United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, FIRST SESSION

Vol. 149 WASHINGTON, MONDAY, OCTOBER 20, 2003 No. 147

House of Representatives

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

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
October 20, 2003.

I hereby appoint the Honorable ROBERT B. ADERHOLT 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 without amendment a bill of the House of the following title:

H.R. 1900. An act to award a congressional gold medal to Jackie Robinson (posthumously), in recognition of his many contributions to the Nation, and to express the sense of the Congress that there should be a national day in recognition of Jackie Robinson.

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

H.R. 1516. An act to provide for the establishment by the Secretary of Veterans Affairs of five additional cemeteries in the National Cemetery System.

H.R. 3289. An act making emergency supplemental appropriations for defense and for the reconstruction of Iraq and Afghanistan 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. 3289) ''An Act making emergency supplemental appropriations for defense and for the reconstruction of Iraq and Afghanistan for the fiscal year ending September 30, 2004, and for other purposes,'' requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. STEVENS, Mr. COCHRAN, Mr. SPECTER, Mr. DOMENICI, Mr. BOND, Mr. MCCONNELL, Mr. BURNS, Mr. SHELBY, Mr. GREGG, Mr. BENNETT, Mr. CAMPBELL, Mr. CRAIG, Mrs. HUTCHISON, Mr. DEWINE, Mr. BROWNBACK, Mr. BYRD, Mr. INOUYE, Mr. HOLLINGS, Mr. LEAHY, Mr. HARKIN, Ms. MIKULSKI, Mr. REID, Mr. KOHL, Mrs. MURRAY, Mr. DORGAN, Mrs. FEINSTEIN, Mr. DURBIN, Mr. JOHNSON, and Ms. LANDRIEU, to be the conferees on the part of the Senate.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 300. An act to award a congressional gold medal to Jackie Robinson (posthumously), in recognition of his many contributions to the Nation, and to express the sense of Congress that there should be a national day in recognition of Jackie Robinson.

MORNING HOUR DEBATES

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

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

EQUAL RIGHTS: A PERSONAL ODYSSEY

Mr. BLUMENAUER. Mr. Speaker, the evolution of the gay and lesbian civil rights issue has touched my notion of fairness in government policy in very profound ways. Since I chaired the Oregon Legislature's first hearing on nondiscrimination some 30 years ago, I have observed the ebb and flow of the debate on gay rights, attended hearings, and learned the stories of real people. I have also developed a wide circle of friends and have many colleagues who are gay and in committed relationships. I have come to understand the equality for gays and lesbians as an issue of justice for us all regardless of our sexual orientation or political philosophy.

Along the way, I have experienced a couple of painful episodes that helped define my thinking. As a county commissioner in the 1980's, we enacted one of the first and most comprehensive nondiscrimination ordinances in the country. The backlash, however, from some of the extreme right was brutal. And faced with an opposing referendum that would threaten to divide the community, leaders in the local gay and lesbian movement urged the commission to repeal the ordinance. But that did not make it any easier to explain to gay citizens sitting in the front rows, some of whom were crying with disbelief and anger.

Twelve years later in Congress, I confronted the Defense of Marriage Act to create a Federal definition of marriage as a union between a man and a woman. Until DOMA, marriage issues had not been a high priority for the gay and lesbian movement nor for Congress. But with the introduction of this legislation, all that changed when some people from the extreme right wing were pushing the hot button issue of same sex marriage in order to assure the political failure of the gay and lesbian civil rights agenda. The country was not simply ready to discuss same sex marriage in any rational way.

Hoping to deny the extreme right wing the opportunity to exploit this

Printed on recycled paper.

issue further, I cast my vote in favor of DOMA. Looking back 8 years later, while my analysis may have been accurate, it remains one of the few votes in Congress that I would change. Sadly, people who choose to exploit fear and bigotry based on sexual orientation continue to do so regardless of any evidence to the contrary.

My vote on DOMA also caused political confusion and pain for people who knew of my commitment for equality for gays and lesbians. Most troubling for me was the implication that my vote somehow may have been interpreted as an attack on people's ability to make their own choices about their personal relationships and their dignity as human beings.

Recently, gay civil rights victories in the Supreme Court, the State of Vermont, and in Canada have created a resurgence of controversy surrounding this issue. These successes do not have to lead to more antigay proposals and rhetoric. Most Americans today have friends and relatives who are involved with same sex relationships based on the same deep emotional commitment and affection found in the heterosexual community.

It is now time for Congress to play a constructive role in affirming civil rights for gays and lesbians. The House should start by enacting nondiscrimination in employment, which should be one of the bedrocks of a society that claims to value self-reliance and the opportunity for individuals to reach their full potential. The Congress should also forcefully reject H.J. Res. 56, a constitutional amendment which would define marriage solely as a union between a man and a woman. It simply makes no sense to deny the benefits, legal rights, and opportunities afforded to married couples to others who want to commit to a long-term loving relationship, especially when the administration proposes to spend hundreds of millions of dollars to ''promote marriage.''

This attempt to preempt decisions at the State level is not just stunningly hypocritical; it will fuel fear and prejudice, create further divisions in our communities, and intolerance throughout our society. Instead of pitting citizen against citizen over questions of identity, sexuality, and private behavior, the Congress should model the behavior it expects of others: fairness, tolerance, and a basic respect for human dignity.

THE WIND AT OUR BACKS

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

Mr. DELAY. Mr. Speaker, this week the House will begin moving into the end game for the legislative session, and we will do so with the wind at our backs.

Thanks to our passage of President Bush's Jobs and Growth agenda, jobless claims are down, and corporate profits and economic growth are way up. Last week, we even learned the Federal deficit has come in much lower than anticipated, as Republicans predicted it would.

In other words, the Bush economy and the Federal Government are recovering with a vengeance from the ''bin Laden'' slump. The faster the economy grows, the sooner we can balance the budget, all the while maintaining our commitment to our national priorities.

Of course, the war remains our Nation's defining objective. Without victory over international terror and the security and prosperity victory will bring, no other item on any agenda is even possible. The reconstruction and democracy-building now underway in Iraq is a central component of that war, as a stable Iraq will be an invaluable ally in our fight against terror.

To highlight the progress we are making over there and to draw the public's and the media's attention to the good being done, we have created FREEDOM.GOV. On the FREEDOM.GOV Web site, citizens can find articles and features from Members of Congress who have been to liberated Iraq and reported back on what they have seen and our need to finish the job there. Further, with our economy roaring to life in recent months, we are now even better able to keep our commitment to strengthen and improve health care services for America's seniors. We expect a Medicare bill to do just that, and it will be ready for passage before we adjourn.

And, finally, Congress will soon be able to pass a comprehensive energy bill which will lower gas prices, create jobs, and reduce our dependence on foreign oil.

To put Congress's work this year in perspective, Mr. Speaker, consider: We are winning the war on terror and securing Iraq. We are cutting the deficit and balancing the budget through fiscal discipline. We are growing the economy and creating jobs, and we are meeting the health care needs of American seniors. This is the agenda we ran on, promised, and in just another few weeks will have delivered for the American people.

PAYING TRIBUTE TO DR. NAT COBB

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

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to pay tribute to one of my constituents, Dr. Nat Cobb of Corrales, New Mexico. I want to congratulate Nat on his participation in the Lance Armstrong Tour of Hope which concluded this past weekend here in the Nation's capital.

Nat Cobb was chosen to ride across the country with 25 other riders and cycling champion Lance Armstrong. This amazing team of riders rode for 7 days from Los Angeles to Washington, DC, covering 120 miles per day per rider. They rode during the day and during the night. The Tour of Hope team climbed mountains and crossed rivers and reached communities across America to inspire millions and share the importance of cancer research. They used this ride to share their personal stories to help raise awareness about the need for cancer patients to participate in clinical trials so that we might achieve cures more quickly. Participation is of crucial importance to finding a cure. If clinical trials are not performed on new drugs, these drugs will not be available to those afflicted with cancer.

Nat's personal story is especially important to New Mexico and all Native Americans. Nat Cobb is actively engaged in making cancer screenings and clinical trials available to Indian populations all over the country. He has worked with a number of hospitals and clinics to enroll patients in trials and to educate people about preventing cancer through programs on tobacco control and life-style changes. He was an excellent choice to ride in the Tour of Hope.

I also want to say how proud I was to ride alongside Nat and Lance Armstrong this past weekend as the Tour of Hope concluded in Washington, DC. I was honored to join them along the final stretches of the journey and am pleased to have lent my support to their efforts which are so important to Native Americans suffering from cancer.

