with his candor, confidence and demeanor that helped navigate the Navy through those rough waters and rebuild and restore the Navy's reputation.

A native of Trussville, Alabama, Admiral Natter grew up in a family of true American patriots. One of nine children, seven boys and two girls, all seven sons joined the military as six naval officers and one Air Force officer. After enlisting in the Naval Reserve, Bob Natter chose the Naval Academy as his commissioning source graduating in 1967. After a few tours at sea, he was sent to Vietnam for duty on riverboat patrols where he learned first hand the harsh realities of war. While serving as the Officer in Charge of a Naval Special Warfare detachment, Lieutenant Natter was seriously injured when his special operations team came under attack. He then earned both the Purple Heart and Silver Star for his heroic actions. His experiences in Vietnam instilled in him the true meaning of leadership, strengthened his desire to serve, and solidified his reputation as a strong leader and most capable warrior.

Throughout his career, Admiral Natter held many positions of great responsibility including command of USS *Chandler* (DDG 996), USS *Antietam* (CG 54), and Commander of the United States Seventh Fleet. In June 2000, Admiral Natter assumed duties as Commander, U.S. Atlantic Fleet where he was

charged with providing fully trained, combat ready forces to support United States and NATO commanders in regions of conflict throughout the world.

On September 11, 2001, the world changed. As America prepared to go to war, I for one, was pleased to know that Admiral Natter was leading the Atlantic Fleet's 160,000 Sailors and Marines, 162 ships and 1,200 aircraft, as well as 18 major shore stations providing training, maintenance and logistics support.

Then on October 1, 2001, Admiral Natter was assigned additional responsibility as the first Commander of the newly established U.S. Fleet Forces Command, which is responsible for manning, equipping and training all Atlantic and Pacific Fleet ships and aircraft squadrons. His strong and dynamic leadership inspired Atlantic Fleet Sailors, officers, and civilians to perform their best and contribute their utmost during a time of unprecedented military action that resulted in the overwhelming success in the wars in Afghanistan and Iraq.

Admiral Natter's was truly an amazing career that was recognized by numerous personal awards and decorations. In addition to the Silver Star and Purple Heart, Admiral Natter's personal decorations include three awards of the Distinguished Service Medal, the Defense Superior Service Medal, five awards of the Legion of Merit, the Bronze Star Medal with Combat V, two awards of the Meritorious Service Medal, the Navy Commendation Medal with Combat V, and the Navy Achievement Medal with Combat V. He was also a distinguished graduate of the U.S. Naval War College, and he earned Masters Degrees in Business Management and International Relations. And, he was honored as the fifth recipient of the Naval War College's annual Distinguished Graduate Leadership Award.

His career clearly speaks for itself. Admiral Natter personifies the Navy's core values: Honor, Courage, and Commitment. But, what his bio doesn't tell you is that through it all, Bob was, above all, a family man. He is a loving husband to his beautiful wife Claudia, and a dedicated father to his three children Kelly, Courtney and Kendall. Anyone that knows Bob, knows that he lives for his family and his children are truly the ''glimmer in Dad's eye.''

Admiral Natter is a family man, a patriot, a hero, and a superb naval officer who, throughout his naval career, led with courage and integrity. His leadership and performance in peacetime and war were instrumental in the success of the Navy and outstanding support for naval forces throughout the world. Thanks to his inspirational leadership and selfless dedication to duty, our Navy has remained second to none.

So, as Admiral Natter moves into retirement with Claudia, our Nation and Navy owe him a debt of gratitude for his superb service. I wish him fair winds and following seas as he concludes his distinguished career.

TRIBUTE TO ARCATA ASSOCIATES FOR RECOGNITION AS NASA'S MINORITY SUBCONTRACTOR OF THE YEAR

HON. ROBERT E. (BUD) CRAMER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Mr. CRAMER. Mr. Speaker, I rise today to congratulate an outstanding company, Arcata Associates, Inc., for being named the 2003 NASA Minority Subcontractor of the Year. Arcata, which employs a number of people in my Northern Alabama congressional district, provides important services used at NASA's Marshall Space Flight Center and across all of NASA.

Arcata CEO and President Tim Wong accepted this award on behalf of all the Arcata employees for their outstanding subcontracted work providing interactive. multimedia services, imaging services, and audio/visual communications under the Program Information Systems Mission Services Contract, and video/voice teleconferencing support under the Consolidated Space Operations Contract.

Under the leadership of Tim Wong, and with strong guidance from Mark Emery, the Huntsville site has helped Arcata Associates become a model for small businesses in North Alabama and across our Nation. The first-rate services that they provide to Marshall and all of NASA play a vital role in the success of our Nation's space and aeronautics programs.

Mr. Speaker, today I wanted to take this opportunity on behalf of the people of North Alabama, to congratulate Tim Wong, Mark Emery, and all the employees of Arcata Associates, Inc. on a job well done and for being named the 2003 NASA Minority Subcontractor of the Year.

FREE LEONARDO MIGUEL BRUZON AVILA

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today on behalf of a political prisoner in Cuba. Today I ask Congress to remember the name Leonardo Miguel Bruzon Avila.

Mr. Bruzon Avila is currently incarcerated without trial in Castro's inhumane prison system because he desires freedom. Mr. Bruzon Avila is the president of the 24th of February Movement, named for both the commencement of the glorious Cuban War of Independence in 1895, and the day in 1996 when two civilian aircraft carrying four members of the Brothers to the Rescue movement were shot down over international waters by the Cuban dictatorship's fighter jets. The 24th of February movement desires and struggles for freedom in Cuba.

Mr. Bruzon Avila was jailed on February 22, 2002, two days before he was set to peacefully commemorate the day when Castro's regime murdered four innocent human beings in 1996. Mr. Bruzon Avila has yet to be taken to trial.

Mr. Bruzon Avila began his first hunger strike on March 15, 2002 to protest the fact that he had not yet been charged with any crime. On August 27, 2002 Mr. Bruzon Avila and 26 others began a second hunger strike to demand they be informed of the charges against them or released at once.

Mr. Bruzon Avila's health has been rapidly deteriorating. According to reports, Mr. Bruzon Avila is suffering from vitamin deficiency, he is losing his vision, and he can no longer move his right arm. Mr. Speaker, Mr. Bruzon Avila is dying in Castro's gulag.

Mr. Speaker, Leonardo Miguel Bruzon Avila is in a dungeon because he desires freedom for Cuba. If Mr. Bruzon Avila continues to deteriorate, he will die for his love for a free Cuba.

My colleagues, we must cry out for the immediate release of Leonardo Bruzon Avila and all prisoners of conscience in the totalitarian Cuban gulag.

BENJAMIN FRANKLIN COMMEMORATIVE COIN ACT OF 2003

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Mr. CASTLE. Mr. Speaker, I rise today to introduce the ''Benjamin Franklin Commemorative Coin Act of 2003.'' This legislation will direct the Secretary of the Treasury to produce a limited edition silver coin to honor the many achievements of Ben Franklin and celebrate the anniversary of his 300th birthday in January 2006.

Ben Franklin was one of the most remarkable of our founding fathers; he made historic contributions to our nation in a number of fields: government, business, science, communications, and the arts. Mr. Speaker, as I stand before you in the great halls of Congress, it is notable to recognize that Franklin was the only Founding Father to sign all of our nation's organizational documents.

It is fitting to honor Franklin with a commemorative coin, as his role in the early years of currency cannot be overlooked. During the American Revolution, Franklin designed the first American coin, the ''Continental'' penny. He also played a major role in the design of the Great Seal of the United States, which appears on the one dollar bill. Franklin was the printer of official currency for the colonies of my great state, Delaware, as well as Pennsylvania, New Jersey and Maryland. Furthermore, the official United States half dollar from 1948 to 1963 bore Franklin's portrait. Until 1979, Benjamin Franklin was the only nonpresident of the United States whose image graced circulating coin and paper currency.

In 2002, the United States Congress passed the ''Benjamin Franklin Tercentenary Act'' to create a panel of distinguished Americans to commemorate Franklin's 300th birthday in 2006. I am proud to serve as a member of the Benjamin Franklin Tercentenary Commission which was created to honor a true American statesman. I urge my colleagues to cosponsor this legislation and look forward to working with the Financial Services Committee to bring this bill to the House Floor.

TRIBUTE TO MURRAY WILSON

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Mr. PENCE. Mr. Speaker, in the sixth Congressional District of Indiana there are so many warm-hearted people doing good things. These exceptional individuals who have a passion for doing good deeds are Hoosier heroes. Hoosier heroes because they reiterate that one person can make a difference through dedicating their lives to helping others.

Murray Wilson of Albany, Indiana is a Hoosier hero. Murray has dedicated the past twelve years of his life to raising support for local charities in the district. It is not often that someone, such as Murray takes time out of their day to work tirelessly helping others.

Murray spends countless hours writing letters, rounding up pledges, participating in walks, and raising support for his drives. Many well-honored charities have benefited from Murray's dedication, such as the March of Dimes, American Cancer Society, the American Heart Association, and the list goes on. Thus far this year Murray is one of the top fundraisers in the state of Indiana for the March of Dimes.

This summer he was able to meet Maggie Peterson from the television show Andy Griffith who was touched by Murray's generosity and sponsored him $100 for the March of Dimes drive.

Murray Wilson's giving spirit continues to make a difference through his actions. Soon, Hoosiers all across the state of Indiana will be able to read Murray's story, which is to be released this month by author Ray Rice, ''Indiana's Own, Stories From the Heart,'' describing 50 inspirational stories from Indiana's own award-winning television segment.

Mr. Speaker, Murray Wilson continues to strive to help others by reaching out and lending a helping hand. And for that reason Murray Wilson of Albany, Indiana, is a Hoosier hero.

HONORING SUPERVISORY SPECIAL AGENT JOSEPH F. FINNIGAN

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Mr. ROGERS of Michigan. Mr. Speaker, I rise today to honor a distinguished FBI Special Agent from the Bureau's Detroit Division on the occasion of his retirement. On February 5, 1970, Joseph F. Finnigan entered on duty as a clerk for the Federal Bureau of Investigation. On March 15, 1971, in response to a call from Director J. Edgar Hoover for an additional 1000 agents, Joe was sworn in, sent to new agents training class, and began what proved to be an exemplary career as a Special Agent.

From June, 1971 until August of 1972, Special Agent Finnigan was assigned to the Chicago Field Office and investigated a variety of criminal matters. It was during this period that Joe first began investigating organized crime, a pursuit that would become his specialty and career highlight in later years. In August of 1972, Director Hoover transferred Joe to the Detroit Field Office where he served for over 31 years.

In 1986, Joe joined the management ranks when he was promoted to Supervisory Special Agent (SSA) and placed in charge of the Great Lakes Organized Crime and Drug Enforcement Task Force and in 1988 he became the supervisor of the Organized Crime squad, the post from which he made what are perhaps his most significant contributions, the post from which he retires on September 30, 2003.

During his tenure as the SSA of Detroit's legendary C–8 squad, Joe supervised the organized crime investigation code named ''GAMTAX''. His supervision and direction of this long and arduous investigation resulted in some of the most significant organized crime convictions and forfeitures in the history of the FBI. This investigation focused on the Detroit Family of La Cosa Nostra, an extremely active criminal enterprise for at least 30 years with criminal roots going back to the Prohibition era. The information developed during the course of this massive investigation allowed agents to prevent several murders and assaults. Supervisory Special Agent Finnigan met face to face with LAN Boss Jack Tocco and told him that he would be held personally responsible for any harm caused by him or his mob associates.

In 1996, a Michigan Federal Grand Jury charged the entire hierarchy of the Detroit LAN with 25 counts of racketeering. ''Capo'' Vito Giacalone became the first member to publicly acknowledge his LAN membership and the existence of the Detroit LAN when he pled guilty to the charges. ''Capo'' Anthony Giacalone, one of two people Jimmy Hoffa was supposedly waiting to meet when he mysteriously disappeared was also indicted, but died of kidney disease before being brought to trial. LAN Boss Jack Tocco, whose only previous conviction was for attending an illegal cockfight, was convicted of racketeering and extortion and sent to prison.

SSA Joe Finnigan has received letters of commendation from every FBI Director, consistently received top job performance reviews, and has garnered many letters of appreciation from the United States Attorney's Office and the United States Department of Justice. He has earned and kept the respect of his law enforcement colleagues and has diligently protected the citizens of the great State of Michigan and the citizens of this great Nation with enthusiasm, dedication and pride.

Supervisory Special Agent Joseph M. Finnigan has exemplified the very finest traditions of the FBI by adhering to the traits that make up the Bureau's motto: ''Fidelity, Bravery, and Integrity.'' Mr. Speaker, I ask that my Colleagues join me in recognizing Joe for his service to our country and offering our best wishes on the occasion of his retirement.

H.R. 13—MUSEUM AND LIBRARY SERVICES ACT

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Ms. McCOLLUM. Mr. Speaker, I rise today in support of H.R. 13, to reauthorize the Museum and Library Services Act.

H.R. 13 contains a provision that will amend the Arts and Artifacts Indemnity Act to increase maximum limits on liability amounts.

It is important to pass this provision that would raise the cap so that museums are able to obtain valued exhibitions from overseas.

The current cap is preventing museums from receiving the total amount of indemnity coverage that they need, forcing them to buy commercial insurance. Many museums simply cannot afford commercial insurance.

This provision will allow museums to continue benefiting from the Arts and Indemnity Program, which has benefited millions of Americans by allowing valuable works of art to travel to U.S. Museums.

Several museums in Minnesota, including the Walker Art Center and the Minneapolis Institute of Art will be able to continue borrowing exhibitions from all over the world.

Mr. Speaker, I urge all Members to support this very important bill.

100TH ANNIVERSARY OF OBER, KALER, GRIMES AND SHRIVER LAW FIRM

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Mr. CARDIN. Mr. Speaker, I rise today to pay special tribute to one of Baltimore's leading law firms—Ober, Kaler, Grimes and Shriver—as it celebrates its 100th anniversary. The firm was founded in 1903 when Stuart S. Janney and Albert C. Ritchie merged their practices into Ritchie and Janney.

After World War I, the firm became Ritchie, Janney, Ober and Williams when Frank B. Ober and Robert Williams joined the practice. Another merger in 1969 changed the name to Ober, Grimes and Shriver. The current name of the firm—Ober, Kaler, Grimes and Shriver—resulted from a merger in 1983 with the Washington, D.C. firm of Kaler, Daniel, Worsley and Hollman.

Most often referred to as Ober/Kaler, this law firm has produced two Maryland governors. In 1920, Albert Ritchie left the firm to begin an unprecedented 16-years as governor of Maryland. He returned to the firm after rejecting President Franklin D. Roosevelt's invitation to be his vice presidential running mate. Gov. Robert Ehrlich, the current governor of Maryland, practiced law for 12 years at Ober/Kaler.

Ober/Kaler is a lawyer's law firm. With more than 120 lawyers, and offices in Washington, D.C., Maryland and Virginia, the firm serves a national and international roster of clients in litigation, regulatory and transactional issues, as well as various other areas of the law. It provides outstanding legal advice to both businesses and individuals, including clients engaged in health care, construction, equipment leasing, banking, secured financing and other industries.

I hope my colleagues in the U.S. House of Representatives will join me in saluting Ober, Kaler, Grimes and Shriver as it celebrates 100 years of providing its clients with excellent legal advice.

HONORS FOR DR. JOEL FELDMAN AND EDMUND SHAMSI

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Mr. FRANK of Massachusetts. Mr. Speaker, I have been greatly honored over the past several years to be able to share with my colleagues and the country the great respect I have for the work of the New England Chassidic Center, and of ROFEH International. Under the leadership of Grand Rabbi Levi Horowitz, both of these institutions provide significant service to the people of Greater Boston. ROFEH International, founded under the Rabbi's leadership, plays an extraordinarily important role in helping people take advantage of the extraordinary medical facilities that exist in the Greater Boston area. Annually, the work of these two organizations is celebrated at a dinner. This year that dinner will take place on November 16, in the Grand Ballroom of the Boston Park Plaza Hotel. The dinner features among other things two awards to people who have performed through these organizations great service to others. The recipients of the ROFEH International Distinguished Service Award and the Man of the Year Award are always people of great professional distinction who have shown a deep dedication to the well being of others, and have used their great talents to that end.

This year's Man of the Year is Mr. Edmund I. Shamsi. The ROFEH Distinguished Service Awardee is Dr. Joel Feldman. Mr. Speaker, we talk often of the importance of volunteerism in achieving the quality of life that all of us want in this country, and I think it is important that we share examples of this. I therefore ask that the biographies of Edmund Shamsi and Dr. Joel Feldman be printed here, as an example of volunteerism at its best, and to mark the occasion of the Annual Dinner.

MAN OF THE YEAR AWARD—MR. EDMUND I. SHAMSI

Edmund I. Shamsi was born in Teheran, Iran, in 1945. When Ed was four, his father—a successful business merchant—decided to make aliyah. As was the norm for Mideastern families immigrating to Israel in the mid-century, the Shamsis found themselves in a refugee camp. They spent six months in Pardes Hannah and then another six months in Pardes Kats, near Tel Aviv.

The Shamsis eventually settled in B'nai Brak, where Ed attended school. In his sophomore year of high school, Ed relocated to Ohio, where he concluded his primary school education. Ed obtained admission to Kent State University and successfully completed his freshman year. Responding to a greater call, he returned to Israel amid his studies, and enlisted in the Israeli army.

Upon discharge, Ed returned to America to complete his education, this time at Boston University. Ed put himself through BU by working as a truck driver during the summers, as a cabdriver on vacations and as a Hebrew teacher at a local synagogue.

Post-graduation, Ed worked in the merchandizing department of Zayre Corp. This kindled Ed's interest in real estate; he bought a single-family house at auction, developed it and sold it. Thus, the genesis of Ed's real estate career.