Mr. Speaker, I am pleased to help them spread the word that we can do more here in Congress to help them as well. For one, we can fund research programs to help increase awareness about clinical trials so that more adults participate in clinical drug trials. Nearly 85 percent of children participate in some type of drug trial, but less than 10 percent of adults do. I am hopeful that by raising awareness through the Tour of Hope, Lance Armstrong, Nat Cobb, and other team members and Bristol Meyers Squibb and others can achieve this important goal of finding cures more quickly for all types of cancer.

RECESS

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

Accordingly (at 12 o'clock and 43 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. BOOZMAN) at 2 p.m.

PRAYER

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

Lord God, Your prophets and leaders in the Hebrew Scriptures, as well as the disciples in the Christian Scriptures, all knew friendship. In and with associates and friends, they accomplished Your will and served Your people.

May friendships flourish here in the House of Representatives. Because friends hold us accountable and sustain us in difficult times, these men and women of Congress need such supportive relationships.

Bless their work and may their debate and endeavors bring them to deeper understandings and create respected friendships.

This we ask of You, O Lord, 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 Florida (Mr. FOLEY) come forward and lead the House in the Pledge of Allegiance.

Mr. FOLEY 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.

DISPENSING WITH CALL OF PRIVATE CALENDAR ON TUESDAY, OCTOBER 21, 2003

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the call of the Private Calendar be dispensed with tomorrow.

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

There was no objection.

COMMENDING THE NATIONAL ENDOWMENT FOR DEMOCRACY ON THE 20TH ANNIVERSARY OF ITS ESTABLISHMENT.

Mr. HYDE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate concurrent resolution (S. Con. Res. 66) commending the National Endowment for Democracy for its contributions to democratic development around the world on the occasion of the 20th anniversary of the establishment of the National Endowment for Democracy, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate concurrent resolution.

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

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 66

Whereas November 22, 2003, marks the 20th anniversary of the establishment of the National Endowment for Democracy (hereinafter the ''Endowment''), a bipartisan nongovernmental institution that promotes democracy around the world;

Whereas through the National Endowment for Democracy Act (22 U.S.C. 4411 et seq.), signed into law by President Ronald Reagan on November 22, 1983, Congress has made possible the funding of the Endowment's worldwide grant programs;

Whereas 2003 also marks the 20th anniversary of the National Republican Institute for International Affairs (which was subsequently renamed the International Republican Institute (IRI)), the National Democratic Institute for International Affairs (NDI), and the Center for International Private Enterprise (CIPE), all of which joined the Free Trade Union Institute (which was subsequently renamed as the American Center for International Labor Solidarity) to form the four affiliated institutions of the Endowment;

Whereas the Endowment and the affiliated institutes have supported grassroots programs to build democratic institutions, spread democratic values, encourage free market institutions, and promote political parties, worker rights, independent media, human rights, the rule of law, civic education, conflict resolution, political participation by women, and many other essential components of civil society and democratic governance in emerging and transitional democracies, nondemocracies, and war-torn societies;

Whereas the programs carried out or funded by the Endowment have made significant contributions to the efforts of democratic activists to achieve freedom and self-governance around the world;

Whereas the Endowment, through the Journal of Democracy, the International Forum for Democratic Studies, the Reagan-Fascell Democracy Fellows Program, and the World Movement for Democracy, has served as a key center of democratic research, exchange, and networking, bringing together thousands of democracy activists, scholars, and practitioners from around the world; and

Whereas the spread of democracy throughout the world, to which the work of the Endowment has contributed significantly, has enhanced the national security interests of the United States and advanced democratic ideals and values throughout the world: Now, therefore, be it

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

(1) commends the National Endowment for Democracy for its major contributions to the strengthening of democracy around the world on the occasion of the 20th anniversary of the establishment of the Endowment; and

(2) endeavors to continue to support the vital work of the National Endowment for Democracy.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

ECONOMY IS IMPROVING

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

Mr. FOLEY. Mr. Speaker, it is a pleasure to be back in Washington here on a Monday and obviously reflect on the past week, and hope that we have seen some brighter economic news emerging: The Dow Jones Industrial Average, the NASDAQ, unemployment numbers dropping slightly. Even though we are still concerned about unemployment, we are making progress.

Some of the other intrinsic things that we can judge the economy by are starting to show real signs of progress. Numbers of companies reporting record earnings, improved performance, back order of supplies in inventory diminishing, which is all pointing us in the right direction that this President and Congress has delivered an economic package, a tax incentive package that is starting to stimulate, albeit slowly, the economy back into a performing economic model.

We have more to do, and the Committee on Ways and Means will start debating next week opportunities to create jobs here in this country by providing the economic and tax incentives for corporations to remain here in the United States, producing jobs, providing incomes and hopefully financial stability for Americans everywhere. So we will be reporting that bill out next week, bringing it to the floor hopefully with the cooperation of both the Democrats and Republicans to assure that we have the kind of economic job producing model that will create the incentives for our citizens to once again return to the active workforce and create the kind of economies that are so vitally important to this Nation.

So I want to salute our committee, particularly the Committee on Ways and Means, for undertaking what will be a very difficult task. There are a lot of people who would be opposed to any tax relief whatsoever, but if they look at the significance and substance of this bill, they will see this is, in fact, earmarking to create jobs, manufacturing jobs to States like North Carolina and Georgia and Pennsylvania and, of course, the high-tech corridor in California.

So all of these things are important, the debate is important, and so I join with my colleagues in saluting in particular this President, saluting our efforts in Iraq. Our prayers are with our troops there as we continue to liberate Iraqis from the grips of Saddam Hussein. It has been difficult. We have had loss of lives, but at the same time, if we look at the progress we have made, we will see that we are starting to find great solutions to the problem in Iraq.

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.

EXPRESSING SENSE OF HOUSE REGARDING MAN-MADE FAMINE THAT OCCURRED IN UKRAINE IN 1932–1933

Mr. HYDE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 356) expressing the sense of the House of Representatives regarding the man-made famine that occurred in Ukraine in 1932–1933.

The Clerk read as follows:

H. RES. 356

Whereas 2003 marks the 70th anniversary of the height of the famine in Ukraine that was deliberately initiated and enforced by the Soviet regime through the seizure of grain and the blockade of food shipments into the affected areas, as well as by forcibly preventing the starving population from leaving the region, for the purposes of eliminating resistance to the forced collectivization of agriculture and destroying Ukraine's national identity;

Whereas this man-made famine resulted in the deaths of at least 5,000,000 men, women, and children in Ukraine and an estimated 1–2 million people in other regions;

Whereas the famine took place in the most productive agricultural area of the former Soviet Union while foodstocks throughout the country remained sufficient to prevent the famine and while the Soviet regime continued to export large quantities of grain;

Whereas many Western observers with first-hand knowledge of the famine, including The New York Times correspondent Walter Duranty, who was awarded a Pulitzer Prize in 1932 for his reporting from the Soviet Union, knowingly and deliberately falsified their reports to cover up and refute evidence of the famine in order to suppress criticism of the Soviet regime;

Whereas Western observers and scholars who reported accurately on the existence of the famine were subjected to disparagement and criticism in the West for their reporting of the famine;

Whereas the Soviet regime and many scholars in the West continued to deny the existence of the famine until the collapse of the Soviet regime in 1991 resulted in many of its archives being made accessible, thereby making possible the documentation of the premeditated nature of the famine and its harsh enforcement;

Whereas the final report of the United States Government's Commission on the Ukraine Famine, established on December 13, 1985, concluded that the victims were ''starved to death in a man-made famine'' and that ''Joseph Stalin and those around him committed genocide against Ukrainians in 1932–1933''; and

Whereas, although the Ukraine famine was one of the greatest losses of human life in the 20th century, it remains insufficiently known in the United States and in the world: Now, therefore, be it

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

(1) the millions of victims of the man-made famine that occurred in Ukraine in 1932–1933 should be solemnly remembered and honored in the 70th year marking the height of the famine;

(2) this man-made famine was designed and implemented by the Soviet regime as a deliberate act of terror and mass murder against the Ukrainian people;

(3) the decision of the Government of Ukraine and the Verkhovna Rada (the Ukrainian parliament) to give official recognition to the famine and its victims, as well as their efforts to secure greater international awareness and understanding of the famine, should be supported; and

(4) the official recognition of the famine by the Government of Ukraine and the Verkhovna Rada represents a significant step in the reestablishment of Ukraine's national identity, the elimination of the legacy of the Soviet dictatorship, and the advancement of efforts to establish a democratic and free Ukraine that is fully integrated into the Western community of nations.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. HYDE).