In 1972, Edmund married Helene. Together, they are the proud parents of three children: Joshua Jacob Sasson, Benjamin Elazar David and Esther Pnina.

In his capacity as president of the Sephardic synagogue in Boston, Ed provides leadership for the Boston community at large. To supplement this niche, Ed also serves as president of Boston Group Development, Inc. and develops and manages real estate properties in the United States, Israel and the Ukraine. To date, Ed still holds residences in Brookline, MA and Jerusalem, Israel.

ROFEH INTERNATIONAL DISTINGUISHED SERVICE AWARD

Dr. Joel J. Feldman was born in New York, NY in 1943. He spent his childhood years growing-up in Great Neck, Long Island, NY.

A Dartmouth College and Harvard Medical School graduate, Dr. Feldman completed his general residency at Massachusetts General Hospital and his plastic surgery residency at Johns Hopkins Hospital in Baltimore. He is currently a member of the American Association of Plastic Surgeons (AAPS), and former board member of the American Society of Aesthetic Plastic Surgery (ASAPS). His resume also features a past presidency at the Northeastern Society of Plastic Surgeons.

In an interview with the ''Job Explainer'' section of The Boston Globe (March 16, 2003), Dr. Joel Joseph Feldman—employee of Mount Auburn Hospital in Cambridge, as well as Associate Clinical Professor of Surgery at Harvard Medical School—discussed the motivation for his concentration on facial plastic surgery. ''[T]he face is one of the most complicated regions of the body and that's what the world sees,'' he explained, ''These patients have so many scars and burn marks throughout their body, [sic] restoring them to a point where they feel comfortable is what I love to do.''

Dr. Feldman devotes ''a significant portion of [his] time to teaching nationally and overseas.'' He instructs aspiring plastic surgeons in the latest techniques, like his own innovative method for repositioning healthy tissue so as to cover facial disfigurement.

Married to Diane Feldman for 37 years. Dr. and Mrs. Feldman met in elementary school in Great Neck, NY. Diane is a professional artist. They now live in Belmont, MA. They have two sons: Brad Feldman and Jeffrey Feldman. Brad, age 36, is an ESPN TV international league professional soccer announcer and currently is the TV announcer and head of communications for the New England Revolution Soccer Team. Brad is married to Elizabeth Graham, a government and community relations director for Comcast. They have a 3-year-old daughter, Miriam—also known as Mira and The Pepper. Brad, Liz and Mira live in Lexington, MA. Dr. and Mrs. Feldman's other son, Jeff is 33. He lives in Los Angeles and is a real estate developer.

TRIBUTE TO MIKE HAMMAR, SR.

HON. DENNIS A. CARDOZA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Mr. CORDOZA. Mr. Speaker, I rise today to honor the memory of Mike Hammar, Sr., an exemplary Californian who passed away on August 6, 2002 at the age of 57.

Mr. Hammar was born on February 19, 1945, in Bixby, Oklahoma, and he grew up in Sapulpa, Oklahoma, where he was surrounded by a large extended family headed by his Grandfather, Legus, with whom he was extremely close. As a child, Mr. Hammar was a natural athlete, excelling in football, basketball and baseball. In addition, Mr. Hammar was a skilled outdoorsman, participating in bass fishing tournaments, trap-shooting events, and black powder musket shoots. Mike Hammar also was talented in the world of music, playing with several local blues and county bands. He was a gifted songwriter and accomplished musician, proficient on several different instruments, but enjoying lead guitar and bass the most.

In 1961, Mike Hammar moved to Atwater, California, and while attending Atwater High School he met his future wife, Joyce Cabezut, and after their marriage, Mr. Hammar was welcomed with open arms into a new larger family, as the Cabezuts loved him as one of their own.

Mr. Hammar, a tribal member of the Creek Nation of Oklahoma, was best known for his service to local and national Native American organizations, where he worked tirelessly to improve the delivery of health care throughout California Indian country. To this end, Mr. Hammar diligently served many organizations including the Southern Sierra Miwuk Nation of Mariposa County, the MACT Indian Health Board, the California Rural Indian Health Board, the National Indian Health Board. He was also the Chief Financial Officer of the California Natural Resource Foundation.

Mr. Hammar was no stranger to Washington, DC. He advocated to members of both his House and the Senate for support of Native American programs and was often contacted by both states and the federal government to give input on Native American issues.

Mr. Speaker, Mike Hammar, Sr. was a man of many talents who loved to help others. His endearing personality and good nature yielded a wealth of warm relationships everywhere he went or worked and he is sorely missed by all those whose lives he touched.

Mr. Speaker, I ask that all of my colleagues join me in posthumously acknowledging the contributions and honoring the memory of a great Californian, an advocate for Native Americans, and a pillar of our society, Mr. Mike Hammar, Sr.

TRIBUTE TO MOTHER TERESA OF CALCUTTA

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Mr. BURGESS. Mr. Speaker, I rise today to recognize Mother Teresa of Calcutta to honor her beatification by Pope John Paul II in Rome, Italy on October 19, 2003.

As many of you know, Mother Teresa had a profound effect on millions of lives during her lifetime. She was born in Albania in 1910 and became a Roman Catholic sister in 1928. After teaching to over 500 students in St. Mary's School at the convent in Calcutta, she founded a religious order in 1948. The order, Missionaries of Charity, aims to reach out to the poor and suffering in whatever capacity possible to ease their pain and provide love and hope. In 40 years, the order increased from one to more than 400 missions around the world.

Few people in our history have done more to aid their fellow human beings than Mother Teresa. Her selfless efforts have been recognized in numerous ways, including a Nobel

Peace Prize in 1979, the Presidential Medal of Freedom in 1985, and Lifetime Achievement Award from Foundation for Hospice and Homecare in 1985. This year she will be acknowledged once again for her work by receiving the high honor of beatification.

Please join me in honoring Mother Teresa for her countless amount of care and public services she provided to the world.

INFAMOUS ANNIVERSARY: A CENTURY OF THE ANTI-SEMITIC ''PROTOCOLS''

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Mr. LANTOS. Mr. Speaker, 100 years ago one of the most infamous and most outrageous forgeries in all of history first appeared—''The Protocols of the Elders of Zion.'' The outrage is not simply because this document was plagiarized or because it was absolutely and patently false. It is because this forgery was an important element in generating the vicious and mindless anti-Semitism that led to the Holocaust.

Mr. Speaker, we in this House recently condemned and criticized the rising flood of anti-Semitism that has stained Europe in the last decade when we adopted House Concurrent Resolution 49. It is shocking and sickening that just 5 decades after 6 million innocent children, women and men were brutally murdered by the Nazi thugs, we are seeing a sharp escalation in anti-Semitic rhetoric and anti-Semitic violence. We have witnessed vicious racist propaganda and physical assaults, the burning of synagogues and the desecration of cemeteries.

This outburst of anti-Semitic violence has its roots in anti-Semitic propaganda, and unfortunately the lies of the ''Protocols'' still continue to play a pernicious role in inciting vicious acts. The fact that this felonious and fallacious document is still cited and distributed even by governments which ought to know better is evidence of its evil influence and the ease with which hate, bigotry and racism are spread.

Although scholars, historians, and anyone who would take the time to look seriously at the ''Protocols'' knows that the document is patently false, but there are still willing purveyors of this destructive drivel. It truly boggles the mind that Arab Radio and Television of Saudi Arabia just 2 years ago produced a 30-part series entitled ''Horseman Without a Horse'' which portrays the ''Protocols'' as historical fact and the basis of Israeli government policies. Furthermore, that entire 30-part series was broadcast by a number of television stations in Egypt.

Unfortunately, Mr. Speaker, a full century after the first appearance of the fraudulent ''Protocols,'' the forgery is alive and well. Recently, to mark this infamous anniversary, Forward (August 22, 2003) published an excellent article by my friend William Korey entitled ''Century of Hatred: 'Protocols' Live to Poison Yet Another Generation.''

Bill Korey brings his extraordinary scholarly perspective to this issue, and he is uniquely qualified for the task as the former Director of International Policy and Research at B'nai B'rith. The forgery of the ''Protocols'' was perpetrated by the Czarist secret police, and Bill has an international reputation as a scholar of anti-Semitism in Russia. He is the author of The Soviet Cage: Antisemitism in Russia (Viking, 1973) and Russian Anti-Semitism, Pamyat and the Demonology of Zionism (Hebrew University/Harwood Academic Publishers, 1995).

Mr. Speaker, I ask that Bill Korey's excellent article from Forward be placed in the RECORD, and I urge my colleagues to give it careful and thoughtful attention.

[From Forward, Aug. 22, 2003]

CENTURY OF HATRED: ''PROTOCOLS'' LIVE TO POISON YET ANOTHER GENERATION

(By William Korey)

History's most virulent antisemitic propaganda essay, ''The Protocols of the Elders of Zion,'' was first published 100 years ago this week. Though the Protocols turned out to be both a notorious plagiarism and a shocking forgery, the essay would exercise a powerful impact upon the modern era, principally as a critical factor in generating the Holocaust.

Despite its gross falsehood and the horrors it sparked, the Protocols strikingly continues to be promoted today, most alarmingly in such important institutional settings as the United Nations and Middle Eastern governmental media.

The first publication to print the Protocols was the St. Petersburg newspaper Znamya—Russian for Banner—from August 26 to September 7, 1903. Pavel Krushevan, editor of the paper, was known for his ultra-rightist antisemitic views and found common cause with the so-called Black Hundreds, a group active on behalf of extremist causes.

Krushevan, however, was not the author of the Protocols. It was drafted under the prodding and guidance of Piotr Rachkovsky, director of the Paris branch of Okhrana, the Russian secret police. Sinister and wily, he cultivated the art of forging letters or documents in which Jews were targeted as revolutionaries and anarchists striving for democracy in czarist Russia. As early as 1891, he revealed his intentions in a private letter.

The published Protocols were said to be the secret decisions reached at a gathering of Jewish leaders. That gathering was initially held to be the First Zionist Congress, which met in 1897 in Basel, Switzerland. Later, the source was attributed to B'nai B'rith.

What was stunning about the Protocols, as later scholarly investigation and research revealed, was that it was lifted almost entirely from a forgotten political satire published in Paris in 1864 and written by a well-known democrat, Maurice Joly.

Joly's pamphlet was designed to expose the repressive character of Emperor Napoleon III's regime, which ruled France at the time. Titled ''A Dialogue in Hell: Conversations Between Machiavelli and Montesquieu About Power and Rights,'' the pamphlet made no reference to the Jews.

The creator of the Protocols simply plagiarized the Joly work. Protocols 1 through 19 strikingly correspond with Joly's first 17 dialogues. In nine cases, the borrowing amounts to more than half of the Joly text; in some cases, they constitute three-quarters of the test, and in one case, Protocol 7, almost the entire text is plagiarized. Moreover, the very order of the plagiarized passages remained the same as in the Joly work. The main change in the shamelessly forged Protocols, of course, was the insertion of antisemitic content and language into the Joly dialogues.

Nor was the creator of the Protocols original in the inserted antisemitic language. The forgery rests on the traditional trope of international Jewry, or alternatively Zionism, aspiring to world domination based on the biblical concept of the ''Chosen People''. This aspiration, the Protocols purported, is to be achieved through guile, cunning and conspiratorial devices, particularly through Jewish control of the international banking system and press.

The Protocols also played on the fear of Freemasons among court circles, aristocracy and the church establishment. The international fraternal order of Masons, which was identified with liberalism and modernity, was presented in the Protocols as having already been infiltrated and manipulated by the Elders of Zion.

In its manipulative conspiracy, the Elders were to focus on both internal, domestic matters and interstate relations. Within each state, they were to foster discontent and unrest, especially among workers. By promoting liberal ideas, they were to produce confusion while, at the same time, seizing behind-the-scenes control of political parties. Drunkenness and prostitution were said to be vigorously encouraged and morality undermined.

Interstate conflicts were to be stirred up through emphasis upon national differences. Every effort was to be made by the Elders of Zion to increase armament production and enhance the likelihood of warfare. The end game of the Zionists, according to the Protocols, was not victory for one side but rather even greater chaos.

The Elders of Zion's ultimate goal, perceived to be but a century away, was the messianic age when the entire world would be united under Judaism and dominated by a descendant of the House of David. The emergent structure of a Kingdom of Zion resembles the nightmare vision of George Orwell's ''1984.''

The only nightmare vision to result from the Protocols, of course, was the near destruction of European Jewry during the Holocaust. Both Adolf Hitler and Heinrich Himmler were deeply impressed the Protocols and made it required reading for the Hitler Youth.

With the destruction of Nazism and the horrors that antisemitism had wrought, one might have expected that the Protocols would be thrown in the trash bin of history. The forgery, though, found a welcome readership in Leonid Brezhnev's Soviet Union. The extraordinary Soviet campaign against Zionism reached a crescendo in 1977, with the Soviet Academy of Science's release of the vehemently hateful publication ''International Zionism: History and Politics.''

Ironically, the Communists formally turned to Arab sources for their anti-Zionist propaganda. One major center of hate literature was based in Cairo, where Johannes von Leers, a former employee of Joseph Goebbels's Nazi propaganda ministry, was spreading antisemitism under his adopted Arabic name, Omar Amin.

The Protocols may have been nourished in Europe with its ancient traditions of Jew-baiting, but it found new life in Egypt and elsewhere in the Arab world. Egyptian President Gamal Abdel Nasser endorsed the document in 1958. During the 1960s and 1970s at least nine different Arabic translations were published, some by the Egyptian government press. In June 2001, the Egyptian paper of record, Al Ahram, cited one of the Protocols as specifying how Jews plan to ''control the world'' by a combination of means, including the use of Freemasons.

A major milestone for the new drive to exploit the old forgery came at the 2001 United Nations World Conference Against Racism held in Durban, South Africa. A table at the Durban forum for nongovernmental organizations displayed the Protocols. The tract and similar racist publications so shocked

Congressman Tom Lantos of California, a key figure in the American delegation and the only Holocaust survivor in Congress, that he described it as ''the most sickening display of hate for Jews I have seen since the Nazi period.''

A century after its first publication, ''The Protocols of the Elders of Zion'' continues to nourish a vibrant message of hate. One would have thought that with all that humanity has learned during the past 100 years, the Protocols' appeal to ignorance would have waned, if not disappeared entirely. The sad truth is that as long as the forgery remains a best seller, the ground remains fertile for antisemitism.

A TRIBUTE TO HOWARD A. RIINA, MD

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Mr. TOWNS. Mr. Speaker, I rise in honor of Dr. Howard A. Riina, in recognition of his outstanding accomplishments in the field of medicine.

Dr. Riina was born in Brooklyn, New York. From 1982 to 1987, he earned two undergraduate degrees. He received a Bachelor of Science and Engineering in Bioengineering at the University of Pennsylvania and a Bachelor of Arts Degree in Biology from Franklin and Marshall College. After earning his medical degree from Temple University, Dr. Riina earned a Master of Philosophy degree in Molecular Neurobiology from the University of Cambridge.

Since 2001, he has served as an Assistant Professor of Neurological Surgery in Radiology and in Neurology at Weil Medical College of Cornell University. Additionally, he is an Assistant Attending Neurological Surgeon at New York-Presbyterian Hospital, Chairman of Neurological Surgery at the Brooklyn Hospital Center, and NYP Hospital Consultant to HSS Orthopedic Surgery/Neurosurgery.

Dr. Riina is also a member of several professional committees and associations as well including, the Congress of Neurological Surgeons, the American Association of Neurological Surgeons, North American Skull Base Society, the Ethics Committee of the Weil Cornell Medical College and New York-Presbyterian Hospital, and the Weil Cornell Physician Organization Professional Liability Premium Subcommittee. He is also an Associate Fellow for the American College of Surgeons, and on the Executive Committee Joint Section of Cerebrovascular Diseases, AANS/CNS.

In addition to his hospital affiliations with New York-Presbyterian Hospital, Hospital for Special Surgery, the Brooklyn Medical Center, and St. Barnabas Hospital in Bronx, NY, Dr. Riina has also found the time to contribute numerous scholarly articles and books in the field of neurology. He has also been awarded the Bayer Corporation Educational Grant.

However, arguably, his most important accomplishment was saving the life of Peggy Haskins, a constituent of mine.

Mr. Speaker, Dr. Howard A. Riina has reached the highest levels of medicine and he has used his expertise to improve and save the lives of those in his community. As such, he is more than worthy of receiving our recognition today, and I urge my colleagues to join me in honoring this truly remarkable person.

RECOGNITION OF 10TH ANNIVERSARY OF SISTER CITY RELATIONSHIP MANITOWOC, WISCONSIN AND KAMOGAWA, JAPAN

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Mr. PETRI. Mr. Speaker, I rise today to congratulate Manitowoc, Wisconsin, and Kamogawa, Japan, on the occasion of the 10th Anniversary of the formation of their sister city relationship. On August 3, 1993, Mayor Kevin Crawford and Mayor Toshio Honda signed a Sister City Agreement in order to forge a long-term relationship between the two cities. This anniversary marks a decade of great friendship that has touched the lives of thousands of people in a positive way and has provided years of joy through the bonds that have been created.

Since 1993, Mayor Honda has brought several delegations to Manitowoc and Mayor Crawford has led friendship visits to Kamogawa. Several other groups, including civil servants and student musicians, have also traveled between the two cities. On the 8th Anniversary of the agreement, Kamogawa delegates planted cherry blossom trees at several Manitowoc locations as living symbols of this growing relationship. Manitowoc reciprocated by planting sugar maple trees in Kamogawa.

The sister city relationship has been supported by the many industries in the City of Manitowoc that rely on Japan as a major market for their products. One out of six jobs in Wisconsin exists because of export trade. One of the objectives of the partnership has been to ''internationalize'' the youth of both cities and prepare them to be part of the global community. Through the summer student exchange program, which was initiated in 1995, students from each city spend 20 days with each other in homes in Manitowoc and then Kamogawa learning to appreciate their respective customs and culture.

This year, in honor of their 10th Anniversary, Mayor Crawford again traveled to Kamogawa in early September and Mayor Honda will visit Manitowoc in October.

Today these two cities share one of the most vibrant sister city relationships in the nation. They are to be commended for encouraging and promoting goodwill between the United States and Japan. Therefore, it is fitting that Manitowoc, Wisconsin, and Kamogawa, Japan, receive special recognition and appreciation on the occasion of this most memorable anniversary.

CONGRATULATING THE KU JAYHAWKS FOOTBALL TEAM ON THEIR VICTORY OVER MISSOURI

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Mr. MOORE. Mr. Speaker, I rise to today to congratulate Coach Mark Mangino and the University of Kansas football team on their 35–14 victory over the University of Missouri Tigers.

This gridiron battle was the 112th installment of the finest sports rivalry west of the Mississippi. The Border Wars go back to the Civil War days when ''Free State'' Kansas fought raids from slave-owning ''Bushwhackers'' from Missouri, the most famous of which were the infamous Quantrill's raiders, who murdered and burned their way through Lawrence in 1863.

Kansas' honor was again courageously defended at Saturday's game by the KU football team with their fourth win of the season. They proved to a sellout crowd of 50,071 fans that KU football is on its way to the national prominence more usually associated with our fine basketball teams.

A proud KU alumnus, I was thrilled to be at my alma mater last Saturday in Lawrence, Kansas, to witness the Jayhawks take the lead 52–51–9 in this annual series. As the goalposts came down in celebration, I know the fear in future opponents rose. Rock Chalk, Jayhawk, go KU!

TRIBUTE TO ENRIQUE TORREZ AND ANGIE PATRUNO

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Mr. TOWNS. Mr. Speaker, today I rise to recognize the wonderful union of two families. On Saturday, September 20, 2003, Enrique Torrez, Jr. and Angie Patruno were married at All Saints Church in Brooklyn, New York. Enrique, who is from the Williamsburg neighborhood of Brooklyn, and Angie, who is from the Ozone Park neighborhood of Queens, first met in junior high school and have been dating ever since.

The groom's parents, Aura Ordonez and Enrique Torrez Sr., and the bride's parents, Reverend Molly Golden and Dominic Patruno, have given their full blessing to this joyous event.

Angie has been very active in a wide range of civic issues in her community for about ten years. She currently works for the New York City Department of Education. Enrique is also a public servant, working for the New York State Department of Corrections.

Mr. Speaker, for more than a decade, this couple has already shown a deep commitment to each other, which I am confident will last a lifetime. As such, they are worthy of receiving our recognition today.

TRIBUTE TO DR. MORTON I. RAPOPORT

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Mr. CARDIN. Mr. Speaker, I rise today to pay special tribute to Dr. Morton I. Rapoport, former President and CEO of the University of Maryland Medical System. Dr. Rapoport has been recognized nationally and internationally as one of the world's top hospital administrators. Under his leadership, the Medical System

has made substantial improvements in the quality of patient care and services. He also has been a close friend and adviser to me for many years on health care issues, and I have great confidence in his judgement and insight.

Dr. Rapoport took over stewardship of the Medical System in 1984. Since then, he has transformed the University of Maryland Hospital from a public institution with annual operating losses in the millions to a successful private corporation with a record of strong financial performance and renowned clinical programs. The Medical System now includes University Hospital, the R Adams Cowley Shock Trauma Center, the Marlene and Stewart Greenebaum Cancer Center, Maryland's Hospital for Children, Kernan Hospital, University Speciality Hospital, Maryland General Health Systems and the North Arundel Health System.

Dr. Rapoport is a Baltimore native who attended my alma mater Baltimore City College and University of Maryland School of Medicine. He conducted research on infectious diseases and served as associate dean of the medical school before taking over as head of University Hospital in 1982. In 1984, Dr. Rapoport was appointed President and CEO of the newly created UM Medical System.

Before retiring, Dr. Rapoport oversaw planning and construction of the Harry and Jeanette Weinberg Building, a $150 million facility to house operating rooms of the future and a new adult and pediatric emergency department. On Nov. 15, 2003, at a special gala, it will be announced that the atrium in the new Weinberg Building will be named in honor of Dr. Rapoport and his wife, Rosalie.

I hope my colleagues in the U.S. House of Representatives will join me in saluting Dr. Morton I. Rapoport for his dedication, leadership and vision in helping the University of Maryland Medical System become one of the most respected institutions in this country and in the world.

HONORS THE SMALL BUSINESS ADMINISTRATION ON THEIR 50TH ANNIVERSARY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Ms. DELAURO. Mr. Speaker, it gives me great pleasure to rise today to join the Gateway Small Business Center in celebrating the 50th Anniversary of the United States Small Business Administration. The SBA has played an integral role in developing and nurturing the spirit of entrepreneurs and thus, strengthening the foundation of communities across the country.

We have been especially fortunate in my home state of Connecticut where, with nearly seventy percent of jobs found in small businesses, the SBA has forged strong bonds of partnership and—more importantly—friendship with countless organizations and communities. I would like to extend a special note of thanks and appreciation to Marie Record, Connecticut District Office Director, not only for her dedication and commitment, but also for all the assistance that she has provided to myself and my staff over the years. She has and continues to be an invaluable resource for us all.

I have often said that small business is the backbone of our nation's economy and the heart of our communities. From the General Mercantile to today's Mom & Pop storefronts, small businesses have been an important vehicle for delivering the American Dream. In addition, they are often what defines the character of a neighborhood, a town, or even a city. In my childhood neighborhood of Wooster Square, my grandmother, along with my mother and aunts, ran a small pastry shop, Canestri's. Many of our neighbors were also involved in the family businesses which lined the neighborhood streets—Sally's and Pepe's Pizza, Libby's Italian Pastry Shop, Lucibello's Pastry Shop, Iovanne's Funeral Home, and Lupoli's Funeral Home are just some of those which continue to thrive today.

Small business comprises seventy-five percent of net new jobs added to the economy annually. To date, nearly twenty three million small businesses are operating across the United States. Representing over ninety-nine percent of all employers and employing over fifty percent of our nation's private workforce, small businesses are not only an invaluable piece of our heritage, but are vital to the growth and prosperity of any community. We, as a nation, recognized that with the establishment of the SBA. Throughout their history, the SBA has delivered nearly twenty million loans, loan guarantees, contracts, counseling sessions and other forms of assistance to small businesses. Over the past ten years they have helped over four hundred thousand small businesses receive loans totaling over ninety-four billion dollars. Last year alone, the SBA backed more than twelve billion dollars in loans. It has been through their assistance that so many have been able to make their dreams come true.

Today, as we celebrate the 50th anniversary of the SBA, I am proud to join with the Gateway Small Business Center and all of those who have benefitted from the SBA in extending my deepest thanks and appreciation for all of their good work. Our communities would not be the same without the unparalleled contributions of the United States Small Business Administration and its dedicated staff.

TRIBUTE TO REVEREND JUANITA MINCEY

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Mr. MEEK of Florida. Mr. Speaker, I rise to honor Reverend Juanita Mincey, an admirable human being and one of Florida's most involved and effective civic activists. On Saturday, October 4, 2003, Reverend Juanita Mincey will be joined by family, friends and colleagues at a reception in Miami, Florida, to honor her for her dedication to her community and to Christ Crusaders, Inc., an organization she founded which is committed to providing guidance and assistance to people in need.

Twenty-one years ago, Reverend Mincey had a vision to ''reach the lost at any cost and to service the total man: mind, body and spirit.'' She founded Christ Crusaders, Inc. with just two employees, and over the past two decades, Christ Crusaders has grown to 66 employees. Under Reverend Mincey's leadership, these men and women dedicate many hours of service to the communities of Opa-Locka, Carol City, Liberty City and North Miami, Florida.

Christ Crusaders Inc. offers a wide range of programs and services that benefit children, the elderly, and all that fall in between. Reverend Mincey has worked relentlessly to create community programs that not only provide transportation and respite care for the elderly, but also offer healthcare services that many in the community cannot afford. The advancement of mobile health clinics, HIV/AIDS screenings and testing, counseling services for substance abusers and outreach programs for pregnant women are only a few of many programs initiated by Reverend Mincey.

Additionally, with the intent to promote, foster and develop the welfare of underprivileged children and their working parents, Reverend Mincey opened three daycare centers, which serve children from pre-K through 12th grade. She also opened the Christian University, which offers bachelors through doctoral degrees to individuals who would not otherwise have the opportunity or funds to attend a state or private university to receive an education. She continues to promote the importance of education and personal development by providing young adults with scholarships, and the opportunity to attend vocational schools and art and music schools.

Under Reverend Mincey's leadership, many lives have been enhanced and many families have been helped by her dedication to providing the quality services that many people could not possibly reach. Our entire community is grateful to her for all her generous and unselfish accomplishments.

Miami-Dade County and the city of Opa-Locka have already honored Reverend Mincey with the declaration of ''Juanita Mincey Day.'' She has also been honored on several occasions for her hard work and angelic spirit with resolutions from the Florida House of Representatives and the State of Florida.

Today, I rise on the House floor of the United States Congress to once again honor and thank Reverend Mincey for her leadership and for the countless hours of selflessness she has devoted to take care of the people of our community. Thank you for all you do.

HONORING JASON CROOK'S INTERNATIONAL KEY CLUB SPEECH CONTEST WIN

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Mr. GORDON. Mr. Speaker, I rise today to congratulate Jason Crook for winning the international Key Club speech contest in Indianapolis, Indiana. Jason is a recent graduate of Blackman High School in my hometown of Murfreesboro, Tennessee.

On July 4, Jason demonstrated his prowess at the podium when he traveled to Indianapolis to represent his region in the contest. Jason spoke about the impact the club's values have had on his life. He triumphed over representatives from all 50 states and 20 countries.

Jason strives to achieve excellence both inside and outside of the classroom. His fellow

classmates recognized his achievements and drive when they voted him Most Likely to Succeed. He graduated as valedictorian of his class, a testament to his hard work and perseverance. In addition to earning these accolades, Jason has actively involved himself in the community while participating in Key Club and Eagle Scout community service projects.

Jason's compassion is evidenced in the wealth of time he has devoted to helping those who are in need. This spring, Jason made Easter baskets for children in Vanderbilt University's pediatric ward. While many of his peers were relaxing during the summer of 2002, Jason was delivering food to the sick and elderly through his involvement with the Meals on Wheels program.

I am proud to share my hometown with Jason. I am even prouder that he is now attending my alma mater, Middle Tennessee State University. He is a truly talented young man and a fine example of the promise and potential of America's youth.

HONORING MISSOURI CORN PRODUCERS AND THE PEOPLE OF MID-MISSOURI ENERGY, INC.

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Mr. SKELTON. Mr. Speaker, let me take this means to congratulate Missouri corn producers and the people of Mid-Missouri Energy, Inc., who have tirelessly worked to form a farmer-owned ethanol production facility in Malta Bend, Missouri. Folks from this cooperative will break ground on their new plant on October 4, 2003.

Farmers in Missouri and throughout the nation are working in fields right now to harvest their corn for the year. Many of these producers have experienced tough economic times over the past several years and prolonged drought in the Midwest is making things difficult again this year. In order to make their yields more valuable, corn growers have sought to enhance the value added nature of their commodity. Ethanol, which is a renewable fuel that comes from corn, is an important value added product for farmers and its production means a great deal to those of us who live in middle America.

Mid-Missouri Energy, Inc., was created to maximize the return on investment to its investors by adding value to Show-Me State corn production, to create economic development in central Missouri, and to foster a positive environment among its employees. The men and women who make up this cooperative are hard working Missourians who have committed their time and money to the success of the new ethanol production plant. I especially applaud the efforts of Mid-Missouri Energy Chairman Ryland Utlaut of Alma, Missouri, for his dedicated efforts.

As farmers break ground on this new ethanol production facility, I know that Members of Congress will join me in honoring the outstanding work of Mid-Missouri Energy, Inc.

TRANSPORTATION/TREASURY APPROPRIATIONS BILL FY04—CUBA

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Mr. ROTHMAN. Mr. Speaker, I'd like to thank Chairman ISTOOK and Ranking Member OLVER for their fine work on this bill. I am proud to be a member of this Subcommittee, under their leadership. I rise today in opposition to the Flake amendment to lift the ban on travel to Cuba. There are many reasons to support the ban on travel to Cuba.

Number one, we must remember that Cuba is considered a state sponsor of terrorism by the U.S. government, as are Iran, Libya, North Korea, Syria, Sudan, and until recently, Iraq under Saddam Hussein's regime. Number two, thousands of Americans traveling to Cuba will not change the Castro regime. Today, Canadians and Europeans travel to Cuba on a regular basis, and the lives of average Cubans have not improved. The average Cuban has not had contact with foreigners and has not benefited from the tourism revenue because the money flows directly to Castro. Instead of enlightening the Castro regime to respect human rights and support democracy, we have seen no improvement as a result of increased travel to Cuba.

Number three, on March 18, 2003, Castro's regime instituted a massive crackdown on independent journalists and democracy activists. Seventy-five activists were arrested, subjected to summary trials and prosecutions, and sentenced to prison terms ranging from 6 to 28 years. Amnesty International has termed it ''the most severe crackdown on the dissident movement since the years following the Cuban revolution.'' Castro's regime also executed three men in April who had hijacked a ferry in Havana in an attempt to reach the United States. The men were executed by firing squads after summary trials that were held behind closed doors; four other ferry hijackers received life sentences while another received 30 years in prison.

Number four, the Castro government continues to provide sanctuary for American fugitives from justice. For example, take the case of Joanne Chesimard, a convicted cop killer who took the life of a New Jersey State Trooper. On May 2, 1973, New Jersey State troopers Werner Foerster and James Harper pulled over Joanne Chesimard and two of her companions in a routine traffic stop. A shoot-out transpired, and Trooper Foerster, who had served on the force for less than three years, was shot and killed. Trooper Harper was wounded. A jury in the United States found that Trooper Foerster had been shot in the back of his head, execution style, at point-blank range. The jury convicted Joanne Chesimard of murder and sentenced her to life in prison. But, Chesimard escaped from prison in 1979, lived underground in America for a few years, and soon found sanctuary in Castro's Cuba. Chesimard continues to live in Cuba, free from justice. Castro has refused to turn Chesimard over to the United States.

In addition to Joanne Chesimard, there are 73 other fugitives from U.S. law living under Castro's protection in Cuba, including a member of the FBI's 10 most wanted list.

Mr. Speaker, the United States of America should not allow Fidel Castro, a state sponsor of terrorism, egregious abuser of human rights, and protector of U.S. cop killers, to enjoy the financial benefits of American tourism. He must return Joanne Chesimard and the other fugitives from American justice, cease support for terrorism, end the gross human rights violations within his country, and embrace democracy before we can welcome Castro among the nations of the world.

The Flake amendment will not create the changes we all hope for in Cuba. The amendment will only make Castro and his family richer, and send a horrible message to dictators across the world. Oppose the Flake amendment.

TRIBUTE TO MOTHER TERESA OF CALCUTTA

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Mr. WOLF. Mr. Speaker, I rise today to pay tribute to Mother Teresa of Calcutta, whose birthday was August 27. Pope John Paul II will be beatifying her on October 19 in Rome.

As I reflect on her life of love and sacrifice, I am struck by the number of people's lives she was able to touch. Her work in Calcutta's slums illustrated her commitment to pulling people out of poverty by empowering them with self esteem and the hope that change is always possible.

For 50 years, Mother Teresa brought dignity to the poor and unwanted. After finding a woman dying in front of a Calcutta hospital, she sat with the woman until she died. Soon after, she began a campaign for a shelter for people to die with dignity. Her life's mission was caring for the human castoffs the world wanted to forget.

Her love brought hope to countless who were struggling on the brink of existence. In 1982, at the height of the siege in Beirut, she rescued 37 children trapped in a front line hospital by brokering a temporary cease-fire between the Israeli army and Palestinian guerillas.

She recognized that, despite economic development efforts, there were people out there whose lives remained mired in the sorry circumstances of their birth. She opened schools, orphanages and homes for the needy, and turned her attention to the victims of AIDS as that disease increased in prevalence.

Her notoriety speaks to the impact of her love and service. Her integrity and humility drew large crowds and invited great affection.

As we remember the incredible work of an extraordinary woman, I hope that we are all challenged to live out the prayer that is inscribed on the wall of her Children's Home in Calcutta:

MOTHER TERESA'S PRAYER

People are often unreasonable, illogical, and self-centered;
. . . Forgive them anyway.
If you are kind, people may accuse you of selfish, ulterior motives;
. . . Be kind anyway.
If you are successful, you will win some false friends and some true enemies;
. . . Succeed anyway.
If you are honest and frank, people may cheat you;

. . . Be honest and frank anyway.
What you spend years building, someone could destroy overnight;
. . . Build anyway.
If you find serenity and happiness, they may be jealous;
. . . Be happy anyway.
The good you do today, people will often forget tomorrow;
. . . Do good anyway.
Give the world the best you have, and it may never be enough;
. . . Give the world the best you've got anyway.
You see, in the final analysis, it is between you and God;
It was never between you and them anyway.

INTERNET TAX NONDISCRIMINATION ACT, H.R. 49

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Mr. POMEROY. Mr. Speaker, today the House of Representatives addressed H.R. 49, the Internet Tax Nondiscrimination Act. This bill would make permanent the moratorium on internet access taxes first put into place in the Internet Tax Freedom Act (ITFA).