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

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

Mr. HYDE. Mr. Speaker, this resolution recognizes and remembers the victims of one of the greatest tragedies of the 20th century, namely, the more than 5 million men, women and children in Ukraine who were deliberately starved to death by the Soviet regime in the terrible decade of the 1930s. That regime perpetrated many horrors in its seven decades of existence, but surely this must rank among its most damnable.

It is important to stress that this famine was not a natural phenomenon, but was instead deliberately engineered. Virtually all sustenance in the targeted area was seized, even as the availability of food elsewhere in the Soviet Union remained sufficient to prevent the famine. The export of grain never ceased even at the height of the death tolls.

Nor was this the result of mere indifference to life, but an uncaring regime. Soviet troops and secret police forces were deployed to forcibly prevent the starving population from leaving the area in the desperate search for food. A sentence of mass death had been pronounced and was mercilessly enforced.

The purpose of the artificial famine was to break resistance to the regime's policy of forced collectivization of agriculture, but this was coupled with a murderous determination to destroy Ukraine's national identity, which the regime considered as a mortal threat to its empire and, therefore, brutally suppressed.

There is a legacy of shame that the West must bear. Many prominent Westerners, including journalists and scholars who had firsthand knowledge of the famine, deliberately falsified their reporting to cover up and refute evidence of the tragedy in order to suppress criticism of the Soviet regime. We know their actions were deliberate because they confessed their knowledge at the time to confidantes and to their diaries. The most notorious of these was Walter Duranty, a correspondent for The New York Times who had won a Pulitzer Prize for his reporting from the Soviet Union. But he was far from alone.

Those few who accurately reported on the famine were subject to considerable abuse from their colleagues and others in the West, and their reports were generally disregarded. That lamentable record continued until after the fall of the Soviet regime in 1991, with Robert Conquest's book, The Harvest of Sorrow, being a lonely exception.

In remembering and honoring the victims, I must stress that in addition to millions of ethnic Ukrainians, the dead included large numbers from many other ethnic groups, including Russians, Jews, and a host of others large and small.

It is also important to note that other areas of the Soviet Union were also subjected to this man-made famine, especially those neighboring regions where an estimated 1½ million people of many ethnic origins were starved to death.

This tragedy knew no artificial divisions, no insulating borders, no refuge. All who perished were equal in their innocence, but the blow fell heaviest in Ukraine.

I would like to take this opportunity to praise the gentleman from Michigan (Mr. LEVIN) for his resolution on the famine in Ukraine, H. Res. 254. His has long been one of the most important and influential voices in Congress for ensuring that Ukraine and its people remain prominent in our thoughts, and we owe him our gratitude for his many labors.

Ukraine's reermergence in 1991 from the Soviet prison house was of momentous significance, not merely for Ukraine, but for the entire world, because its independence signaled the death of that empire.

But I regret to say that Ukraine's great and continuing importance to the United States and to the West remains largely unmeasured here. For an independent Ukraine is an indispensable element in ensuring the freedom and security of Europe from the Atlantic to the Urals.

Our interests and those of the West as a whole require that Ukraine complete its transformation into a true democracy; that it establish a vibrant economy equal to its national and natural wealth and the talents of its people; and that it assume its rightful place in the Western community of nations. Although we can provide assistance towards these ends, the first two must remain largely the responsibility of the Ukrainian people.

But Urkaine's accession to the institutions of the West can only occur with our active support and encouragement. It is my hope we will have the wisdom to understand our own interests and

will act to secure these with permanence.

Our long-delayed recognition of Ukraine's suffering is also a recognition of its emergence from darkness and the reestablishment of its independence and is one more step in extending to it our embrace. Let us remember that as we now honor the victims of a terrible past that it is hopefully gone forever.

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

Mr. LANTOS. Mr. Speaker. I yield myself such time as I might consume, and I rise in strong support of this resolution.

Mr. Speaker, at the outset I would like to express publicly my delight at the decision of the distinguished chairman of the Committee on International Relations to continue his service in this Congress and for our Nation. This is the best news of the weekend, and I know that all of my colleagues on this side of the aisle join me in saying how proud and pleased we are that the gentleman from Illinois (Chairman HYDE) will continue his wit and wisdom and extraordinary statesmanship to the work of this body.

□ 1415

Mr. Speaker, I would like to commend the gentleman from Illinois (Mr. HYDE) for introducing this very timely resolution, which marks the 70th anniversary of the atrocity that Joseph Stalin committed against the people of Ukraine. We must never forget that Joseph Stalin killed more citizens of the Soviet Union through his inhumane and murderous policies than any invader of the Soviet Union, or Russia before.

I also want to commend my good friend and colleague, the gentleman from Michigan (Mr. LEVIN), for introducing a similar resolution; and he will speak to this issue in just a moment.

While the official estimates of the number of Ukrainians killed by Stalin's vicious policies during the 2 years of the Ukrainian famine is about 5 million, the more considered unofficial estimates suggest that about 7 million Ukrainians could have been killed because of a deliberately induced policy of starvation on the people of Ukraine. This act of terror and mass murder was designed to squash the national aspiration of the Ukrainian people. Grain shipments were seized, the borders of Ukraine blockaded, and all the while the Soviet regime continued to export large quantities of grain and suppress the news of Ukraine's suffering.

The Soviet Government successfully hid this famine from the West, and only since the collapse of the Soviet Union in 1991 have we been able to obtain access to documents confirming the deliberate and premeditated murder of vast numbers of the innocent men, women, and children of Ukrainian heritage by Stalin's Soviet dictatorship.

It is a joy, Mr. Speaker, to see Ukraine take its proper place among the free and independent nations, no longer a part of the Soviet Union but a proud and independent nation, which, after the enormous difficulties of the Soviet period, is building a new future for the Ukrainian people; and so I urge all of my colleagues to support H. Res. 356.

Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. LEVIN), my friend and colleague.

Mr. LEVIN. Mr. Speaker, first, I want to join in the words of the gentleman from California (Mr. LANTOS) regarding our colleague from Illinois. His eloquence and his civility mean a great deal to us, both when we agree with him and when we do not. The gentleman from Illinois (Mr. HYDE) has, I think, set a standard for everyone to follow in discussion of issues on the floor of the United States House and helps us be proud that we are Members of this institution.

I also want to join with the gentleman from Illinois (Mr. HYDE) in his comments, as well as the gentleman from California (Mr. LANTOS), regarding this issue, and also with what the gentleman from Illinois had to say about the present and future of Ukraine. As we look back, it is important also that we look forward, and the challenge before Ukraine today is an important one, both their steps forward and sometimes backward. We all join in hoping that the steps forward will increase as Ukraine joins fully the ranks of the democratic nations of this globe. They have an important role to play.

But we also have to look back because if we do not look back, we will not effectively face the future. So I rise today, Mr. Speaker, to join my colleagues in commemorating the 70th anniversary of the tragedy of the Ukrainian famine of 1932–33. This resolution recalls the incredible suffering and loss sustained by the Ukrainian people, and others, as the gentleman from Illinois pointed out, as a result of intentional policies implemented by the former Soviet Union which led to the deaths of at least 7 million people. Even today, the magnitude and gravity of this atrocity remains unknown to too many in the world. And this is why every 5 years, at least, we introduce a resolution to mark the anniversary.

As mentioned, more than 7 million women, men, and children died; and it was not because of drought or pestilence or crop failure. It was because of the deliberate policies of Joseph Stalin and other leaders in the Soviet Union. The Soviet Government ruthlessly employed policies of forced collectivization and grain seizures to suppress and politically neutralize Ukrainian aspirations for independence. Red Army soldiers performed systematic house-to-house searches where every scrap of food was taken. Grain silos were guarded by military troops, and police denied access to even those who had harvested the grain in the immediate area, while trains loaded with food left that area.

The seizures were so harsh that villages were often left with no food for their citizens, making the crisis even worse. Soviet authorities ordered the borders of Ukraine sealed to prevent anyone from escaping the famine and preventing any international food aid from providing relief to the starving. Witnesses spoke of Ukrainians eating bark, weeds, and even insects to survive.

Observing the commemoration of this anniversary is significant because Stalin and his closest associates concealed the artificially created famine for decades. In the aftermath of the collapse of the Soviet Union, the world has learned more and more about the harsh reality of life under a totalitarian regime, and the truth surrounding this atrocity has been revealed.

We gained greater knowledge after the congressionally mandated U.S. Commission on the Ukraine Famine began its work in 1985 to ''provide the American public with a better understanding of the Soviet system by revealing the Soviet role in the famine.''

I had a chance recently to go back and read a summary of that report, and I urge my colleagues to do likewise. That commission issued its final report in 1988, noting 19 findings, including that, and I quote, ''Joseph Stalin and those around him committed genocide against Ukrainians in 1932–33.''

We also gained knowledge through the recollections of survivors. Dr. Walter Lyzohub of Redford Township, Michigan, wrote me a letter explaining that he survived the famine, but that the famine took the lives of his sister Vera as well as his brother Ivan. His sister and brother were aged 10 and 9 respectively. It was heartbreaking, heartbreaking, to read that letter. Dr. Lyzohub and all the victims of this famine, this atrocity, must never be forgotten or ignored. Only through remembrance of the victims and recognition of that famine can such acts of senseless cruelty and violence against humankind be prevented from happening again.

I also would like to recognize Michael Sawkiw of the Ukrainian Congress Committee of America, who has been in the forefront of helping to bring this issue and all important issues regarding Ukraine to the attention of Members of Congress. So, Mr. Speaker, House Resolution 356 provides us once again with an opportunity for remembrance and for recognition; and I urge all my colleagues to join the gentleman from Illinois (Mr. HYDE), the gentleman from California (Mr. LANTOS), and me in supporting this resolution.

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

GENERAL LEAVE

Mr. HYDE. Mr. Speaker, I ask unanimous consent that all Members may

have 5 legislative days to revise and extend their remarks and to include extraneous material on H. Res. 356, the resolution under consideration.

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

There was no objection.

Mr. HYDE. Mr. Speaker, I yield myself such time as I may consume, and I would like to thank the gentleman from Michigan (Mr. LEVIN) and the gentleman from California (Mr. LANTOS) for their extraordinarily generous remarks, and I wish to say the sentiment that animated those is indeed reciprocated.

Mr. SMITH of New Jersey. Mr. Speaker, I am proud to be an original cosponsor of H. Res. 356. I thank and commend Mr. HYDE for introducing this resolution commemorating and honoring the memory of victims of an abominable act perpetrated against the people of Ukraine in 1932–33. Seventy years ago, millions of men, women and children were murdered by starvation so that one man, Soviet dictator Joseph Stalin, could consolidate control over Ukraine. The Ukrainian people resisted the Soviet policy of forced collectivization. The innocent died a horrific death at the hands of a tyrannical dictatorship which had crushed their freedom.

In an attempt to break the spirit of an independent-minded Ukrainian peasantry, and ultimately to secure collectivization, Stalin ordered the expropriation of all foodstuffs in the hands of the rural population. The grain was shipped to other areas of the Soviet Union or sold on the international market. Peasants who refused to turn over grain to the state were deported or executed. Without food or grain, mass starvation ensued. This manmade famine was the consequence of deliberate policies which aimed to destroy the political, cultural and human rights of the Ukrainian people.

In short, food was used as a weapon in what can only be described as an organized act of terrorism designed to suppress a people's love of their land and the basic liberty to live as they choose.

Mr. Speaker, I recall back in the 1980s seeing the unforgettable movie, Harvest of Despair, which depicted the horrors of the Famine, as well as the fine work of the congressionally-created Ukraine Famine Commission, which issued its seminal report in 1988. Their work helped expose the truth about this horrific event. I am pleased that the resolution notes that there were those in the West, including The New York Times correspondent Walter Duranty, who knowingly and deliberately falsified their reports to cover up the Famine because they wanted to curry favor with one of the most evil regimes in the history of mankind.

The fact that this denial of the Famine took place then, and even much later by many scholars in the West is a shameful chapter in our own history.

Mr. Speaker, this is an important resolution which will help give recognition to one of the most horrific events in the last century in the hopes that mass-murders of this kind truly become unthinkable.

Mr. HYDE. 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 Illinois (Mr. HYDE) that the House suspend the rules and agree to the resolution, H. Res. 356.

The question was taken.

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

Mr. LANTOS. 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.

HONORING THE 25TH ANNIVERSARY OF POPE JOHN PAUL II'S ASCENSION TO THE PAPACY

Mr. MCCOTTER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 400) honoring the 25th anniversary of Pope John Paul II's ascension to the papacy, as amended.

The Clerk read as follows:

H. RES. 400

Whereas Karol Józef Wojtyla, known as John Paul II since his October 1978 election to the papacy, was born in Wadowice, Poland, on May 18, 1920, the day of the ''Polish Miracle'', the nation's first military victory in 200 years and a day which set in motion events which briefly restored Poland's independence;

Whereas he made his First Holy Communion at age 9 and was confirmed at 18, and saw his mother, father, and eldest brother all die before he turned 21, and upon graduation from Marcin Wadowita high school in Wadowice, he enrolled in Cracow's Jagiellonian University in 1938 and in a school for drama;

Whereas the Nazi occupation forces closed Cracow's Jagiellonian University, where he was enrolled in 1939 and young Karol had to work in a quarry and then in a chemical factory to earn his living and to avoid being deported to Germany;

Whereas in 1942, aware of his call to the priesthood, he began courses in the clandestine seminary of Cracow, run by Cardinal Adam Stefan Sapieha, archbishop of Cracow, and at the same time, Karol Wojtylla was one of the pioneers of the ''Rhapsodic Theatre'', which was forced to hold clandestine performances;

Whereas in 1948 he returned to Poland and was vicar of various parishes in Cracow as well as chaplain for the university students until 1951, when he took up again his studies on philosophy and theology;

Whereas on January 13, 1964, he was nominated Archbishop of Cracow by Pope Paul VI, who made him a cardinal June 26, 1967;

Whereas on October 16, 1978, Karol Wojtylla began his pontificate as Pope John Paul II;

Whereas Pope John Paul II has used his pontificate in unique fashion, emerging as more than just the leader of the Catholic Church, but a global voice against communism, oppression, and tyranny; working both in public and private, to exercise his influence against the forces of injustice;

Whereas in the 1980s, Pope John Paul II was a vocal supporter of the Polish Solidarity movement and his support for striking workers at the Gdansk Shipyard was a key to the downfall of communism in Poland, and started in motion a chain of events ultimately leading to the dissolution of the Soviet Union and the Warsaw Pact;

Whereas his criticism of such dictators as Alfred Stroessner in Paraguay, Augusto Pinochet in Chile, and Ferdinand Marcos in the Philippines encouraged opposition movements that eventually brought down those governments;

Whereas Pope John Paul II has become the most traveled Pope in history, journeying more than a half million miles visiting 125 countries, conducting meetings with numerous government leaders during 38 official visits, holding 690 audiences and meetings held with Heads of State and 226 audiences and meetings with Prime Ministers;

Whereas Pope John Paul II has welcomed more than 16,000,000 pilgrims in the General Audiences which were held weekly at the Vatican; and met with tens of millions of the faithful during pastoral visits made in Italy and throughout the world, including more than 8,000,000 pilgrims during the Great Jubilee of the Year 2000 alone;

Whereas Pope John Paul II has been a prolific writer completing 14 encyclicals, 13 apostolic exhortations, 11 apostolic constitutions, and 42 apostolic letters, and he has also published three books: ''Crossing the Threshold of Hope'' (October 1994); ''Gift and Mystery: On the 50th Anniversary of My Priestly Ordination'' (November 1996); and ''Roman Tryptych—Meditations'', a book of poems (March 2003);

Whereas John Paul II has presided over 139 beatification ceremonies (1,311 Blesseds proclaimed) and 48 canonization ceremonies (469 Saints) during his pontificate, and he has held 9 consistories in which he created 231 cardinals;

Whereas in 1981, Pope John Paul II survived an assassination attempt after being shot twice by Mehmet Ali Agca in St. Peter's Square, whom the Pope would later personally meet and forgive;

Whereas Pope John Paul II, a survivor of fascism, communism, and terrorism, has been a tireless voice for morality and decency; and

Whereas Pope John Paul II has emerged as more than just a spiritual leader for the world's Catholics, but as one of the most influential and inspirational leaders of the 20th and 21st centuries, as a consistent voice for peace and human dignity: Now, therefore, be it

Resolved, That the United States House of Representatives honors the 25th anniversary of Pope John Paul II's ascension to the papacy.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. MCCOTTER) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

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

GENERAL LEAVE

Mr. MCCOTTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H. Res. 400, the resolution now under consideration.