When the ITFA was first enacted, it exempted 10 states that already had in place mechanisms for taxing internet access. North Dakota was one of those states.

I have long been opposed to taxing internet access and have consistently voted in favor of the moratorium on internet taxation. All prior extensions of the moratorium, however, have provided for the continuation of the state exemption. H.R. 49, however, would not only make the moratorium permanent, but would also remove the exemption North Dakota and the other nine states have been receiving.

I strongly believe that the internet and the technology it brings with it is one of our country's most important economic engines. This is equally true for North Dakota. The internet has the ability to aid economic development not only in our larger cities, but also in our rural areas.

Because the end of the state exemption will mean the loss of tens of millions of dollars for those states that will be losing their ability to tax internet access, I urge my colleagues to give these states flexibility. Our colleagues in the Senate have done just this by including a 3-year delay. I encourage my colleagues to consider such a mechanism.

HONORING MASTER SERGEANT ANDREW R. SAMUELS

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, on March 1, 2004, Master Sergeant Andrew R. Samuels, will be retiring after 20 years of active military service in the United States Air Force.

Master Sergeant Andrew R. Samuels was born on January 27, 1965 in Torrance, California. After graduation from Lynwood High School in 1983, Samuels enlisted in the United States Air Force in October 1983 and served as a Non-Commissioned Officer with various police squadrons in California, Arkansas, Wyoming, Korea, Japan, Alaska, Turkey, Portugal, Saudi Arabia, and the Netherlands.

During his dedicated years of service, Samuels received the Air Force Meritorious Service Medal, the Air Force Commendation Medal with 3 clusters, and the Air Force Achievement Medal with 5 clusters. Master Sergeant Andrew R. Samuels has received 30 awards and decorations during his service with the United Stated Air Force.

In 1985 Samuels was honored with an early promotion as a Senior Airman Below the Zone for his excellent service.

In 1996, Samuels became the Security NCO of the year commending his commitment and dedication to his position.

In 2000, Master Sergeant Samuels received the 3 SPSS Most Valuable Person Award along with the PACAF, Best Anti-Terrorism/Force Protection Installation.

In 2001 and 2002, he accepted the Air Force Productivity and Excellence Award and the Special Recognitions Category for the Commanders in Chief Installation Excellence Award.

In 2002, Samuels received his Bachelor's of Arts degree for his completion of Security Administration at Saint Regis University.

Throughout his 20-year career, Master Sergeant Samuels has continuously demonstrated his dedication to his profession, community, and family. Samuels is a loving husband to Fukuko Tenma Samuels and an honorable father to his two sons, 2-year-old Rodney Sora and 4-months-old newborn Speed Sei Samuels.

Samuels plans to pursue work in the security and antiterrorism arena utilizing his 20 years of experience in the service. He looks forward to spending time coaching youth football, traveling, sight seeing, and listening to his collection of jazz music.

From one public servant to another, Andrew Samuel's dedication and service will be truly missed.

HONORING THE NATIONAL CENTER FOR ELECTRON MICROSCOPY LOCATED AT THE LAWRENCE BERKELEY NATIONAL LABORATORY

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Ms. LEE. Mr. Speaker, I rise to proudly recognize one of the world's premier science and research facilities, and an important part of my district. Today marks the 20th anniversary of one of our nation's premier scientific research centers, the National Center for Electron Microscopy (NCEM), a Department of Energy facility located at Lawrence Berkeley National Laboratory. Dedicated on September 30, 1983, NCEM's service began with the unveiling of the Atomic Resolution Microscope, the first instrument in the world capable of showing individual atoms in a sample. Since then, the Center has played a key role in supporting vital research efforts carried out by hundreds of visiting national and international scientists.

Today, NCEM houses several of the world's most advanced microscopes and tools for microcharacterization, such as the One-Angstrom Microscope and the Spin Polarized Low-Energy Electron Microscope. The wide array of such tools allows scientists to gain a basic scientific understanding of new, energy-efficient materials, as well as analyze the behavior of materials such as magnets, superconductors, ceramics, and high-temperature alloys. Recent research includes atomic-level characterization of advanced aluminum alloys, new insights into how catalysts work, and mono-atomic resolution of solids that contain light elements such as carbon and nitrogen.

In addition to microscopes, NCEM's Image Analysis Facility is designed to handle the computational needs of the Center's users. NCEM staff design custom image processing and image simulation software, with the goal of extracting structural information from images taken on the Center's electron microscopes. NCEM also provides services and support for sample preparation.

To chart the future of electron microscopy, NCEM scientists are helping to pioneer the Transmission Electron Aberration-corrected Microscope, a next-generation microscope that could offer the unprecedented opportunity to directly observe the atomic-scale order, electronic structure, and dynamics of individual nanoscale structures. With advances like these, NCEM will continue to lead the world in electron microscopy research.

TRIBUTE TO WILLARD CANODE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Mr. McINNIS. Mr. Speaker, it is with a solemn heart that I take this opportunity to pay tribute to Willard ''Bill'' Canode of Durango, Colorado who recently passed away at the age of 90. Bill was an exceptional educator and administrator who was recognized on numerous occasions for his innovative ideas in the field of education. As his family and friends mourn their loss, I think it is appropriate that we remember Bill today for his many contributions throughout his life.

Bill served as superintendent for numerous school districts throughout his lifetime. Originally hailing from Illinois, Bill spent the majority of his years out West in Colorado, Wyoming and Arizona. No matter where Bill lived, others took notice of his outstanding dedication to education and to the community. He was named Educator of the Year in Wyoming; Yuma, Arizona's Number 1 Citizen; and Citizen of the Month by the Durango Herald.

In addition to his achievements in education, Bill was a loyal member of his church, the Rotary Club, Lions Club, and served as a state officer for the AARP. He also enjoyed performing in the theater and organized the La Plata Players, an amateur troupe who performed for the enjoyment of their community. Above all, Bill was a devoted family man with a wife, two daughters, seven grandchildren, and six great-grandchildren.

Mr. Speaker, it is with profound sorrow that we remember the life and memory of Willard Canode. He will be remembered for the kind heart and gentle demeanor that he displayed throughout his life. As Bill's family and friends mourn his passing, I am honored to recognize

the wonderful life he lived. Bill will surely be missed.

RECOGNIZING MR. GUS CHAVEZ

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Ms. SOLIS. Mr. Speaker, I rise before you today to recognize one of the most inspiring and remarkable Latino leaders in our country, Mr. Gus Chavez. Gus Chavez is a bellwether in higher education and human service. Most importantly, he is an exceptional human being who has dedicated his entire professional life to improving access to higher education for underrepresented minorities in southern California.

For more than 30 years, Mr. Chavez has worked as director of the Offices of Educational Opportunity/Ethnic Affairs and Affirmative Action at San Diego State University. An alumnus of SDSU, Gus Chavez was responsible for recruitment, admission and retention services of low income and educationally disadvantaged students at SDSU. He also assisted and promoted the development of university initiatives aimed at admitting a racially and culturally diversified student body throughout the university.

Under his leadership, EOP/Ethnic Affairs at San Diego State has admitted over 22,000 low-income students in the university. Currently, San Diego State ranks 5th in the nation in awarding Bachelor of Arts degrees to Latino students.

Throughout his illustrious career Mr. Chavez has earned numerous awards for his monumental accomplishments. Some of his awards include the Outstanding MEChA Faculty/Staff Award, the California Educational Opportunity Program Directors Service Award, and the Cesar E. Chavez Award for Social Justice Service. Although many of his awards come from the Latino community, African American and Filipino SDSU students have also recognized him. During his career, he earned the African Student Union Service Award and the Filipino American Council of San Diego County Service Award.

After more than 30 years of serving underrepresented students, Mr. Chavez continues to mentor young people in his retired state. I unwaveringly commend him for his excellent work and for all his remarkable accomplishments.

I am privileged to recognize him as the perfect example of today's exceptional leader.

A SPECIAL TRIBUTE TO DR. LARRY G. MCDOUGLE, PRESIDENT OF NORTHWEST STATE COMMUNITY COLLEGE, ON HIS RETIREMENT

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Mr. GILLMOR. Mr. Speaker, it is my distinct privilege to stand before my colleagues in the House to pay tribute to an outstanding educator from Ohio's Fifth Congressional District. Dr. Larry G. McDougle retires today after a distinguished career as the Fourth President of Northwest State Community College (NSCC) in Archbold, Ohio.

Larry McDougle's career in higher education spans more than 3 decades and has touched the lives of students and administrators in fours states. He is the product of Ohio's universities, receiving his bachelor's degree in physics from the University of Findlay (1963), his master's degree in physics from Kent State University (1965), and his doctorate in higher education from the University of Toledo (1971).

During his professional career, Dr. McDougle has served as a faculty member and administrator in Ohio, Indiana, Illinois and South Carolina. Prior to his appointment as President of NSCC, he served as a tenured professor at Indiana University, Southern Illinois University at Carbondale, and at the University of Toledo. I first met Dr. Larry McDougle when he became President at NSCC in October, 1991. NSCC has blossomed under Dr. McDougle's leadership, serving as an educational gateway for approximately 3.500 students in Northwest Ohio. In addition to transfer programs, NSCC offers associate degree and certificate programs in allied health and public services, business and engineering technologies.

Dr. McDougle's leadership extends far beyond the NSCC campus. His service includes the Ohio Board of Regents Advisory Committee on Service Achievement and includes membership on the Boards of Trustees of Mercy College of Northwest Ohio, the Northwest Ohio Regional Economic Development Regional Growth Partnership, the Henry County Business and Education Advisory Council, and the Henry County Workforce Investment Board.

Dr. McDougle's work has both touched the lives of students and earned the respect of educators and employers. In 1996, he received the Philip J. Rusche Distinguished Service Award from the University of Toledo College of Education and Allied Professions. In 1998, he received the John C. Hoyt Outstanding Employment and Training Leadership Award from the Toledo Area Private Industry Council.

Mr. Speaker, there is no greater gift that an educator can give a student than the gift of inspiration. Dr. McDougle has done just that. I ask each of my colleagues to join me in this special tribute. We wish the entire McDougle family good health and good fortune in the coming years.

CONSERVATIVE CONCERNS WITH VOUCHERS

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Mr. PAUL. Mr. Speaker, many of those who share my belief that the most effective education reform is to put parents back in charge of the education system have embraced government-funded voucher programs as a means to that end. I certainly sympathize with the goals of voucher proponents and I believe that States and local governments have the right, protected by the Tenth Amendment, to adopt any sort of voucher program they believe meets the needs of their communities. However, I have a number of concerns regarding proposals to implement a voucher plan on the Federal level.

The basic reason supporters of parental control of education should view Federal voucher programs with a high degree of skepticism is that vouchers are a creation of the government, not the market. Vouchers are a taxpayer-funded program benefiting a particular group of children selected by politicians and bureaucrats. Therefore, the Federal voucher program supported by many conservatives is little more than another tax-funded welfare program establishing an entitlement to a private school education. Vouchers thus raise the same constitutional and moral questions as other transfer programs. Yet, voucher supporters wonder why middle-class taxpayers, who have to sacrifice to provide a private school education to their children, balk at being forced to pay more taxes to provide a free private education for another child.

It may be argued that vouchers are at least a more efficient welfare program than continuing to throw taxpayer money at public schools. However, the likely effect of a voucher program is to increase spending on new programs for private schools while continuing to increase spending on programs for public schools. For example, Mr. Speaker, during the debate on the DC voucher program, voucher proponents vehemently denied that any public schools would lose any Federal funding. Some even promised to support increased Federal spending on DC's public and charter schools. Instead of reducing funding for failed programs, Congress simply added another 10 million dollars (from taxes or debt) to the bill to pay for the vouchers without making any offsetting cuts. In a true free market, failing competitors are not guaranteed a continued revenue stream.

Many supporters of vouchers couch their support in rhetoric about a child's right to a quality education and the need for equal educational opportunities for all. However, accepting the premise that people have a ''right'' to a good of a certain quality logically means accepting government's role in establishing standards to ensure that providers are giving their consumers a ''quality'' product. Thus, in order to ensure that vouchers are being used to fulfilling students' ''right'' to a ''quality'' education (as defined by the government) private schools will be forced to comply with the same rules and regulations as the public schools.

Even some supporters of vouchers recognize the threat that vouchers may lead to increased Federal regulation of private schools. These voucher supporters often point to the fact that, with vouchers, parents will choose which schools receive public funding to assuage the concerns of their critics. However, even if a voucher program is free of State controls at its inception, it will not remain so for long. Inevitably, some parents will choose a school whose curriculum is objectionable to many taxpayers; say an academy run by believers in the philosophy of the Nation of Islam. This will lead to calls to control the schools for which a voucher can be used. More likely, parents will be given a list of approved schools where they can use their voucher at the inception of the program. Government bureaucrats will have compiled the list to ''help'' parents choose a quality school for their children.

The fears of these voucher critics was confirmed on the floor of the House of Representatives when the lead sponsor of the DC voucher amendment admitted that under his plan the Department of Education would have to begin accrediting religious schools to ensure that only qualified schools participate in the voucher program because religious schools currently do not need to receive government accreditation. Government accreditation is the first step toward government control.

Several private, Christian schools in my district have expressed concerns that vouchers would lead to increased government control of private education. This concern is not just limited to Christian conservatives; the head of the Jewish Anti-Defamation league opposed the recent DC voucher bill because he feared it would lead to ''. .an unacceptable effort by the government to monitor and control religious activities.''

Voucher supporters will fall back on the argument that no school is forced to accept vouchers. However, those schools that accept vouchers will have a competitive advantage over those that do not because they will be perceived as being superior since they have the ''government's seal of approval.'' Thus, those private schools that retain their independence will likely be forced out of business by schools that go on the government dole.

We have already seen how a Federal education program resembling a voucher program can lead to Federal control of education. Currently, Federal aid to college students is dispersed in the form of loans or grants to individual students who then transfer these funds to the college of their choice. However the government has used its support of student loans to impose a wide variety of policies dealing with everything from the makeup of student bodies to campus safety policies. There are even proposals for Federal regulation of the composition of college faculties and course content! I would remind my colleagues that only two colleges refuse to accept Federal funds (and thus Federal control) today. It would not be a victory for either liberty or quality education if the experience of higher education was replicated in private K–12 education. Yet, that is the likely result if the supporters of vouchers have their way.

Some supporters of centralized education have recognized how vouchers can help them advance their statist agenda. For example, Sibhon Gorman, writing in the September 2003 issue of the Washington Monthly, suggests that, ''The way to insure that vouchers really work, then is to make them agents of accountability for the private schools that accept them. And the way to do that is to marry the voucher concept with the testing regime mandated by Bush's No Child Left Behind Act. Allow children to go to the private school of their choosing, but only so long as that school participates in the same testing requirements mandates for public schools.'' In other words, parents can choose any school they want as long as the school teaches the government approved curriculum so the students can pass the government approved test.

Instead of expanding the Federal control over education in the name of parental control, Congress should embrace a true agenda of parental control by passing generous education tax credits. Education tax credits empower parents to spend their own money on their children's education. Since the parents control the education dollar, the parents control their children's education. In order to provide parents with control of education, I have introduced the Family Education Freedom Act (H.R. 612) that provides all parents with a tax credit of up to $3,000. The credit is available to parents who choose to send their children to public, private, or home school. Education tax credits are particularly valuable to lower income parents.

The Family Education Freedom Act restores true accountability to education by putting parents in control of the education dollar. If a child is not being educated to the parents' satisfaction, the parent will withdraw that student from the school and spend their education dollars someplace else.

I have also introduced the Education Improvement Tax Cut Act (H.R. 611) that provides a tax credit of up to $3,000 for in-kind or cash donation to public, private, or home schools. The Education Improvement Tax Cut Act relies on the greatest charitable force in history to improve the education of children from low-income families: the generosity of the American people. As with parental tax credits, the Education Improvement Tax Cut Act brings true accountability to education since taxpayers will only donate to schools that provide a quality education.

Mr. Speaker, proponents of vouchers promise these programs advance true market principles and thus improve education. However, there is a real danger that Federal voucher programs will expand the welfare state and impose government ''standards'' on private schools, turning them into ''privatized'' versions of public schools. A superior way of improving education is to return control of the education dollar directly to the American people through tax cuts and tax credits. I therefore hope all supporters of parental control of education will support my Family Education Freedom Act and Education Improvement Tax Cut Act.

TRIBUTE TO ST. DAVID'S EPISCOPAL CHURCH ON ITS 108TH ANNIVERSARY

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to St. David's Church in the Bronx, New York, a treasured Bronx institution and a historic house of worship that celebrated its 108th anniversary on September 26, 2003.

St David's Church was founded in 1895 to address the needs of poor blacks, especially the dining car waiters and Pullman porters who roomed in the area of the New York Central Railroad Depot and had no place to worship.

Mr. Speaker, as a part of the Episcopal Diocese of New York, St. David's strongly believes in the Diocesan mission objective of effective church presence in poor communities. In order to meet that objective, St. David's is constantly involved with community outreach. Presently, it has after school programs, summer day camps, and senior citizens programs to provide structured educational and recreational activities to the people who live, work, and worship in their community. For the past 108 years, St. David's has been a cornerstone of the Bronx community, providing its parishioners not only with a place of worship, but also with invaluable services in order to assist them in enriching their lives.

Institutions such as St. David's Episcopal Church give life and vitality to distressed areas throughout the United States. The services they provide to their communities deserve recognition. Therefore, I ask that my colleagues join me in recognizing and honoring St. David's Episcopal Church for 108 years of service to the people of the Bronx, New York.

TRIBUTE TO JACKIE WEAVER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Mr. MCINNIS. Mr. Speaker, it is with a heavy heart that I rise before this body of Congress and this Nation today to pay tribute to the life and memory of a great citizen from my district. Jackie Weaver of Pueblo, Colorado recently passed away at the age of eighty. Jackie was a caring woman who gave selflessly to those around her. As her family mourns her passing, I would like to pay tribute to her memory before my colleagues here today.