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

There was no objection.

Mr. MCCOTTER. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. HYDE).

Mr. HYDE. Mr. Speaker, I thank the gentleman from Michigan (Mr.

MCCOTTER) for yielding me this time and for introducing this important resolution, as well as for all his work and leadership on the Committee on International Relations.

Mr. Speaker, I am honored to join in the celebration of His Holiness, Pope John Paul II, who is marking his Silver Jubilee as the spiritual leader of more than one billion Catholics around the world.

On October 16, 1978, Cardinal Karol Wojtyla, the Archbishop of Krakow, was elected Pope. This cardinal, little known outside of his native Poland, addressed a crowd of over 200,000 in St. Peter's Square that day and emotionally expressed his fears about the awesome responsibility of being chosen for such a position. He also told the world that day, ''Be not afraid.''

Twenty-five years ago tomorrow, he was installed as the Bishop of Rome and celebrated his first mass as Pope. John Paul II is the 263rd successor of St. Peter. He was the youngest Pope in over a century, the first non-Italian Pope in over 450 years, and the first Slav Pope.

This man was formed at a remarkable time in human history. He knew the persecution of oppression and witnessed the false ideologies of the 20th century. He studied for the priesthood in secrecy and lived through the Nazi occupation and Communist subjugation of his native Poland. He was a philosopher, theologian, and pastor. He was instrumental in the demise of the Communist regime in Poland and played an important role in the collapse of communism throughout central and Eastern Europe, which ended the Cold War.

The Holy Father has continued to promote freedom and peace throughout the world during his Pontificate, a freedom based on the truth of the ''transcendent dignity'' of each individual human person, the truth that every human being has a dignity that goes beyond Earthly advantages and accomplishments.

□ 1430

The Holy Father during his pontificate has expounded Catholic doctrine and the Magisterium of the Church, and has expanded the Second Vatican Council's engagement with modernity and modern culture. He has accounted for the Church's past, and has pushed Catholic teaching into all areas of modern life.

Perhaps most importantly for the future, the Holy Father has truly internationalized the Catholic Church. Over the past 25 years, the number of Catholics worldwide has grown from 757 million to over a billion, an increase of over 40 percent. In Africa, the number of Catholics has increased nearly 150 percent, and in Asia, over 80 percent. The Holy Father has internationalized the Roman Curia, Italians controlled half of the top 20 Vatican departments, and today they head only four, and the College of Cardinals, cardinals representing approximately 20 countries, but today represent over 60 countries. He has traveled more extensively throughout the world, more than any predecessor, visiting 129 countries, and more people have seen this one man in person than any other human being in history.

His Holiness has reached out in an unprecedented way to peoples of other beliefs and religions all over the world in an effort toward greater understanding, healing and harmony. He has particularly promoted unity among Christian churches, reconciliation with the Jewish people, and a dialogue with Islam. The Holy Father was the first Pope to visit a synagogue and the first to visit a mosque.

His Holiness with bestowed with the Congressional Gold Medal January 8, 2001.

Last week during the Silver Jubilee celebrations, Cardinal Ratzinger recalled the new Pope's first words 25 years ago. Cardinal Ratzinger was speaking to the Holy Father, ''You said then that you came from a far-away place. But we understood right away that the faith in Jesus Christ that came through your words and your person overcame all distances.'' Through the years, he continued, you have announced God's will without fear, even when it contrasts with what men think and want.''

I consider it an honor to be able to recognize Pope John Paul II on his 25th anniversary, and I ask my colleagues to join me in paying tribute to this devoted spiritual leader and to celebrate with the Holy Father this Jubilee.

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

Mr. Speaker, I rise in strong support of this resolution, and at the outset I want to commend my distinguished colleagues, the gentleman from Illinois (Mr. HYDE) and the gentleman from Michigan (Mr. MCCOTTER) for their work on this important resolution.

Mr. Speaker, it is right and fitting that we in Congress offer a resolution to honor the 25th anniversary of John Paul II's papacy. The Pope is a remarkable individual whose actions in the last quarter century have altered the course of world events. Polish-born Karol Jozef Wojtyla became Pope John Paul II on October 16, 1978, a quarter century ago. After a long succession of Western Europeans at the head of the world's largest Christian denomination, he brought an extraordinary and historically unique perspective to his task. It was reflected in his first address to the people who gathered that day to see him in St. Peter's Square, as well as to the people of faith around the globe. He said, ''Be not afraid.'' This was an important message as the Soviet Union dominated not only his native Poland but the gigantic Soviet Union and all the satellites in Central and Eastern Europe. From that moment on, His Holiness has steadfastly used his pontificate to speak out against global injustices and oppression, and he has committed to do so until his very last breath. He is widely recognized as a leader not only of the Catholic Church, but as a man of great moral authority for the entire globe.

In the 1980s, the Pope played a pivotal role in supporting the Polish Solidarity movement, which was instrumental in the downfall of communism in Poland and throughout Central and Eastern Europe. This, in turn, helped launch the chain of events that led to the dissolution of Stalin's empire and the end of communist domination in the eastern half of Europe.

Pope John Paul has been actively involved in social justice causes of all kinds, speaking out against dictators in Paraguay, Chile, the Philippines and traveling to 125 countries to visit with government leaders, but more importantly, to visit with ordinary people.

Under his leadership, the Vatican's diplomacy around the globe has spanned a wide range of subjects, from small arms trafficking to the great gulf between rich and poor in the developing world. One of his unique features was his steady fight against the plague of anti-Semitism and this week when the leader of Malaysia has again raised in the ugliest form anti-Semitism at an international gathering, the important and decency of this Pope stands out in sharp contrast. The Pope has also welcomed tens of millions of visitors to the Vatican. My wife, Annette, and I were fortunate enough to have an audience with His Holiness. We were both impressed with his presence, his kindness, his wisdom and with his authority. He is one of the most influential and inspirational leaders of our time.

I feel particularly close to him personally, Mr. Speaker, because he has survived the evils of both fascism and communism, as have I. This pontiff has remained a constant voice for human dignity and peace. His admonition to forgive was most poignantly exemplified by his forgiveness of the man who attempted to kill him in St. Peter's Square.

Mr. Speaker, I ask all of my colleagues to join all of us who are supporting this resolution to this remarkable man and to his 25 years of unique and exemplary service to all mankind.

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

Mr. MCCOTTER. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Speaker, I commend the gentleman from Michigan (Mr. MCCOTTER) for introducing and honoring Pope John Paul II. I rise in strong support of this resolution, and I am grateful we are discussing it today, the 25th anniversary of his papacy.

As a Roman Catholic whose grandmother came to America from Poland, nothing has made me or my family more proud of our heritage than has Pope John Paul II. For the last 25 years, he has been a constant reminder that everything is obtainable if you pour your heart and soul into the work and trust in God's guidance.

Faced with adversity since his own childhood, Pope John Paul II has always persevered and uplifted those cast aside by society, giving them hope through his compassion and through his example. Whether it was surviving the Nazi reign in Poland, or helping heroes like Ronald Reagan end the grip of communism on the world, Pope John Paul II never met a fight that was bigger or more powerful than his vision and his faith.

And while past religious beliefs were often barriers, Pope John II accomplished a mission to bridge those divides no matter how daunting the task or how deep the divide. He has elected the first non-Italian pontiff in 455 years. He was the first pontiff from Poland, and the first pontiff from a country headed by a Marxist and atheist government, all circumstances that would pose huge challenges for anyone. My Polish grandmother, who came to America, knew some of those same entrenched barriers and stereotypes that this great man had to overcome at the start of his election. But in the 25 years since that election, Pope John Paul II has long surmounted those challenges and has become the world's leading voice against oppression, tyranny and injustice.

Cardinal Ratzinger said, ''You turn to young and old, rich and poor, powerful and humble, and always showed according to the example of Jesus Christ, a particular love for the poor and the defenseless.'' In his prayer this weekend in St. Peter's Square, ''I renew in the hands of Mary, beloved Mother, the gift of myself, of the present and the future, everything will be done according to your will. Supreme Pastor, stay among us so that we can proceed with you securely to the house of the Father.''