Jackie was born in Frederick, Maryland in 1923, and she worked as a chemist in New York City before marrying her husband, D.A., in 1946. After moving to Pueblo with her family in 1978, she became an active member of the community, working with the Christian Women's Club and the youth ministry of her church. In addition, Jackie devoted time to the Reach-for-Recover Program of the American Cancer Society and the Pueblo Kiwanis Club. Jackie cared deeply about children and worked to improve their lives by caring for three foster children and by adopting a child through the World Vision Ministries.

Mr. Speaker, Jackie Weaver's dedication and commitment to her family and her community has touched many lives. She tirelessly gave to her family and community. While Jackie has passed on, her legacy will continue to live. I am honored to join with my colleagues in honoring Jackie here today.

IN LOVING MEMORY OF MOTHER TERESA

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Mr. EMANUEL. Mr. Speaker, I rise to celebrate the memory of a remarkable woman who dedicated her 87 years of life to reaching out to poor, suffering and dying people all over the world, Mother Teresa.

Mother Teresa was born in Albania on August 26, 1910. She chose to become a Roman Catholic sister at age 18 and was assigned to a convent in Calcutta where she taught history and geography at St. Mary's School. Discontent to simply teach, Sister Teresa dedicated her life to creating a new religious order to serve the sick, disabled and dying no matter where they lived.

In 1948, Mother Teresa received approval from the Pope to create a religious order known as the Missionaries of Charity. She sought out nuns who were educated as nurses and asked them to train her. She returned to Calcutta where she opened a hospice. In her later years, Mother Teresa devoted her time and energy to establishing hospice programs for suffering from AIDS.

In 1979, Sister Teresa was awarded the Nobel Peace Prize and in 1985, the Presidential Medal. She was also given the Lifetime Achievement Award from the Foundation for Hospice and Homecare. However, it was clear that what she most cherished was the satisfaction of delivering care and comfort to millions of needy people.

Guided by her 40 years of leadership, the Missionaries of Charity grew from one to more than 400 missions worldwide. Today, there are approximately 5,000 sisters in the order.

Mother Teresa was universally loved and will always be remembered. This was evidenced by the fact that both chambers of Congress passed commemorative resolutions within just days of her death in 1997. They also posthumously awarded her the Congressional Gold Medal, the highest honor bestowed on a civilian.

The world will again remember her legacy of compassion when Pope John Paul II celebrates a three hour Mass next month for the her beatification.

Mr. Speaker, throughout her life, Mother Teresa knew no limits when caring for others as she gave unconditional love to all. On this day, let us once again remember her lasting contributions and goodwill for all mankind.

HUMAN RIGHTS IN GUATAMALA

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Mr. TOWNS. Mr. Speaker, on July 14, Guatemalan Constitutional Court justices made history by declaring null and void two previous court rulings banning infamous former dictator Efrain Rios Montt from seeking presidential office. Efrain Rios Montt, the retired brigadier general and current head of Guatemala's national legislature, has been universally condemned for waging a ''scorched earth'' campaign against indigenous Mayan civilians during his 1982–1983 presidency. Some of the worst abuses in Guatemala's brutal 36-year civil war occurred during Rios Montt's rule. Wisely enough, the drafters of Article 186 of Guatemala's 1985 Constitution engrossed a ban to prevent leaders responsible for staging military coups from ever again seeking the Guatemalan presidency. Yet Rios Montt, who came to power through just such a coup in March of 1982, recently obtained a favorable ruling from Guatemala's highest court despite this earlier provision. He managed this by using his influence to pack the court with additional members who were personally loyal to him. In addition, he sought to legitimate his candidacy by claiming that the 1985 Constitution cannot be applied retroactively to actions taken three years before it was enacted.

The State Department repeatedly has stated that Rios Montt's continued involvement in Guatemalan politics is an obstacle to effective U.S. relations with that country. In fact, events would seem to indicate that Rios Montt's candidacy is an equal threat to domestic stability within Guatemala; a number of weeks ago, mass protest in support of the ex-dictator's candidacy, clearly manipulated by Rios Montt and other leaders of his party, turned violent as mobs rushed into government buildings and seized them, including the Supreme Court. Since the Bush administration is so concerned with human rights in Iraq, what about Guatemala? Regional alliances such as the proposed U.S.-Central American Free Trade Agreement are bound to be jeopardized by Rios Montt's self-serving insistence on seeking the presidency, even at the country's democratic prospects. We as a body must strive to understand the potential implications and the high costs of Rios Montt's continued involvement in Guatemalan politics if we are to accelerate our steps towards the goal of promoting effective relations with the Central American region.

On September 15, the United States recertified Guatemala, reversing a decision made in January due to the country's consistently poor efforts to stem the northward flow of narcotics that end up in our streets. Circumstances, however, suggest that the recertification was motivated not so much by any improvement in Guatemala's drug interdiction efforts, but by the Bush administration's ceaseless search for the expansion of free trade, even if it costs the U.S. hundreds of thousands of solid jobs. The Bush administration, eager to enact its Central American Free Trade Agreement (CAFTA) proposal, seems to have been responding to certain pressures to renew Guatemala's certification whatever its justification; twenty-one of our esteemed colleagues took the principled step of writing to the White House and saying that they would not vote for CAFTA without such recertification, and Guatemala, home to Central America's largest population and most formidable economy, would not likely approve the trade agreement if it remained decertified. This leads one to wonder, then, what the certification process and the war on drugs are really about, as the controversial and inequitable specter of free trade has clearly taken precedent.

The following very timely memoranda on Guatemala's many problems were authored by Molly Maas and Jessica Leight, research associates at the highly respected Washington-based Council on Hemispheric Affairs (COHA), a non-partisan organization that has long been committed to addressing issues associated with human rights, democracy and economic justice throughout the Western Hemisphere. COHA has been referred to by Senator EDWARD KENNEDY in the CONGRESSIONAL RECORD as ''one of our Nation's most respected bodies of scholars and policymakers.''

RIOS MONTT DECLARED ELIGIBLE TO RUN IN GUATEMALA'S UPCOMING ELECTION

(Jessica Leight and Molly Maas)

On Tuesday, July 14, one of the most brutal dictators in modern Guatemalan history, General Efrain Rios Montt, was declared a legitimate candidate for the November presidential elections by the country's highest court. Since Guatemala gained its independence from Spain in 1821, this largely poor Central American nation has suffered under a series of foreign rulers and pathological homegrown despots. Yet, arguably, none of its leaders have been more infamous than Rios Montt, who seized power in a 1982 coup and presided over an unremittingly harsh dictatorship for eighteen months until a counter-coup installed General Oscar Humberto Mejia Victores as the country's military leader. Today, Guatemala's official Commission for Historical Clarification labels atrocities committed under Montt's regime as ''genocide,'' and impartial observers argue that the ex-dictator was responsible for some of the worst human rights abuses in the country's 36–year civil war, including tortures, massacres, the destruction of hundreds of indigenous communities, and illegal detentions and murders of human rights advocates and indigenous leaders.

RIOS MONTT'S QUEST FOR THE PRESIDENCY

Since his fall from power in 1983, Rios Montt has twice attempted to run for the Guatemalan presidency, in 1990 and in 1995. Each time, he has been blocked by the country's courts on the grounds that Article 186 of the 1985 Constitution forbids the candidacy of all former coup leaders, a provision that was expressly designed to deter a presidential bid from Rios Montt. Despite these previous dismissals, however, the ruling FRG party, which controls the legislature as well as the presidency, once again nominated Rios Montt as its presidential candidate this past May, and the Constitutional Court—the nation's highest judicial authority—approved his candidacy on July 14. The decision in this case was blatantly biased, as the current court was especially expanded, i.e., ''packed'' with Rios Montt supporters. The president of the Constitutional Court, Mario Guillermo Ruiz Wong, is the former interior minister of the current FRG administration of President Alfonso Portillo, while another justice served as Rios Montt's personal lawyer. Three of the four judges who voted in favor of the ex-dictator have links to Portillo's administration.

Following this ruling, a lower court, the Supreme Court of Justice, issued a contradictory injunction that temporarily suspended Rios Montt's candidacy. In response, protests rocked the capital on Thursday, July 24, with thousands of former beneficiaries of Montt's dictatorship joining more recent recruits to his rightwing cause in the streets of Guatemala City. Though FRG leaders and Rios Montt himself vehemently denied any role in organizing or even encouraging the demonstrations, the protest was marked by a suspicious lack of spontaneity. Pro-FRG peasants were trucked in from across the country by organizers wearing such masks to conceal their identity, and the entire operation had the mark of a well-planned and well-orchestrated demonstration of political intimidation.

Most damning for the FRG and the Portillo administration was the lack of effort on the part of the police to control violence by the protesters, as well as the army's refusal to intervene even after President Portillo announced on radio and television on Thursday afternoon that he had ordered the armed forces out ''to guarantee respect of private property and the physical security of persons, as well as the defense of human rights.'' Though the demonstrators dispersed after receiving instructions to do so from Rios Montt on Friday morning, the capital continues to wait in fear for a return of the usually armed encapuchados. Perhaps even more alarmingly, the government's commitment to the preservation of basic public order, as well as its control over the armed forces—largely unreformed following decades of unrestricted and brutal war against the guerrillas—remain in grave doubt. Having only so recently emerged from forty years of two devastating civil war which cost upwards of 200,000 lives, Guatemala seems on

the point of lurching back into its old habits of blood and gore, in a new era of mob rule.

U.S. CHILLY ON SUBJECT OF RIOS MONTT

The U.S., along with the United Nations, has been notably critical of the human rights abuses that continue to plague Guatemala's fragile democracy. The State Department condemned the riots and the lack of effort by the authorities to control the violence. Earlier, State Department spokesman Richard Boucher had indicated his disapproval of Rios Montt's candidacy, asserting that should Rios Montt be elected, ''realistically, in light of Mr. Rios Montt's background, it would be difficult to have the kind of relationship that we would prefer.'' This followed statements earlier in the year by U.S. Ambassador to Guatemala John Hamilton that noted a troubling lack of compliance on the part of the government with the 1996 UN-brokered peace accord. In an admirable display of candor about the deteriorating situation in Guatemala, Hamilton stated that, ''My government shares the Guatemalan people's concern that today, more than six years after the end of the armed conflict, there are still serious violations of human rights.''

It is crucially important that the U.S. maintain this strong stance in opposition to the candidacy of such a brutal ex-dictator and avoid the temptation to paper over the crimes of Rios Montt in order to ensure Guatemala's inclusion in the upcoming Central American Free Trade Agreement negotiations, scheduled to be completed by the end of this year. Last January, the Bush administration announced its decision to decertify Guatemala for insufficient progress in the war on drugs. Subsequently, it made use of a ''vital national interest waiver'' to continue to provide economic aid to the country in spite of the decertification. While continuance of such assistance provides some valuable leverage for the U.S. to exercise, as it seeks to pressure the Guatemalan government to bring human rights violators to justice, rein in corruption and ensure an orderly democratic transition after the November elections, this is the case only if the White House indicates that it is prepared to advance the country's democratization. If the White House wishes to demonstrate that its concern for human rights extends beyond Iraq, then there can be no more appropriate task than to facilitate the unhindered operation of justice in Guatemala, a country that has seen precious little of it up to now.

TRIBUTE TO SAMMY HUDSON

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Mr. McINNIS. Mr. Speaker, I am honored to stand before this body of Congress and this nation today to pay tribute to a man who has spent his life providing a valuable service to others. Sammy Hudson of Grand Junction, Colorado has shined the shoes of thousands of community members and visitors, providing everyone with great service and pleasant conversation. For his years of service to the community, along with his hard work and dedication, I am honored to recognize Sammy here today.

Sammy began shinning shoes as a nine-year-old boy in Chicago, learning the craft from his grandfather. He has spent the last 23 years working in Grand Junction, and today, as the only traditional shoe-shiner in Grand Junction, Sammy provides a valuable service to his customers. His six decades of experience, along with a rigorous attention to detail and engaging personality, enable Sammy to brighten up the lives of numerous customers while simultaneously making a living doing something he enjoys.

Mr. Speaker, I am proud to recognize Sammy Hudson for his service to the Grand Junction community. Sammy serves as an example of the kind of resourcefulness, hard work, and dedication that have helped to make this country great. Recognition for the outstanding service he provides is long overdue, and I am privileged to bring Sammy's story to the attention of this body of Congress today.

RECOGNIZING THE 2003 IMMIGRANT WORKERS FREEDOM RIDE

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Ms. SOLIS. Mr. Speaker, I stand before you today to recognize one of the most significant civil rights movements I have had the privilege of supporting. On September 20, 2003, buses in nine major U.S. cities will take hundreds of immigrant workers and their allies on a cross country expedition to Washington, D.C. and New York City. The Immigrant Workers Freedom Ride of 2003 will mark an important moment in the history of our great nation.

Inspired by the freedom rides of the 1960s, the Immigrant Workers Freedom Ride (IWFR) will promote the civil rights of our immigrant population and help educate the public and elected officials about new requirements in immigration policy. IWFR hopes to help immigrant workers, living and paying taxes in the United States, to: (1) legalize their status; (2) have a clear road to citizenship; (3) reunify their families; (4) have a voice on the job regardless of legal status; and (5) enjoy full protection of the civil rights and civil liberties for all.

I also want to recognize the exceptional leadership of Maria Elena Durazo, David Glaser, and the sponsoring committees and individuals of the IWFR. Without their hard work the Immigrant Workers Freedom Ride would not be possible. These two individuals and their sponsors exemplify the true meaning of leadership and stewardship.

The IWFR will not only help draw a new map for U.S. immigrants seeking citizenship, but it will also celebrate the American dream, the dream of becoming a citizen of the United States of America.

I am privileged to recognize the 2003 Immigrant Workers Freedom Ride as an excellent example of the freedom our great country provides.

A SPECIAL TRIBUTE TO DENNIS HALES, TREASURER OF FULTON COUNTY, OH, ON HIS RETIREMENT FROM PUBLIC SERVICE

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Mr. GILLMOR. Mr. Speaker, it is my distinct privilege to stand before my colleagues in the House to pay tribute to a distinguished public servant from Ohio's Fifth Congressional District. Fulton County Treasurer Dennis Hales earlier announced his retirement, effective today, after ten years of distinguished local government service.

Dennis Hales moved to Fulton County in 1969. Prior to his service in the Fulton County Courthouse, he served in the Evergreen School District, as Evergreen High School Principal for six years, then for four years as Evergreen School District Superintendent. He continued his leadership role in Fulton County's schools, serving three years as Principal of Wauseon High School and for several more years as the assistant superintendent at Four County Career Center.

He assumed the office of Fulton County Treasurer in 1993. As Treasurer, Mr. Hale oversaw property and personal property tax collections and manufactured housing tax collections. He managed the investment of excess county funds, earning an average of $1 million annually for Fulton Country.

In addition to his distinguished service as a county officeholder, Dennis Hales also contributed his leadership philanthropically to the community. As Chairman of the United Way, Dennis Hales played a major role in merging several communities' efforts into one countywide organization, increasing donations and consequently, enhancing services provided to County residents. He was selected Honorary Chairman of the 2002–2003 Fulton County United Way Campaign.

Dennis Hales has also been recognized as the Wauseon Chamber of Commerce's Citizen of the Year.

Despite his many accolades, Dennis Hales has never sought personal recognition. Rather, he derives his energy from his dedication to Fulton County and his desire to work with his neighbors to build a stronger community.

As he enters this new period in his life, Dennis Hales remains a dedicated family man. He and his loving wife Janice are planning to travel and spend time with his children and grandchildren.

Mr. Speaker, the quality of our communities has long been based on the character and selfless service of our citizens. Fulton County, Ohio is a far richer community because of the work and dedication of Dennis Hales. I ask each of my colleagues to join me in this special tribute. We wish the entire Hales family good health and good fortune in the coming years.

TRIBUTE TO FORTSON LEE CHANDLER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Mr. MCINNIS. Mr. Speaker, I rise before this body of Congress and this nation today to pay tribute to a great citizen from my district. Reverend Fortson Lee Chandler of Pueblo, Colorado is a man of devotion, hard work, and humility who inspires those around him. His dedication to his friends and neighbors shows a spirit of charity all too rare in today's society. After years of service, Reverend Chandler has announced his retirement from the Bethlehem Missionary Baptist Church in Pueblo. For his tireless work and commitment to the community, I am honored to rise and honor Reverend Chandler here today.

Reverend F.L. Chandler was ordained fifty-one years ago at the Union Baptist Church in Atlanta. He worked as an associate minister at St. John Baptist Church in Colorado Springs prior to moving to Pueblo to take over as pastor at the New Hope Baptist Church. Reverend Chandler devoted several years of service to New Hope Baptist before going to Bethlehem Baptist Church. At Bethlehem Baptist, F.L. forged strong ties to the community that he loves and has served so well. He made it a point to reach out to those who have had fewer opportunities in life. Reverend Chandler has guided Bethlehem Baptist for thirty-four years and will be greatly missed.

Mr. Speaker, Reverend F.L. Chandler is a kind and devoted spiritual leader who our community turns to for inspiration and guidance in their daily lives. He has devoted over fifty years to guiding his parishioners. I am honored to join with my colleagues today to thank him for his tireless work and to wish him the best of luck as he embarks upon his retirement.

IN HONOR OF GOLD STAR MOTHER'S DAY

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Mr. BISHOP of New York. Mr. Speaker, I rise today in recognition of the Gold Star Mothers of America, a Congressionally chartered organization, and the celebration of Gold Star Mother's Day. This event was held on Sunday to commemorate the significant sacrifices and contributions of the Gold Star Mothers.

In 1936, by proclamation of President Franklin D. Roosevelt, and the Congress concurring, the last Sunday of every September is dedicated to ''the greatest source of the Country's strength and inspiration'', the American mother. I am proud to honor these women who have shown the utmost courage in supporting the goals of this Nation. Each member of the American Gold Star Mothers has dealt valiantly with the overwhelming suffering that accompanies the loss of a son or daughter, yet they continue to believe in the good of America, our veterans and the armed forces.

As our country continues to engage in struggle overseas, we are increasingly dependent on the good works of organizations like the Gold Star Mothers. Wherever they exist, the Gold Star Mothers perpetuate the ideals for which, their sons and daughters fought and died. They strive to assist veterans and veterans' organizations across the country while offering support to each other and a newly grieving nation.

This past Sunday, government buildings and individuals across the world showed their true appreciation for the Gold Star Mothers by flying the U.S. flag and holding public gatherings. At America's preeminent resting-place for American soldiers, Arlington National Cemetery, a solemn gathering and wreath laying ceremony was held at the Tomb of the Unknowns.

The dedication and triumphs of the Gold Star Mothers stem from a shared bond. As they describe it, ''The success of our organization continues because of the bond of mutual love, sympathy, and support of the many loyal, capable, and patriotic mothers who while sharing their grief and their pride, have channeled their time, efforts and gifts to lessening the pain of others. We stand tall and proud by honoring our children, assisting our veterans, supporting our nation, and healing with each other.''

It is important that we take time to recognize such a laudable organization as the American Gold Star Mothers. I am consistently impressed with their dedication to our Country, Armed Services, veterans and of course, to their own children.

Through only the greatest hardship can membership in the American Gold Star Mothers be accorded. Our country is forever indebted to them for their ability to transform their grief into positive action and undying dedication to the past, present and future heroes of this Nation.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT FY 2004

SPEECH OF

HON. LAMAR S. SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 29, 2003

Mr. SMITH of Texas. Mr. Speaker, I commend the Leadership and Members of the Committee on Appropriations for bringing the FY 2004 Defense Appropriations Conference Report to the House floor.

In addition to addressing the necessary and priority manpower and equipment needs of our armed forces, the bill provides critical resources for advancing the scientific, research and advanced technology initiatives that will insure that the United States maintains its military primacy in the years ahead.

As a Member of the House Science Committee's Subcommittee on Research, I continue to take a special interest in the emerging technologies that promise quantum breakthroughs in research and development efforts that will enhance our national security. These promising new technologies offer new dimensions to our military capabilities while also providing significant benefits to the civilian sector. Many of the programs in this legislation rely upon the transition of an enabling technology from the laboratory, R&D stage to viable military applications.

Special enabling technologies are currently being developed in Texas that have great potential for a broad range of military applications and offer significant advances to our future national security capabilities.

The House is bipartisan in its support for the increased resources devoted to DARPA and the RDT&E accounts. The DOD research portfolio is broad, comprehensive, diverse and focused on mission-related objectives to further assure U.S. security and international stability. I strongly urge Department of Defense policy and program officials to continue investing resources into innovative field technology.

TRIBUTE TO BRICE CARRUTH AND THE CORTEZ, COLORADO WAL-MART STORE STAFF

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Mr. MCINNIS. Mr. Speaker, I rise before this body of Congress and this nation to recognize a group of outstanding citizens from my district. The Associates of the Cortez, Colorado Wal-Mart Store and their Store Manager, Brice Carruth, acted with great generosity in the face of a devastating fire and recently helped save priceless artifacts from destruction. For their kind and selfless act, I am honored to pay tribute to Brice and the Cortez Wal-Mart Associates here today.

In June of 2002, facing severe drought conditions and the accompanying risk of devastating fires, the National Park Service decided that priceless and irreplaceable treasures from Mesa Verde National Park needed to be moved from their curatorial center to a safer location. It was agreed that the collection should be moved to the old Cortez Wal-Mart store. No sooner had the collection been safely relocated than the Long Mesa fire erupted and eventually descended on the Mesa Verde curatorial facility. The efforts of the Cortez Wal-Mart Associates to renovate and cleanup the old facility helped protect over three million irreplaceable artifacts, including numerous documents, pictures, and maps.

Mr. Speaker, Brice Carruth and the Cortez Wal-Mart Associates selflessly gave of their time to safeguard a national treasure. Their work to save the artifacts of Mesa Verde National Park ensures that these unique treasures can continue to be enjoyed by future generations. For their noble service, I am honored to recognize the Associates of the Cortez Wal-Mart and Store Manager Brice Carruth here today.

177TH FIGHTER WING RECEIVES AIR FORCE OUTSTANDING UNIT COMMENDATION

HON. FRANK A. LoBIONDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Mr. LOBIONDO. Mr. Speaker, I rise today to congratulate the men and women of the New Jersey Air National Guard's 177th Fighter Wing based in Egg Harbor Township, New Jersey on receiving an Air Force Outstanding

Unit Commendation for their ongoing homeland defense efforts as part of Operation Noble Eagle.

Since the terrorist attacks of September 11, 2001, the 177th ''Jersey Devils'' have dedicated themselves to securing the skies of the East Coast from terrorist threats and have set an example of excellence for their colleagues in the military and for their neighbors in the Second Congressional District of New Jersey.

Recently, I accompanied General Ralph Eberhart, Commander of the Northern Command and the North American Aerospace Defense Command (NORAD), on a trip to the 177th Fighter Wing to review the unit and thank them for their service. The pride and devotion to duty I saw that day was at the same level it was in the days after September 11 and I am firmly convinced this dedication will remain evident and strong for the duration.

This award is well deserved and I want to congratulate the leaders of the NJANG 177th Fighter Wing—Wing Commander Col. Michael G. Cosby, Vice Commander Col. Barry M. Johnson, Vice Wing Commander Lt. Col. Brian L. Webster, Vice Air Commander Lt. Col. Randall S. King, Executive Officer Capt. Yvonne L. Mays, and Command Chief Master Sergeant Herbert E. Mimler, Jr. on this award.

I also congratulate the Wing's group, squadron and flight commanders including Lt. Col. Roger F. Pharo, Jr., Lt. Col. Richard L. Hutchinson, Col. James T. Strader, Jr., Col. David J. Mellish, Lt. Col. Jeffrey C. Thomas, Maj. David G. Haar, Lt. Col. John C. Elwood, Lt. Col. Kerry M. Gentry, Maj. Michael K. Love, Maj. Stephen G. McBrearty, Maj. John J. Fogarty III, Lt. Col. Harry Hartman, Lt. Col. Scott J. Barberides, Capt. Diana M. Brown, 2nd Lt. Richard L. Defeo, 2nd Lt. Brian W. McCarthy and Capt. Thomas S. Fanslau. I salute each and every member of the Wing for their hard work and service to our nation. The efforts of the 177th Fighter Wing have been essential to America's homeland defense and this award honors those efforts. Congratulations.

REGARDING THE DIABETIC FOOT COMPLICATION AND LOWER EXTREMITY AMPUTATION REDUCTION ACT OF 2003

HON. RICHARD H. BAKER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Mr. BAKER. Mr. Speaker, as the Federal Government seeks to provide better healthcare to more Americans while reducing healthcare expenses, we must look at the benefits of preventive care programs. Education, screening and preventive treatments can save patients and government significant heartache and expense. One area where preventive care shows tremendous promise is the treatment of diabetic foot complications.

There are an estimated 17 million Americans who have diabetes. This number represents an increase of 61 percent since 1990. As diabetes rates continue to rise, the cost of treating diabetes, already estimated at $132 billion, will certainly rise. One of the most serious complications diabetes patients face is poor circulation and infections in their lower extremities. In fact, diabetic foot infections are the most common reason for hospital admissions among persons with diabetes, accounting for one-quarter of all diabetic admissions in the United States. Loss of circulation and feeling present real challenges to people with diabetes and 15 percent of people with diabetes will experience a foot ulcer, and between 14 and 24 percent of those with a foot ulcer will require amputation.

There are tremendous costs associated with treating foot ulcers and with lower extremity amputations. In fact, lower extremity amputations cost Americans $2 billion a year and the average cost of a lower extremity amputation is $60,000. Although private insurance bears some of the cost of diabetic foot complications, Medicare is saddled with many of these costs since these complications disproportionately affect the elderly. For example, analysis of the 1995 Medicare claims revealed that lower-extremity ulcer care accounted for $1.45 billion in Medicare costs and contributed substantially to the high cost of care for diabetics, compared with Medicare costs for the general population. In fact, the Medicare costs for diabetes patients with foot ulcers is 3 times higher than for diabetes patients in general, and inpatient care accounts for 74 percent of diabetic ulcer-related costs.

Fortunately, cost effective ulcer prevention and treatment interventions have proven effective at reducing foot complications and lower extremity amputations at only a fraction of the cost. There are a number of descriptive studies that show that a multidisciplinary approach, including preventive strategies, patient and staff education, and treatment of foot ulcers, can reduce amputation rates by 40 to 85 percent. Nationwide reductions of this size would save Americans between $800 million and $1.7 billion a year. Of note, the LSU Health Sciences Center Diabetes Foot Program in Baton Rouge, Louisiana enrolled over 2,300 diabetes patients with published research demonstrating their prevention and treatment program resulted in an 89 percent reduction in foot related hospitalizations, an 81 percent reduction in emergency room visits, and a 79 percent reduction in foot amputations at a cost of about 50 percent of standard care.

With sound research showing the benefits of preventive care for people with diabetes, now is the time to commission a large, authoritative study on the issue. The results of this study will serve as solid evidence to public and private organizations of the need for preventive care to aid in the reduction of diabetes foot complications and will help foster technical and policy changes to healthcare programs. In addition, thousands of Americans who participate in this study will benefit from the education and treatment provided by this grant program.

Mr. Speaker, I hope members will consider these facts and cosponsor the ''Diabetic Foot Complication and Lower Extremity Amputation Reduction Act of 2003.''

TRIBUTE TO PETER ''TOM'' SAVICH

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Mr. McINNIS. Mr. Speaker, it is with a heavy heart that I rise before this body of Congress and this nation today to pay tribute to the life and memory of an extraordinary citizen from my district. Peter ''Tom'' Savich of Silverton, Colorado recently passed away at the age of eighty. Tom was an involved citizen and a fixture of his community, and I am honored to pay tribute to him here today.

Tom was a life-long resident of Silverton, living in the house in which he was born for his entire life. Like so many of his generation, Tom heeded his country's call and served in the Army during World War II. On D-Day, Tom fought with the troops that stormed Omaha Beach in Normandy. He fought with remarkable bravery and courage, which earned him the Bronze Star for bravery, the Medal for European-African-Middle Eastern Service, and the French Jubilee of Liberty Medal.

Upon returning home, Tom became very involved in his community. He helped found Silverton's American Legion Post 14. He was active in the rehabilitation of the Silverton Hillside Cemetery, and he took a leadership role in maintaining many gravesites that would have otherwise been neglected. Tom was especially concerned with the graves of bachelor miners and was instrumental in ensuring that their final resting places received proper care and attention. Tom also collected artifacts chronicling Silverton's history, which he organized into the Tom Savich Museum.

Mr. Speaker, Tom Savich was a humble, generous person who cared greatly about his fellow man. As his family and friends mourn his passing, I am honored to pay tribute to Tom's life and his dedication to his community here today.

TRIBUTE TO CENTRAL CHRISTIAN CHURCH IN MOUNT VERNON, IL

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Mr. SHIMKUS. Mr. Speaker, I rise today to pay tribute to Central Christian Church in Mount Vernon, Illinois as the members celebrate the sesquicentennial of the church on October 4–5, 2003.

Central Christian Church became a part of the Mount Vernon and Jefferson County communities on October 3, 1853 with 21 members. The church came into existence due to the efforts of Mr. and Mrs. Harvey T. Pace, who organized the local church according to New Testament traditions. Today, the church boasts of a membership of over 1,200, with seven members on the pastoral staff. In January 2004, it will open a new 1,000 seat worship center.

Central Christian Church is a shining beacon for the community which it serves. I am proud to represent Central Christian Church as part of the 19th District of Illinois. My prayer is that God will continue to bless the church and the members that worship there. May Central Christian Church continue to be prosperous in their service to the Lord Jesus Christ.

100TH ANNIVERSARY OF UNDERWRITERS LABORATORIES

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Mr. KIRK. Mr. Speaker, I would like to recognize the 100th anniversary of Northbrook, Illinois based Underwriters Laboratories Incorporated. For the past century, Underwriters Laboratories has been among the world leaders in providing global product safety assessment programs and services.

Since it was founded in 1903, Underwriters Laboratories has published more than 880 Standards for Safety—for products ranging from fire-rated buildings to information technology equipment to electrical household appliances. Beginning with Underwriters Laboratories' first Standard for Safety, the UL 10A for Tin-Clad Fire Doors, each standard is developed and maintained with input by UL engineers in conjunction with industry, government agencies, regulatory authorities, members of academia, and consumer advocates. Nearly two-thirds of UL Standards for Safety have been accepted by the American National Standards Institute as American National Standards. Underwriters Laboratories tells me that it remains responsive to external needs by participating in more than 200 international technical committees, serving in leadership positions on many, in an effort to actively enhance safety globally and pursue harmonization of U.S. standards with international standards.

Despite its tremendous growth and technological advancement, Underwriters Laboratories has remained faithful to its original mission: public safety. I am most proud to represent Underwriters Laboratories Incorporated. I congratulate them on this, the 100th anniversary of their inception, and I thank them for their innumerable contributions to standards development throughout our district and around the world.

TRIBUTE TO ALEX HOWARD

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Mr. McINNIS. Mr. Speaker, I rise before this body of Congress and this nation today to pay tribute to an outstanding citizen from my district. Reverend Alex Howard of Pueblo, Colorado recently announced his retirement from the Parkview Medical Center. His devotion, hard work, and humility inspire those around him, and his dedication to his friends and neighbors shows a spirit of charity all too rare in today's society. I am honored to recognize his many years of service here today.

Alex has been the Director of Spiritual Affairs for the Parkview Medical Center for 21 years. His service and ministry have been marked by two overriding ideals: uniting people and giving local youth moral and ethical guidance. Over the years, Alex has worked hard to bring people from different faiths, races, ages, and genders together, encouraging them to celebrate their common beliefs. He has also fostered enthusiasm and excitement in the community's youth and encouraged them to strive to lead a good life. Alex has worked tirelessly to uplift and edify those who are in his charge, and though Alex is retiring from Parkview, he will continue his work as the pastor of St. Peter the Apostle Episcopal Church in Pueblo.

Mr. Speaker, Reverend Alex Howard is the kind of devoted spiritual leader our community looks to for guidance and inspiration. He has devoted 34 years to ministry and 21 years to Parkview Medical Center, and I know that his guidance will be sorely missed. I am honored to join with my colleagues today to thank him for his tireless work and to wish him the best of luck as he continues to serve the community.

TRIBUTE TO THE LIFE OF RON BURTON

HON. DAVID L. HOBSON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Mr. HOBSON. Mr. Speaker, I rise today to pay tribute to the life of Mr. Ron Burton, who passed away on September 13, 2003 in Massachusetts after a long battle with bone marrow cancer. As a long-time resident of Springfield, I can honestly say almost everyone in the city knew of Ron Burton, since he was one of the greatest athletes the city has ever produced.

Ron Burton's legacy extends beyond the 4,249 all-purpose yards and 19 touchdowns he amassed in 69 games with the New England Patriots. Burton was a two-time All-American at Northwestern University, but, as was noted recently in the Boston Globe, he was a Hall of Famer off the field by virtue of his postcareer philanthropic endeavors.

After their September 14th victory over the Philadelphia Eagles, the Patriots dedicated the game ball to Mr. Burton's memory. The Patriots also recently established the Ron Burton Community Service Award, which annually recognizes the player who makes the greatest impact in the New England community.

Mr. Burton was a Shriner, a Mason, and an Eagle Scout. He was a high-school All-American, a collegiate All-American and a member of the Northwestern University Hall of Fame. After his professional football career ended, Ron became an executive with the John Hancock Mutual Life Insurance Company and a motivational speaker.

In 1985, Mr. Burton purchased over 300 acres of land in Hubbardston, Massachusetts and founded the Ron Burton Training Village, a sports camp for inner-city, underprivileged children. The camp not only trains youngsters physically and academically but also teaches them the value of love, peace, patience and humility. More than 2,000 youngsters have attended the camp, and have become better citizens as a result, many of whom have gone on to attend prestigious colleges such as Yale, Harvard and the Air Force and Naval academies.

Mr. Burton said he wanted to open his training village ''as a place where everyone loves one another.''

Former Springfield mayor Bob Burton, who was Ron's brother, recently said, ''Ron never forgot the town from which he came. He had a strong love for Springfield, unlike others who have gone away and had success. He never forgot his hometown and the church to which he belonged.''

Ron is survived by his wife, Jo Ann. They have five children, all of whom graduated from Northwestern University.

As the Congressman who represents Springfield in the U.S. House of Representatives, I offer my sincere condolences to the family of Ron Burton and pay tribute to his lifetime of achievements and his lasting legacy as an outstanding role model and citizen.

TRIBUTE TO DOROTHY AND WAYNE TALLEY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Mr. McINNIS. Mr. Speaker, I rise before this body of Congress and this nation to pay tribute to a remarkable couple from my district. Dorothy and Wayne Talley of Del Norte, Colorado recently celebrated their seventy-second anniversary. Dorothy and Wayne's extraordinary commitment to each other and to their family is an inspiration, and I am honored to pay tribute to them here today.