Mr. Speaker, he is a real-life hero and a role model in a world that has far too few, and I join my colleagues in honoring Pope John Paul II in commemorating his 25th anniversary.

Mr. MCCOTTER. Mr. Speaker, I yield such time as he may consumed to the gentleman from Arizona (Mr. RENZI).

Mr. RENZI. Mr. Speaker, I thank the gentleman from Michigan (Mr. MCCOTTER) for yielding me this time.

Mr. Speaker, I rise today in recognition of the 25 years of prayer, compassion, and leadership of the man of prayer, Pope John Paul II. What a beautiful legacy and example Pope John Paul has shown in his deep belief in God, in the knowledge that God created us to be men and women of labor and love. His Holiness has become an inspirational light to the world, and has stood as a beacon of fight between good and evil. A man whose intellect and spirit is delivered to others within a warm conviction to consistently show love from his big Polish heart. This good and humble man has taught us to carve out our faith through prayer, a prayer in a deep, pure and humble manner, from the dirt of the earth, through each fiber of our being, always extolling the virtues of truth, forgiveness and compassion toward every living soul.

His life demonstrates that prayer is a means of learning, growth and understanding, always to continually be drawn to his knees, persevering each day in strong heartfelt prayer.

This simple man of prayer, of discipline, has been a Godsend these last 25 years, and in God's mercy, I hope he sees fit to relieve John Paul of some of the burden as he continues to travel along the trying road of life, leading people to God. Thank you, John Paul II, for the exceptional service to mankind you have given, and for being such a beautiful man of prayer.

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

Briefly, this resolution is here this week which I appreciate, but I would like for the ''eternal record'' to record that any delay in this resolution, please not be added to my sentence in purgatory should I get that far.

Mr. CASTLE. Mr. Speaker, I rise today to pay tribute to Pope John Paul II as the world celebrates the 25th anniversary of his ascension to the papacy. Born Karol Joozef Wojtylla in Wadowice, Poland in 1920, he entered the seminary in 1942 and was named Archbishop of Krakow in 1964. Three years later, he became a cardinal under Pope Paul VI. Karol Wojtylla was named Pope John Paul II on Oct. 16, 1978.

Pope John Paul II means many things to many people of different faiths, cultures and backgrounds throughout the world. Adoring crowds, Catholic and non-Catholic alike, meet him wherever he goes to hear his messages of peace and hope, especially during troubled times. As a child he suffered greatly from the death of his infant sister and mother before the age of nine, only to face the death of his older brother three years later. He musters strength, from these challenges in his childhood and an assassination attempt on his life in adulthood, to help others. Indeed Pope John Paul II is one of the most recognized people in the world for his work on human rights and humanitarian assistance.

Growing up during the times of Nazi Germany, he witnessed the very real atrocities committed against Jews, and in Poland worked to end communism by sending messages and instructions with priests to imprisoned union leaders. He was the first pope to visit the memorial at Auschwitz to pay homage to the victims of the Holocaust. Pope John Paul II is often credited with fostering a greater understanding between Christians and Jews and he leads by example, being the first pope to ever visit a synagogue.

Pope John Paul II is also the most traveled pope in the 2000-year history of the church—traveling to over 100 countries and speaking eight languages, he reaches out to families and citizens in need. Often we see pictures of the pope with sick children or ailing seniors and we hear his message of generosity and care towards others.

He is a scholar. Pope John Paul II studied at an underground seminary to become a priest and is an accomplished author of two doctoral dissertations as well as numerous speeches. He taught at the Catholic University of Lublin—the only Catholic university in the communist world—and was later appointed to the Chair of Ethics at Catholic University before becoming an auxiliary bishop.

Pope John Paul II is a pope of many firsts. He was the first non-Italian pope in 455 years and at age 58 was the youngest pope in 132 years. He met with Mikhail Gorbachev—the first meeting between a pope and a Kremlin chief—and also visited Cuba at the behest of Fidel Castro.

As the world joins him in celebrating his 25th anniversary, I hope all of us can agree that Pope John Paul II is surely a man of great courage, conviction, bravery and integrity. He has positively impacted the world and the mark he leaves will surely inspire and teach generations to come.

Ms. BORDALLO. Mr. Speaker, I rise today in support of House Resolution 400, honoring the 25th anniversary of Pope John Paul II's ascension to the papacy. I want to thank Mr. McCotter for introducing the resolution.

As the successor of Peter, Pope John Paul II is the beloved leader of Catholics all over the world and as we celebrate his 25th anniversary, we pay tribute to a man whose leadership, courage and compassion is a model for everyone. Through the many challenges that has faced the Catholic Church and the world, Pope John Paul II has stood firm in his faith. He has been unafraid to use his influence to shape world events, speaking for peace and advocating for human rights. His willingness to reach out to the different faith traditions and his forgiveness of his would-be-assassin has earned him the respect of many and is an example for all leaders.

Pope John Paul II has presided at 142 beatification ceremonies where he proclaimed 1,315 Blesseds, including Blessed Diego Luis de San Vitores of Guam, and 50 cannonization ceremonies resulting in 476 Saints of the Church. He has held 8 consistories in which he created 201 cardinals.

During his Pontificate, 17,350,000 pilgrims have participated in the General Audiences. This does not include the special audiences, religious ceremonies and the millions of people he has met during his pastoral visits throughout the world. He has met with numerous government officials during 38 official visits and the 700 audiences and meetings held with Heads of State and the 231 audiences and meetings with Prime Ministers.

The people of Guam were honored when Pope John Paul II chose to visit Guam in 1981 at the invitation of Archbishop Anthony Apuron. Many people camped overnight in streets and parking lots near the plaza where he was to say mass. For many, this would be their only opportunity to see him. Tens of thousands of people attended the service. It was an awesome sight to see everyone, children with their parents and grandparents, religious and government leaders, gathered to celebrate mass with the Holy Father. It was a day that will never be forgotten by the people of Guam.

On behalf of the people of Guam, I fully support House Resolution 400, honoring the 25th anniversary of Pope John Paul II's ascension of the papacy.

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

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

The SPEAKER pro tempore (Mr. BOOZMAN). The question is on the motion offered by the gentleman from Michigan (Mr. MCCOTTER) that the House suspend the rules and agree to the resolution, H. Res. 400, as amended.

The question was taken.

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

Mr. LANTOS. 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.

□ 1445

CALIFORNIA MISSIONS PRESERVATION ACT

Mr. RENZI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1446) to support the efforts of the California Missions Foundation to restore and repair the Spanish colonial and mission-era missions in the State of California and to preserve the artworks and artifacts of those missions, and for other purposes.

The Clerk read as follows:

H.R. 1446

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 ''California Missions Preservation Act''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The California missions represent some of our Nation's oldest historical treasures.

(2) The first of the California missions was founded in 1769, and eventually a chain of 21 missions and various sub-missions extended along the coast of California on El Camino Real.

(3) The California missions contribute greatly to the rich historical, cultural, and architectural heritage of California and the American West.

(4) The knowledge and cultural influence of native California Indians made a lasting contribution to the early settlement of California and the development of the California missions.

(5) More than 5,300,000 people visit the California missions annually, and the historical importance of the California missions extends worldwide as they have become a frequent destination for foreign visitors to the United States.

(6) The history of the California missions is an important educational component in California schools, and the study of the California missions is part of the Statewide fourth grade curricula on California history.

(7) Restoration and repair of the California missions, and the preservation of the Spanish colonial and mission-era artworks and artifacts of the California missions, for the public enjoyment will ensure that future generations also have the benefit of experiencing and appreciating these great symbols of the spirit of exploration and discovery in the American West.

SEC. 3. SUPPORT FOR THE RESTORATION AND PRESERVATION OF THE CALIFORNIA MISSIONS.

(a) DEFINITIONS.—In this section:

(1) CALIFORNIA MISSIONS.—The term ''California missions'' means the following historic Spanish missions located in the State of California and designated as California Registered Historical Landmarks:

(A) Mission La Purisima Concepcion, Lompoc.

(B) Mission La Soledad, Soledad.

(C) Mission San Antonio de Padua, Jolon.

(D) Mission San Buenaventura, Ventura.

(E) Mission San Carlos Borromeo del Rio Carmelo, Carmel.

(F) Mission San Diego Alcala, San Diego.

(G) Mission San Fernando Rey de Espana, Mission Hills.

(H) Mission San Francisco de Asis, San Francisco.

(I) Mission San Francisco Solano, Sonoma.