Dorothy and Wayne are blessed with eight children, twelve grandchildren, and two great-grandchildren. Through mutual respect and genuine affection, Dorothy and Wayne have maintained their union for over 70 years. Throughout those years, Wayne has pursued several careers, including selling tractors and transporting material for the Summitville mine. After retiring, Wayne continued to stay active, first selling cars, then starting a sewing machine repair shop. Dorothy worked hard to take care of their family.

Mr. Speaker, the dedication and devotion that Dorothy and Wayne Talley have shown to each other is truly an inspiration to us all. Since 1931, Dorothy and Wayne have supported and uplifted one another and have set a noteworthy example for their family and community. To spend over seven decades together is a rare testament to their love, and I am honored to join with my colleagues in congratulating Dorothy and Wayne and in wishing them many more wonderful years together.

TRIBUTE TO AARON PRESLEY

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Mr. PICKERING. Mr. Speaker, it is with great sadness that I rise today before this great body to honor a fellow Mississippian who lost his life while helping millions of people here in the Washington-Baltimore area recover from Hurricane Isabel.

Mr. Aaron Presley was one of 100 Entergy Mississippi linemen who left family and friends and drove hundreds of miles from home to be a part of the force helping restore electrical service after the devastating storm. He loved his work and he especially loved to do his part to help storm victims get their daily lives back to normal.

On Saturday, September 20, while working in Pikesville, just outside of Baltimore, Aaron was killed when he came into contact with an energized power line that had been downed in the storm.

Aaron was a senior lineman based in Madison, Mississippi. A resident of Flora, where I now make my home, he was only 45 years old and had 25 years of service with Entergy. He leaves behind his wife, Kim, two children and two stepchildren, to whom we offer our sincere condolences.

As the D.C. area continues to recover from the devastation of Hurricane Isabel, let us never forget the sacrifices of all the men and women working with utility crews to restore our electric service. We must appreciate how dangerous their work is and be grateful for the job they do.

And let us never forget Aaron Presley, who sacrificed his life in the service of others.

CELEBRATING TAIWAN'S DEMOCRACY

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, on Taiwan's forthcoming National Day, I wish to commend Taiwan for all its accomplishments, both economic and political. I wish to extend to President Chen and the people of Taiwan my congratulations.

Taiwan is one of the world's largest economies and our seventh largest trading partner. Its people participate and fully subscribe to the principles of freedom and democracy. The Taiwanese people have worked with the United States on issues ranging from endangered species to trademark infringements. They are also working with us to combat global terrorism. They look to us for cooperation, guidance and protection.

Peace and security in the Taiwan Strait is vital to the security interests of all nations in the area.

Taiwan has spent considerable sums of money helping African nations fighting AIDS and other infectious diseases.

Taiwan is a staunch friend and ally of the United States. On Taiwan's national day, I wish to affirm my friendship for Taiwan and its people.

TRIBUTE TO KAREN WADE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Mr. MCINNIS. Mr. Speaker, I rise before this body of Congress and this nation to pay tribute to a dedicated public servant. Karen Wade recently announced her retirement from the National Park Service. Throughout her many years of service, Karen has work tirelessly to create and promote a bond between our National Parks and the people they serve. For her years of service, I am honored to pay tribute to Karen here today.

Karen began her career with the National Park Service as a seasonal radio dispatcher at Mesa Verde National Park near her native Cortez, Colorado. Karen went on to her first permanent post in 1978 as a Trail Coordinator with the Appalachian Trail Project. Over the years, Karen has held many positions in the Park Service, including Superintendent of Fort McHenry National Monument and Historic Shine in Baltimore, Guadalupe Mountains National Park in Texas, Wrangell-St. Elias National Park in Alaska, and the Great Smokey Mountains National Park in the southeastern United States.

In 1999, Karen became the Regional Director for the Intermountain Region. In that position, she oversaw parks in eight western states, including Colorado, and was entrusted with such treasured national parks as the Grand Tetons, the Grand Canyon, Yellowstone, and her beloved Mesa Verde. Throughout her career, Karen's work has not gone unnoticed. She has received many awards and accolades, including Superintendent of Year for Natural Resources, a Southeast Region Award for her work at the Great Smokey Mountain National Park, and the Environmental Protection Agency's Environmental Achievement Award.

Mr. Speaker, Karen Wade has dedicated 25 years to protecting and promoting our national parks. Her tireless work has ensured that future generations will be able to enjoy the beauty and splendor of our national parks. For her dedication and years of service, I am honored to join with my colleagues in paying tribute to Karen here today. I wish her all the best in her future endeavors.

HONORING THE ACHIEVEMENTS OF CARMEN ZAPATA

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise today to honor Ms. Carmen Zapata—a visionary Latina whose influence is felt in every aspect of the arts.

As one of the first Latinas to perform on Broadway, Carmen Zapata is an artistic innovator. An actress, producer and proponent of Spanish and English bilingual theatre, she has changed the face of culture in Southern California.

A leader in the Latino and arts communities, Carmen Zapata's passion for theatre led her to co-found the Bilingual Foundation of the Arts. As president and producing director for this Los Angeles-based non-profit, she has helped produce over eighty bilingual plays across the State of California and abroad.

The Bilingual Foundation of the Arts has brought theatre and entertainment into inner-city schools in my district and the greater Los Angeles region, exposing students to a new creative outlet, and providing a pipeline for young Latino talent.

Ms. Zapata's dedication to the Latino community has also led her to share her knowledge and experience in teaching the craft of acting and production at area theatre programs.

Furthermore, she has served on the board of a variety of civic organizations, including the United Way, the Mexican American Opportunity Foundation, the KCET Community Advisory Board, and the City of Los Angeles Mayor's Committee on the Arts.

Ms. Zapata is also a leader in the international Latino arts community. An honored translator of Spanish plays, she has been knighted by his Majesty Juan Carlos of Spain for her contributions to Spanish language and culture. In addition, she continues to shape Latino arts and entertainment and the next generation of Latinos with her popular PBS children's program, ''Villa Allegre.''

For these achievements, it is my great pleasure to recognize Carmen Zapata's contributions as the Hollywood Chamber of Commerce honors her with a star on the Hollywood Walk of Fame.

On behalf of Latinos everywhere, I congratulate Carmen Zapata and thank her for her dedication to giving Latinos a voice in the arts.

TRIBUTE TO TERRY TICE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Mr. MCINNIS. Mr. Speaker, it is with great enthusiasm that I rise before you today to honor an outstanding citizen from my district. Terry Tice of Telluride, Colorado is a remarkably giving person who focuses many of his efforts on assisting the town of Telluride and his fellow citizens. It is my privilege to pay tribute to Terry before this body of Congress and this nation for his positive role in the community and for his philanthropic spirit.

Terry has lived in the Telluride area for over thirty years, operating the Telluride Trappings and Toggery with his wife Susan. The Toggery not only offers local high school kids employment during their breaks, it also provides numerous scholarships to high school graduates. In addition to his business, Terry has served on the town council for four terms and helped implement the Town Charter. He has been a member of the district school board and volunteered a great deal of his time to various community causes.

Mr. Speaker, it is a great honor to stand before you today and recognize Terry's many attributes and dedication to his community. Terry's graciousness has recently prompted the Telluride Foundation, an organization centered around community philanthropy, to name him citizen of the year. I join the Telluride Foundation in congratulating Terry for his award. I would also like to thank him for his numerous contributions for the betterment of his community.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S12145–S12211

Measures Introduced: Twelve bills were introduced, as follows: S. 1678–1689. **Pages S12192–93**

Measures Reported:

S. 1680, to reauthorize the Defense Production Act of 1950. (S. Rept. No. 108–156)

S. 622, to amend title XIX of the Social Security Act to provide families of disabled children with the opportunity to purchase coverage under the Medicaid program for such children, with an amendment in the nature of a substitute. (S. Rept. No. 108–157)

S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004. **Page S12192**

Measures Passed:

Commending John E. Dolibois: Committee on the Judiciary was discharged from further consideration of S. Res. 199, commending John E. Dolibois for dedication to his country, contributions to global education, and more than a half century of service to humanity, and the resolution was then agreed to. **Pages S12205–06**

Runaway, Homeless, and Missing Children Protection Act: Committee on the Judiciary was discharged from further consideration of H.R. 1925, to reauthorize programs under the Runaway and Homeless Youth Act and the Missing Children's Assistance Act, and the bill was then passed, clearing the measure for the President. **Page S12206**

Defense Production Act Reauthorization: Senate passed S. 1680, to reauthorize the Defense Production Act of 1950, after agreeing to the following amendment proposed thereto: **Pages S12206–08**

McConnell (for Shelby/Sarbanes) Amendment No. 1792, in the nature of a substitute. **Page S12208**

Temporary Assistance For Needy Families Block Grant Extension: Senate passed H.R. 3146, to extend the Temporary Assistance for Needy Families block grant program, and certain tax and trade programs, after agreeing to the following amendment proposed thereto: **Pages S12209–10**

McConnell (for Grassley) Amendment No. 1793, to provide for a 6-month extension of provision equalizing urban and rural standardized payment amounts under Medicare Inpatient Hospital Prospective Payment System. **Page S12210**

Consumer Product Safety Commission Reauthorization: Senate passed S. 1261, to reauthorize the Consumer Product Safety Commission, after agreeing to the committee amendment in the nature of a substitute. **Pages S12210–11**

District of Columbia Appropriations Act: Senate continued consideration of H.R. 2765, making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2004, taking action on the following amendments proposed thereto: **Pages S12160–79**

Pending:

DeWine/Landrieu Amendment No. 1783, in the nature of a substitute. **Pages S12160–79**

During consideration of this measure today, Senate also took the following action:

Chair sustained a point of order that Schumer Amendment No. 1790 (to Amendment No. 1783), to express the sense of Congress concerning the appointment of a special counsel to conduct a fair, thorough, and independent investigation into a national security breach, was not germane to the bill, and the amendment thus fell. **Pages S12160–66**

Supplemental Appropriations—Agreement: A unanimous-consent agreement was reached providing that at 10:30 a.m., on Wednesday, October 1, 2003, Senate begin consideration of S. 1689, an original bill making emergency supplemental appropriations for Iraq and Afghanistan, for the fiscal year ending September 30, 2003 for debate only, and that the time until 12:30 p.m. be divided equally. **Pages S12180, S12211**

Signing Authority—Agreement: A unanimous-consent agreement was reached providing that until the Senate reconvenes on Wednesday, October 1,

2003, the Majority Leader, the Assistant Majority Leader, or Senator Talent, be authorized to sign duly enrolled bills or joint resolutions. **Page S12211**

Nominations Confirmed: Senate confirmed the following nominations:

By unanimous vote of 91 yeas (Vote No. Ex. 369), Marcia A. Crone, of Texas, to be United States District Judge for the Eastern District of Texas.

Pages S12145–46, S12211

By unanimous vote of 93 yeas (Vote No. Ex. 370), Ronald A. White, of Oklahoma, to be United States District Judge for the Eastern District of Oklahoma.

Pages S12146–48, S12211

Nominations Received: Senate received the following nominations:

William K. Sessions III, of Vermont, to be a Member of the United States Sentencing Commission for a term expiring October 31, 2009. (Reappointment) **Page S12211**

Measures Referred: **Page S12189**

Executive Communications: **Pages S12189–92**

Additional Cosponsors: **Pages S12193–94**

Statements on Introduced Bills/Resolutions: **Pages S12194–S12203**

Additional Statements: **Pages S12187–89**

Amendments Submitted: **Pages S12203–04**

Authority for Committees to Meet: **Pages S12204–05**

Record Votes: Two record votes were taken today. (Total—370) **Pages S12146, S12148**

Adjournment: Senate met at 9:15 a.m., and adjourned at 7:43 p.m., until 9:30 a.m., on Wednesday, October 1, 2003. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S11211.)

Committee Meetings

(Committees not listed did not meet)

EMERGENCY SUPPLEMENTAL

Committee on Appropriations: Committee ordered favorably reported an original bill (S. 1689) making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004.

U.S. AIR FORCE ACADEMY

Committee on Armed Services: Committee concluded a hearing regarding investigations into allegations of sexual assault at the United States Air Force Academy, after receiving testimony from James G. Roche, Secretary of the Air Force; Mary L. Walker, General Counsel, Department of the Air Force; and General John P. Jumper, USAF, Chief of Staff, U.S. Air Force.

SECURITIES INDUSTRY

Committee on Banking, Housing, and Urban Affairs: Committee concluded a hearing to examine recent initiatives to enhance investor protections in our securities markets, focusing on fund advertising, proxy voting, Sarbanes-Oxley Act requirements, future mutual fund activity, the hedge fund report, and the Canary investigation, after receiving testimony from William H. Donaldson, Chairman, U.S. Securities and Exchange Commission.

DO-NOT-CALL REGISTRY

Committee on Commerce, Science, and Transportation: Committee concluded a hearing to examine the status of the National Do-Not-Call Registry, focusing on the rules and regulations implementing the Registry pursuant to the Telephone Consumer Protection Act of 1991, after receiving testimony from Timothy J. Muris, Chairman, Federal Trade Commission; Michael K. Powell, Chairman, Federal Communications Commission; Dean Rodney Smolla, University of Richmond School of Law, Richmond, Virginia; Jerry Cerasale, Direct Marketing Association, Inc., and Lee Hammond, American Association of Retired Persons, both of Washington, D.C.; Tim Searcy, American Teleservices Association, Indianapolis, Indiana; and James Guest, Consumers Union, Yonkers, New York.

AMERICAN DIET

Committee on Commerce, Science, and Transportation: Subcommittee on Consumer Affairs and Product Safety concluded hearings to examine American dietary guidelines in relation to obesity, focusing on the Food Guide Pyramid, and risk factors and actual measures of disease, after receiving testimony from Eric Hentges, Executive Director, Center for Nutrition Policy and Promotion, Food, Nutrition, and Consumer Services, Department of Agriculture; Arthur Lawrence, Assistant Surgeon General and Acting Principal Deputy Assistant Secretary of Health and Human Services for Health; John D. Graham, Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget; Dean Ornish, University of California at San Francisco; Walter Willett, Harvard School of Public Health Department of Nutrition, Boston, Massachusetts; Stuart Trager, Atkins Nutritionals, Inc., New York, New York; Michael F. Jacobson, Center for Science in the Public Interest, Washington, D.C.

NOMINATIONS

Committee on Foreign Relations: Committee concluded a hearing on the nominations of Randall L. Tobias, of Indiana, to be Coordinator of United States Government Activities to Combat HIV/AIDS Globally, with the rank of Ambassador, W. Robert Pearson, of Tennessee, to be Director General of the Foreign Service, and William Cabaniss, of Alabama, to be Ambassador to the Czech Republic, who was introduced by Senator Sessions, all of the Department of State, after each nominee testified and answered questions in their own behalf.

NOMINATIONS

Committee on Governmental Affairs: Committee concluded a hearing on the nominations of Dale Cabaniss, of Virginia, to be a Member of the Federal Labor Relations Authority, who was introduced by Senator Stevens; and Craig S. Iscoe and Brian F. Holeman, both to be an Associate Judge of the Superior Court of the District of Columbia, who were introduced by District of Columbia Delegate Norton, after each nominee testified and answered question in their own behalf.

ENTERTAINMENT INDUSTRY

Committee on Governmental Affairs: Permanent Subcommittee on Investigations concluded a hearing to examine illegal file sharing on peer-to-peer networks and the impact of technology on the entertainment industry, focusing on the music industry's initial salvo of copyright infringement lawsuits and its amnesty program, after receiving testimony from Senator Boxer; Mitch Bainwol, Recording Industry Association of America, Jack Valenti, Motion Picture Association of America, and James V. DeLong, Center for the Study of Digital Property, all of Washington, D.C.; Mike Negra, Mike's Video, Inc., State College, Pennsylvania; Alan Morris, Sharman Networks Limited, Sydney, Australia; Derek S. Broes, Brilliant Digit Entertainment, Woodland Hills, California; Chris Gladwin, FullAudio, Inc., Chicago, Illinois; Jonathan D. Moreno, University of Virginia Center for Biomedical Ethics, Charlottesville; James Todd Smith (LL Cool J), and Lorraine Sullivan, both of New York, New York; and Carlton Ridenhour (Chuck D), Los Angeles, California.

UNDERAGE DRINKING

Committee on Health, Education, Labor, and Pensions: Subcommittee on Mental Health and Substance Abuse concluded a hearing on underage drinking, focusing on reducing and preventing underage drinking through a wide variety of government and private programs for the purpose of developing a national strategy, after receiving testimony from Richard J. Bonnie, University of Virginia, Institute of Law, Psychiatry, and Public Policy, Charlottesville, on behalf of the Committee on Developing a Strategy to Reduce and Prevent Underage Drinking, National Research Council and Institute of Medicine; Patricia J. Kempthorne, First Lady of Idaho, Boise, on behalf of the Leadership to Keep Children Alcohol Free; Jeffrey G. Becker, Beer Institute, Washington, D.C.; Wendy J. Hamilton, Mothers Against Drunk Driving, Middletown, Virginia; and David DeAngelis, North Haven High School, North Haven, Connecticut.

VISAS AND HOMELAND SECURITY

Committee on the Judiciary: Subcommittee on Immigration and Border Security concluded a hearing on visa issuance in relation to homeland security, focusing on the relationship between the Department of Homeland Security and Department of State to work cooperatively to create and maintain an effective, efficient visa process that secures America's borders from external threats while ensuring that doors remain open to legitimate travel, after receiving testimony from Asa Hutchinson, Under Secretary of Homeland Security for Border and Transportation Security Directorate; and Maura Harty, Assistant Secretary of State for Consular Affairs.