(J) Mission San Gabriel Arcangel, San Gabriel.

(K) Mission San Jose, Fremont.

(L) Mission San Juan Bautista, San Juan Bautista.

(M) Mission San Juan Capistrano, San Juan Capistrano.

(N) Mission San Luis Obispo de Tolosa and its Asistencia (sub-mission) of Santa Margarita de Cortona, San Luis Obispo.

(O) Mission San Luis Rey de Francia and its Asistencia (sub-mission), Oceanside.

(P) Mission San Miguel Arcangel, San Miguel.

(Q) Mission San Rafael Arcangel, San Rafael.

(R) Mission Santa Barbara Virgen y Martir, Santa Barbara.

(S) Mission Santa Clara de Asis, Santa Clara.

(T) Mission Santa Cruz, Santa Cruz.

(U) Mission Santa Ines Virgen y Martir, Solvang.

(V) Asistencia San Antonio de Pala, Pala.

(2) CALIFORNIA MISSIONS FOUNDATION.—The term ''California Missions Foundation'' means the charitable corporation established in the State of California in 1998 to fund the restoration and repair of the California missions and the preservation of the Spanish colonial and mission-era artworks and artifacts of the California missions. The Foundation is exempt from State franchise and income tax and is organized and operated exclusively for charitable purposes under section 501(c)(3) of the Internal Revenue Code of 1986.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(b) GRANTS AUTHORIZED.—The Secretary of the Interior may make grants to the California Missions Foundation to support the efforts of the California Missions Foundation to restore and repair the California missions and to preserve the artworks and artifacts associated with the California missions. As provided in section 101(e)(4) of the National Historic Preservation Act (16 U.S.C. 470a(e)(4)), the Secretary shall ensure that the purpose of a grant under this section is secular, does not promote religion, and seeks to protect those qualities that are historically significant.

(c) APPLICATION.—In order to receive a grant under this section for the preservation of the California missions, the California Missions Foundation shall submit to the Secretary an application that includes—

(1) a status report on the condition of the infrastructure and artifacts for each of the California missions; and

(2) a comprehensive program for restoration, repair, and preservation of such infrastructure and artifacts, including prioritized preservation efforts to be conducted over a 5-year period and the estimated costs of such preservation efforts.

(d) MATCHING FUND REQUIREMENT.—The Secretary shall require the California Missions Foundation to match grant funds provided under this section.

(e) REPORT.—As a condition of a grant under this section, the California Missions Foundation shall submit to the Secretary an annual report on the status of the preservation efforts undertaken using grant funds provided under this section. The Secretary shall submit a copy of each report to Congress.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary a total of $10,000,000 during the five-fiscal year period beginning October 1, 2003, to make grants under this section. Funds appropriated pursuant to the authorization of appropriations in this section shall be in addition to any funds made available for preservation efforts in the State of California under the National Historic Preservation Act.

The SPEAKER pro tempore (Mr. BOOZMAN). Pursuant to the rule, the gentleman from Arizona (Mr. RENZI) and the gentleman from New Jersey (Mr. PALLONE) each will control 20 minutes.

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

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

Mr. Speaker, H.R. 1446, introduced by the gentleman from California (Mr. FARR), would authorize the Secretary of the Interior to make matching grants to the California Missions Foundation to support the efforts of the foundation to restore and repair the California missions and to preserve the artworks and artifacts associated with the California missions. Currently, the 21 California missions of the El Camino Real, or Royal Highway, have had to rely on nominal entrance fees, sales from gift shops, donations and special events to cover their operating expenses. Unfortunately, these sources of income have not been enough to keep up with the increasing structural needs of these aging missions that date back all the way to 1769, when Father Serra founded Alta California, the first Spanish mission in California. Today over 5 million people annually visit the mission system, and it is obvious to many that outside financial help is needed.

The California Missions Foundation, a charitable corporation established in California in 1998, is dedicated to raising funds for the ongoing preservation, restoration, and maintenance needs of the California missions to ensure that their historical legacy is kept alive for future generations. As a condition of a grant, the foundation must submit to the Secretary an annual report on the status of the preservation efforts.

I urge my colleagues to support H.R. 1446.

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

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

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

Mr. PALLONE. Mr. Speaker, H.R. 1446, introduced by the gentleman from California (Mr. FARR), is a bipartisan and noncontroversial measure that authorizes grants to support the restoration and preservation of the historic

California missions. The California missions, dating back to the mid-1700s, are important historical and cultural resources that made significant contributions to the settlement of California and the American West. In early California, these 21 missions were the center of the social, economic, and religious development of the region.

The $10 million in historic preservation grants authorized by H.R. 1446 will help restore and preserve these historic missions for the benefit of all Americans. Under the terms of the legislation, the Federal funds must be matched by funds from non-Federal sources and will be used for secular purposes to protect those qualities of the missions that are historically significant.

Mr. Speaker, as I noted earlier, H.R. 1446 is bipartisan legislation. It has the cosponsorship of 48 members of the California delegation. The legislation is relatively small in terms of the amount of money, but important in an effort to preserve these missions and the historical and cultural history that they embody. I support the bill and urge its adoption by the House today.

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

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

Mr. PALLONE. Mr. Speaker, I yield 6 minutes to the gentleman from California (Mr. FARR).

Mr. FARR. Mr. Speaker, I rise in support of H.R. 1446, which is known as the California Missions Preservation Act. This is truly a bipartisan piece of legislation cosponsored by 48 of my California colleagues. I also want to thank the efforts of the gentleman from California (Mr. POMBO) and the gentleman from West Virginia (Mr. RAHALL) for moving this legislation to the floor today.

Mr. Speaker, even before the fuse that led to the explosion of American independence was lit at the Boston Tea Party, the first California mission was established in San Diego in 1769. The last mission in the chain was established in 1823 in Sonoma. All 21 missions are California registered historical landmarks, seven of which have Federal status of national historical landmarks. I am fortunate to have five of the 21 missions in my congressional district extending along the coast of California on what is known as the El Camino Real, or the King's Highway, that would link the missions, now commonly known as Highway 101. Those missions are in Santa Cruz, in San Juan Bautista, in the city of Soledad, a mission called San Antonio de Padua which is in Fort Hunter Liggett; and in my own hometown of Carmel, San Carlos Borromeo del Rio Carmelo, known as Carmel Mission.

The California missions represent a historic vein running through the State from the south to the north. They also symbolize the east to west exploration that expanded our Nation to its four corners. Of all the institutions that define California's heritage, none has the historic significance and emotional impact of the chain of Spanish missions that stretch from San Diego to Sonoma. The missions are an important part of the State's cultural fabric and must be preserved as priceless historic monuments. They are a living link to our past.

The missions stand as landmarks of more than 2 centuries and are recognized for the important impact they have had on the development of California, including California art, architecture, agriculture, food, music, language, apparel, and recreation. The missions help drive tourism, the State's third largest industry. These symbols of California are the most visited historical attractions in the State, attracting over 5.3 million visitors a year. They account for a sizable contribution to the State's economy from millions of tourists, including a large number of international visitors. And they have become synonymous with the State's fourth grade curriculum. Students build mission models and write research reports as part of California history lessons. This serves as an important education function in teaching young students about the role of missions in the history of our State and our Nation.

For 230 years, the missions have stood as symbols of Western exploration and settlement. Time, natural deterioration, and neglect have taken a toll on the missions. Some are crumbling and are at risk of full destruction. Most need preservation and seismic work to restore their antique beauty and bring them up to modern safety standards. Without immediate repairs, these centuries-old structures could be lost. The need is urgent and of near-crisis proportions: rotting roofs, cracking tiles, crumbling adobe. The backlog of needed repairs is long, the price tag is high, and the message is clear: the California missions need our help. Now.

H.R. 1446 will provide an important step toward addressing some of the most severe problems the missions are facing. This legislation provides authorization for funding of up to $10 million over 5 years. In partnership with the State of California and in partnership with the California Missions Foundation, a statewide funding campaign has begun. Under this legislation, the process requires that each mission submit a list to the foundation of its most urgent preservation needs. All mission repairs and restoration projects are reviewed, approved, and supervised by professionals qualified in the disciplines of history, history archaeology, architectural history, planning, architecture, folklore, cultural anthropology, curation, conservation, landscape architecture, or related fields. Projects must be accomplished in accordance with the applicable Secretary of the Interior's standards for the treatment of historical properties. All repairs and capital improvements must have competitive bids, which the foundation's funding review committee reviews. The foundation board of directors assesses the proposal and has final approval on all restoration projects funded. The missions are required to submit timely progress reports and an accounting to the foundation on all projects funded.