BUSINESS MEETING

Committee on Veterans' Affairs: Committee ordered favorably reported the following business items:

S. 1131, to increase, effective December 1, 2003, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans;

S. 1132, to amend title 38, United States Code, to improve and enhance certain benefits for survivors of veterans, with an amendment in the nature of a substitute;

S. 1156, to amend title 38, United States Code, to improve and enhance the provision of long-term health care for veterans by the Department of Veterans Affairs, to enhance and improve authorities relating to the administration of personnel of the Department of Veterans Affairs, with an amendment in the nature of a substitute;

S. 1136, to restate, clarify, and revise the Soldiers' and Sailors' Civil Relief Act of 1940, with an amendment in the nature of a substitute; and

H.R. 1516, to provide for the establishment by the Secretary of Veterans Affairs of five additional cemeteries in the National Cemetery System, with an amendment in the nature of a substitute.

House of Representatives

Chamber Action

Measures Introduced: 16 public bills, H.R. 3197–3212 and; 2 resolutions, H. Res. 381–382 were introduced. **Pages H9032–33**

Reports Filed: Reports were filed as follows:

H.R. 1260, to amend the Federal Food, Drug, and Cosmetic Act to establish a program of fees relating to animal drugs (H. Rept. 108–287); and

Conference report on S. 3, to prohibit the procedure commonly known as partial-birth abortion (H. Rept. 108–288). **Pages H8991–96, H9032**

Speaker Pro Tempore: Read a letter from the Speaker wherein he appointed Representative Chocola to act as Speaker Pro Tempore for today. **Page H8955**

Recess: The House recessed at 1:18 p.m. and reconvened at 2:00 p.m. **Page H8960**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Office of National Drug Control Policy Reauthorization Act: H.R. 2086, amended, to reauthorize the Office of National Drug Control Policy; **Pages H8962–72**

Congratulating the New York Yankees on their 100th Anniversary: H. Res. 306, congratulating the New York Yankees on the occasion of their 100th anniversary; **Pages H8972–77**

Bob Hope Post Office Building Designation Act: H.R. 3011, to designate the facility of the United States Postal Service located at 135 East Olive Avenue in Burbank, California, as the ''Bob Hope Post Office Building''; **Pages H8977–79**

Honoring Bob Hope: H. Res 357, honoring the life and legacy of Bob Hope by a ⅔ yea-and-nay vote of 408 yeas with none voting nay, Roll No. 526; **Pages H8979–81, H8990–91**

Judge Edward Rodgers Post Office Building Designation Act: H.R. 2075, to designate the facility of the United States Postal Service located at 1905 West Blue Heron Boulevard in West Palm Beach, Florida, as the ''Judge Edward Rodgers Post Office Building''; **Pages H8981–82**

Arthur 'Pappy' Kennedy Post Office Building Designation Act: H.R. 1882, to designate the facility of the United States Postal Service located at 440 South Orange Blossom Trail in Orlando, Florida, as the ''Arthur 'Pappy' Kennedy Post Office''; **Pages H8982–83**

Amending the Higher Education Act of 1965: S. 570, to amend the Higher Education Act of 1965 with respect to the qualifications of foreign schools—clearing the measure for the President; **Pages H8983–84**

Honoring Johnny Cash: H. Con. Res. 282, amended, honoring the life of Johnny Cash; and **Pages H8985–88**

Declaring Emporia, Kansas as the Founding City of the Veterans Day Holiday: H. Con. Res. 159, declaring Emporia, Kansas, to be the founding city of the Veterans Day holiday and recognizing the contributions of Alvin J. King and Representative Ed Rees to the enactment into law of the observance of Veterans Day. **Pages H8988–89**

Recess: The House recessed at 4:38 p.m. and reconvened at 6:34 p.m. **Page H8989**

Medicare Prescription Drug Benefit—Motion to Instruct Conferees: The House rejected the Sandlin motion to instruct conferees on H.R. 1, Medicare Prescription Drug and Modernization Act of 2003, which was debated on Thursday, September 25, by a yea-and-nay vote of 202 yeas to 205 nays, Roll No. 524. **Pages H8989–90**

Later Representative Case announced his intention to offer a motion to instruct conferees on the bill. **Page H8996**

Tax Relief, Simplification, and Equity Act—Motion to Instruct Conferees: The House rejected the Pallone motion to instruct on H.R. 1308, Tax Relief, Simplification, and Equity Act which was debated on Thursday, September 25, by a yea-and-nay vote of 202 yeas to 207 nays, Roll No. 525. **Page H8990**

Later Representative Davis of Alabama announced his intention to offer a motion to instruct conferees on the bill. **Pages H8996–97**

Energy Policy Act of 2003—Motion to Instruct Conferees: Representative Inslee announced his intention to offer a motion to instruct conferees on H.R. 6, Energy Policy Act of 2003. **Page H8997**

Extending Certain Expiring Provisions: Agreed to the Senate amendment to H.R. 3146, to extend the Temporary Assistance for Needy Families block grant program, and certain tax and trade programs, and for other purposes—clearing the measure for the President. **Pages H9008–9011**

Presidential Message—Memorandum of Understanding: Message wherein he transmitted a Memorandum of Understanding between the Department

of State and the Department of Homeland Security Concerning Implementation of Section 428 of the Homeland Security Act of 2002—referred to the Committee on the Judiciary and the Select Committee on Homeland Security and ordered to be printed. (H. Doc. 108–131). **Pages H9020–25**

Senate Messages: Messages from the Senate appear today on pages H8955 and H9001.

Senate Referrals: S. 1591 was referred to the Committee on Government Reform, S. 1244 was referred to the Committee on Transportation and Infrastructure, S. 1301 was referred to the Committee on the Judiciary, and S. 1375 and S. 1451 were ordered held at the desk. **Page H9031**

Adjournment: The House met at 12:30 p.m. and adjourned at 11:45 p.m.

Committee Meetings

SUPPLEMENTAL REQUEST—IRAQ AND AFGHANISTAN

Committee on Appropriations: Subcommittee on Defense held a hearing on the Administration's Fiscal Year 2004 Supplemental Request for Iraq and Afghanistan. Testimony was heard from the following officials of the Department of Defense: Donald H. Rumsfeld, Secretary; Dov S. Zakheim, Under Secretary (Comptroller); and Gen. Richard B. Myers, USAF, Chairman, Joint Chiefs of Staff.

SUPPLEMENTAL REQUEST—IRAQ AND AFGHANISTAN

Committee on Appropriations: Subcommittee on Foreign Operations, Export Financing and Related Programs held a hearing on the Administration's Fiscal Year 2004 Supplemental Request for Iraq and Afghanistan. Testimony was heard from the following officials of the Department of State: Richard L. Armitage, Deputy Secretary; and Andrew S. Natsios, Administrator, AID.

RESOLUTION—TRANSMIT TO HOUSE—OPERATION IRAQI FREEDOM STRATEGIC LESSONS LEARNED REPORT

Committee on Armed Services: Adversely reported H. Res. 364, of inquiry requesting the President to transmit to the House of Representatives not later than 14 days after the date of adoption of this resolution the report prepared for the Joint Chiefs of Staff entitled "Operation Iraqi Freedom Strategic Lessons Learned" and documents in his possession on the reconstruction and security of post-war Iraq.

NUCLEAR TERRORISM PREVENTION

Committee on Energy and Commerce: Subcommittee on Oversight and Investigations held a hearing entitled "Nuclear Terrorism Prevention: A Review of the Federal Government's Progress Toward Installing Radiation Detection Monitors at U.S. Ports and Borders." Testimony was heard from Jay Ahearn, Assistant Commissioner, Bureau of Customs and Border Protection, Department of Homeland Security; Paul Longsworth, Deputy Administrator, Defense Nuclear Nonproliferation, National Nuclear Security Administration, Department of Energy; Gene Aloise, Acting Director, Natural Resources and Environment, GAO; and Thomas G. Day, Vice President, Engineering, U.S. Postal Service.

RUSSIA'S TRANSITION TO DEMOCRACY AND U.S.-RUSSIA RELATIONS

Committee on International Relations: Subcommittee on Europe held a hearing on Russia's Transition to Democracy and U.S.-Russia Relations: Unfinished Business. Testimony was heard from public witnesses.

CONSTITUTIONAL AMENDMENT—CRIME VICTIMS RIGHTS

Committee on the Judiciary: Subcommittee on the Constitution held a hearing on H.J. Res. 48, proposing an amendment to the Constitution of the United States to protect the rights of crime victims. Testimony was heard from public witnesses.

MISCELLANEOUS MEASURES

Committee on Resources: Subcommittee on National Parks, Recreation and Public Lands held a hearing on the following bills: H.R. 1629, Upper Missouri River Breaks Boundary Clarification Act; H.R. 2424, National Great Black Americans Commemoration Act of 2003; and H.R. 2966, Right-to-Ride Livestock on Federal Lands Act of 2003. Testimony was heard from Representatives Rehberg and Cummings; Chad Calvert, Deputy Assistant Secretary, Land and Minerals Management, Department of the Interior; and public witnesses.

RURAL VETERANS ACCESS TO CARE ACT; VETERANS TIMELY ACCESS TO HEALTH CARE ACT

Committee on Veterans' Affairs: Subcommittee on Health held a hearing on the following bills: H.R. 2379, Rural Veterans Access to Care Act of 2003; and H.R. 3094, Veterans Timely Access to Health Care Act. Testimony was heard from Representatives Osborne and Porter; Robert H. Boswell, M.D., Under Secretary, Health, Department of Veterans Affairs; representatives of veterans organizations; and public witnesses.

Joint Meetings

PARTIAL BIRTH ABORTION BAN ACT

Conferees agreed to file a conference report on the differences between the Senate and House passed versions of S. 3, to prohibit the procedure commonly known as partial-birth abortion.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, *p. D1051)*

H.R. 3161, to ratify the authority of the Federal Trade Commission to establish a do-not-call registry. Signed on September 29, 2003. (Public Law 108–82).

H.R. 2657, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2004. Signed on September 30, 2003. (Public Law 108–83).

H.J. Res. 69, making continuing appropriations for the fiscal year 2004. Signed on September 30, 2003. (Law 108–84).

S. 520, to authorize the Secretary of the Interior to convey certain facilities to the Fremont-Madison Irrigation District in the State of Idaho. Signed on September 30, 2003. (Public Law 108–85).

S. 678, 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. Signed on September 30, 2003. (Public Law 108–86).

COMMITTEE MEETINGS FOR WEDNESDAY, OCTOBER 1, 2003

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Commerce, Science, and Transportation: to hold hearings to examine climate change, 9:30 a.m., SR–253.

Committee on Environment and Public Works: business meeting to consider S. 1643, to exempt certain coastal barrier property from financial assistance and flood insurance limitations under the Coastal Barriers Resources Act and the National Flood Act of 1968, S. 1066, to correct a technical error from Unit T–07 of the John H. Chafee Coastal Barrier Resources System, S. 1663, to replace certain Coastal Barrier Resources System maps, S. 994, to protect human health and the environment from the release of hazardous substances by acts of terrorism, proposed legislation providing for the reauthorization of the Dingell-Johnson Sport Fish Restoration Act, and the nomination of Michael O. Leavitt, of Utah, to be Administrator of the Environmental Protection Agency, 9:30 a.m., SD–406.

Committee on Finance: business meeting to consider an amendment in the nature of a substitute to S. 1637, to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, 10 a.m., SD–215.

Committee on Foreign Relations: to hold hearings to examine the nominations of Robert B. Charles, of Maryland, to be an Assistant Secretary of State (International Narcotics and Law Enforcement Affairs), and H. Douglas Barclay, of New York, to be Ambassador to the Republic of El Salvador, 2:30 p.m., SD–430.

Committee on Governmental Affairs: to hold hearings to examine the need for federal real property reform, 9:30 a.m., SD–342.

Committee on the Judiciary: to hold hearings to examine the nomination of Dora L. Irizarry to be United States District Judge for the Eastern District of New York, 10 a.m., SD–226.

House

Committee on Agriculture, Subcommittee on Livestock and Horticulture, hearing to review mandatory country of origin labeling, 1 p.m., 1300 Longworth.

Committee on Education and the Workforce, to mark up H.R. 3030, Improving the Community Services Block Grant Act of 2003, 10:30 a.m., 2175 Rayburn.

Committee on Energy and Commerce, to mark up the following: a resolution authorizing the issuance of subpoenas in connection with the Committee's investigation of the financial collapse of HealthSouth and related matters; H.R. 2898, E–911 Implementation Act of 2003; H.R. 3140, Fairness to Contact Lens Consumers Act; and H.R. 3143, International Consumer Protection Act of 2003, 11:15 a.m., 2123 Rayburn.

Committee on Financial Services, hearing entitled "Remittances: Reducing Costs, Increasing Competition, and Broadening Access to the Market," 10 a.m., 2128 Rayburn.

Subcommittee on Domestic and International Monetary Policy, Trade, and Technology, hearing entitled "China's Exchange Rate Regime and its Effects on the U.S. Economy," 2 p.m., 2128 Rayburn.

Committee on Government Reform, Subcommittee on Civil Service and Agency Organization, oversight hearing entitled "Human Capital Succession Planning: How the Federal Government Can Get a Workforce to Achieve Results," 2 p.m., 2203 Rayburn.

Subcommittee on Criminal Justice, Drug Policy and Human Resources, hearing entitled "Strengthening the Long Arm of the Law: How Are Fugitives Avoiding Extradition, and How Can We Bring Them to Justice?" 10 a.m., 2154 Rayburn.

Subcommittee on Human Rights and Wellness, hearing entitled "Dying for Help: Are Patients Needlessly Suffering Due to the High Cost of Medical Liability Insurance?" 2 p.m., 2154 Rayburn.

Subcommittee on Technology, Information Policy, Intergovernmental Relations and the Census, executive,

oversight hearing entitled ''Security of Industrial Control Systems in Our Nation's Critical Infrastructure,'' 1 p.m., 2247 Rayburn.

Committee on International Relations, Subcommittee on Europe, hearing on Turkey's Future Direction and U.S.-Turkey Relations, 1:30 p.m., 2200 Rayburn.

Subcommittee on International Terrorism, Nonproliferation and Human Rights, and the Subcommittee on Asia and the Pacific, joint hearing on Human Rights in Burma: Fifteen Years Post Military Coup, Part I, 1:30 p.m., 2172 Rayburn.

Committee on the Judiciary, Subcommittee on Commercial and Administrative Law, oversight hearing on ''The Streamlined Sales Tax Agreement: States' Efforts to Facilitate Sales Tax Collection from Remote Vendors,'' 2 p.m., 2141 Rayburn.

Subcommittee on Immigration, Border Security, and Claims, hearing on H.R. 2671, Clear Law Enforcement for Criminal Alien Removal Act of 2003, 4 p.m., 2237 Rayburn.

Committee on Resources, to mark up the following bills: H.R. 313, Coal Accountability and Retired Employee Act for the 21st Century; H.R. 542, to repeal the reservation of mineral rights made by the United States when certain lands in Livingston Parish, Louisiana, were conveyed by Public Law 102–562; H.R. 1899, Cape Fox Land Entitlement Adjustment Act of 2003; and H.R. 2766, Arapaho and Roosevelt National Forests Land Exchange Act of 2003; and to hold a hearing on the following bills: H.R. 151, to elevate the position of Director of the Indian Health Service within the Department of Health and Human Services to Assistant Secretary for Indian Health; and H.R. 2440, Indian Health Care Improvement Act Amendments of 2003, 10 a.m., 1324 Longworth.

Committee on Small Business, Subcommittee on Workforce, Empowerment, and Government Programs and the Subcommittee on Tax, Finance, and Exports, joint hearing on Federal Prison Industry's Effects on the U.S. Economy and the Small Business Environment, 2 p.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, to mark up the following: H.R. 587, to amend title 40, United States Code, to add Ashtabula, Mahoning, and Trumbull Counties, Ohio, to the Appalachian region; H.R. 1274, to direct the Administrator of General Services to convey to Fresno County, California, the existing Federal courthouse in that county; H.R. 1702, to designate the Federal building which is to be constructed at 799 First Avenue in New York, New York, as the ''Ronald H. Brown United States Mission to the United Nations Building;'' H.R. 3118, to designate the Orville Wright Federal Building and the Wilbur Wright Federal Building in Washington, District of Columbia; H.R. 3181, Predisaster Mitigation Program Reauthorization Act of 2003; and a measure reauthorizing the John F. Kennedy Center for the Performing Arts; and other pending business, 11 a.m., 2167 Rayburn.

Subcommittee on Water Resources and Environment, oversight hearing on Cleaning Up the Waste at EPA: Phase II, 2 p.m., 2167 Rayburn.

Permanent Select Committee on Intelligence, Subcommittee on Terrorism and Homeland Security, executive, hearing on Afghanistan/Pakistan Issues, 2 p.m., H–405 Capitol.

Select Committee on Homeland Security, hearing entitled ''Identification Documents Fraud and the Implications for Homeland Security,'' 1 p.m., 2318 Rayburn.

Next Meeting of the **SENATE**

9:30 a.m., Wednesday, October 1

Senate Chamber

Program for Wednesday: After the transaction of any morning business (not to extend beyond 10:30 a.m.), Senate will begin consideration of S. 1689, Emergency Supplemental Appropriations Act.

Next Meeting of the **HOUSE OF REPRESENTATIVES**

10 a.m., Wednesday, October 1

House Chamber

Program for Wednesday: Consideration of Suspensions:

(1) H.R. 1276, American Dream Downpayment Act;

(2) H.R. 2608, National Earthquake Hazards Reduction Program Reauthorization Act of 2003;

(3) H.R. 1260, Animal Drug User Fee Act of 2003;

(4) H.R. 3038, Health Care Safety Net Amendments Technical Corrections Act of 2003;

(5) H.R. 3034, National Bone Marrow Donor Registry Reauthorization Act; and

(6) H. Con. Res. 271, Congratulating Fort Detrick on 60 years of service to the United States.

Extensions of Remarks, as inserted in this issue

HOUSE

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