Since the Spanish friars and native peoples joined together in building these settlements, the land we call California has been shaped and influenced by what they accomplished in the most ambitious undertaking. From the vineyards of Sonoma to the ranches of Santa Barbara to the adobe arcades and red tile roofs of San Diego, the California missions have left their mark on who we are and what we have become.

H.R. 1446 presents us with the opportunity to address the needs of the missions and to preserve an integral part of our Nation's history and the heritage of the West that combines with the East to make this truly the United States.

Ms. WOOLSEY. Mr. Speaker, I rise in support of H.R. 1446, the California Missions Preservation Act. I would like to thank the gentleman for introducing this bill, and I am proud to be an original cosponsor.

The California Missions provide such an important part of California's past and their history can be traced to 1493, just after the discovery of America. The sixth district of California, north of San Francisco and just over the Golden Gate Bridge, which I am pleased to represent, is fortunate to have one of these missions and another just outside of the sixth district that my constituents visit.

The San Raphael mission was originally built in 1817 as an outpost chapel of the San Francisco mission. Named for Saint Raphael, the angel of bodily healing, it was thought that the sunny hillside on the north side of the bay would be a good place for the sick to convalesce. In fact, it is the first known sanitarium in California. In five years it was a healthy settlement and became an independent mission on October 19, 1822. After it was secularized, the mission fell into ruin and in 1854 the original mission was torn down. In 1947 a new mission was built, near the original site, based on a painting of the old mission.

The San Francisco Solano Mission, founded in 1823, was the last and most northerly of the 21 Franciscan missions of Alta California. Sonoma Mission, as it is popularly called, was the dedicated goal of the young and zealous Padre Jose Altimira. He headed into the northern wilderness to find a more healthy location for a mission than the crowded San Francisco de Asis Mission. In Sonoma Valley he found his ideal location, with fertile soil and mild, sunny climate.

Secularization of the mission in 1834 was followed by neglect and decay. In 1881 the church and padres' quarters were sold and used as a hay barn, winery and blacksmith shop. However, the mission was rescued from disintegration in 1903 when it was bought by the Historic Landmarks League and turned over to the State. Full restoration began in 1911.

There is still more to do to restore these historic treasures. It is important that we save these missions so that we can pass on their

history to future generations. Mr. Speaker, I urge my colleagues to join me in support of this bill.

Ms. LEE. Mr. Speaker, I would like to acknowledge my California colleagues, Congressman FARR, Congressman DREIER, Congressman CALVERT and Congresswoman CAPPS for leading the effort on this important legislation.

Preserving our California culture, art and history is a priority for our entire delegation as evidenced by this bill's long list of cosponsors. The $10 million this legislation provides for the 21 missions will stimulate our economy through tourism, the minds of our youth through education, and will help preserve our history for generations to come. I am a proud supporter of this bi-partisan endeavor to save and restore our historic landmarks.

Ms. PELOSI. Mr. Speaker, I am pleased to rise in support of H.R. 1446, the California Missions Preservation Act. This legislation will provide $10 million in matching grants for the preservation of California's 21 historic missions, to be matched with $50 million in private donations. The missions are the most frequently visited historical attractions in the state, receiving more than 5.3 million visitors annually.

As every California schoolchild learns, the missions shaped the future of California. Built between 1769 and 1798, the missions were the first European settlements in our region and formed a chain along the coast from San Diego to Sonoma. Each mission became a bustling settlement inhabited by Europeans and Native Americans.

Mission San Francisco de Asis, the sixth mission to be created, was founded on June 29, 1776, just give days before the signing of the Declaration of Independence on the opposite side of the continent. Popularly known as Mission Dolores, it grew to become the great City of San Francisco. It now lies near the geographic center of the city and at the heart of the city's cultural and religious life.

Built with adobe and massive beams of sequoia wood, Mission Dolores survived the devastating earthquake of 1906 practically without damage. But as the oldest building in San Francisco, Mission Dolores is suffering the ravages of time and heavy usage. The main altar, two side alters, the statuary, the gardens, and the cemetery are in need of repair and restoration. The mission museum must be enlarged and upgraded to ensure that mission artifacts are properly preserved and protected. Funds are needed for the construction of a memorial honoring the Native Americans on whom the success and the very survival of the mission depended.

While Mission Dolores needs significant repairs and improvements, some of the other missions are at even greater risk, needing seismic retrofits to ensure that they survive the next earthquake. If we lose these missions, we will lose an essential strand in the fabric of our state's history. I urge my colleagues to vote for the California Missions Preservation Act.

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

Mr. RENZI. 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 Arizona (Mr. RENZI) that the House suspend the rules and pass the bill, H.R. 1446.

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.

REPEALING RESERVATION OF MINERAL RIGHTS IN LIVINGSTON PARISH, LOUISIANA

Mr. RENZI. Mr. Speaker, I move to suspend the rules and pass the bill (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.

The Clerk read as follows:

H.R. 542

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

SECTION 1. REPEAL OF RESERVATION OF MINERAL RIGHTS, LIVINGSTON PARISH, LOUISIANA.

(a) AMENDMENTS.—Section 102 of Public Law 102–562 (106 Stat. 4234) is amended—

(1) by striking ''(a) IN GENERAL.—'';

(2) by striking ''and subject to the reservation in subsection (b),''; and

(3) by striking subsection (b).

(b) IMPLEMENTATION OF AMENDMENT.—The Secretary of the Interior shall execute the legal instruments necessary to effectuate the amendment made by subsection (a)(3).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. RENZI) and the gentleman from New Jersey (Mr. PALLONE) each will control 20 minutes.

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

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

H.R. 542, introduced by the gentleman from Louisiana (Mr. BAKER), would give private citizens in Livingston Parish, Louisiana, mineral rights that have been rightfully theirs for generations. The 640 acres of land in question were held in private ownership when the United States purchased the Louisiana Territory from France in 1803; but due to poor recordkeeping by French colonial authorities, the Federal Government ultimately came into possession of the title to this property.

The citizens who rightfully held the land remained on the land for nearly 2 centuries. In 1825, an order of survey was signed by a Federal agent asserting the landowner's claim to the land, but those documents were never filed in Washington. Again, in 1875 the owners' claim was acknowledged but a land patent was never issued. Finally, in the late 1960s and early 1970s, the Federal Government surveyed the inventory of Louisiana properties and discovered that no patent had been issued for the Livingston Parish properties in question. While some legislative attempts were made, it was not until 1992 that the gentleman from Louisiana (Mr. BAKER) and Senator J. Bennett Johnston passed legislation that conveyed the surface rights of the land to its rightful owners. That bill did not convey the mineral rights to the private owners. Historical precedent, however, shows that the mineral rights should have been conveyed to them at the time, since private landholders in the Louisiana Purchase territory were given title to both surface and subsurface property rights.

Because the Federal Government was never actually entitled to the 640 acres in Livingston Parish, the mineral rights should be conveyed to the rightful and patient owners of this property. Incidentally, there is currently no oil and gas development on these lands and the U.S. Geological Survey reports potential for only marginal minerals production. H.R. 542 conveys these property owners their mineral rights and corrects a 200-year-old bureaucratic error.

I urge my colleagues to support the legislation.

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

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

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

Mr. PALLONE. Mr. Speaker, H.R. 542 would repeal the reservation of mineral rights made by the United States when lands in Livingston Parish, Louisiana, were conveyed by Public Law 102–562, which was enacted in 1992. The Congressional Budget Office's cost estimate of the proposed legislation found that any foregoing receipts to the United States would be negligible.

Mr. Speaker, we would have preferred that this bill be considered under regular order with a hearing in the Committee on Resources prior to markup and floor consideration. However, we will not object to its consideration today.

□ 1500

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

Mr. RENZI. Mr. Speaker, I yield such time as he may consume to the gentleman from Louisiana (Mr. BAKER), the author of this bill.

Mr. BAKER. Mr. Speaker, I thank the gentleman for yielding me this time, and I wish to express my appreciation to him and the minority for their courtesies extended in the consideration of this important measure.

As has been previously recited, at the time of the Louisiana Purchase in 1803, the French law provided that the State at that time would maintain control of mineral rights. Upon the acquisition of the property by the United States Government, there was an effort to restore mineral rights with surface rights. On March 3, 1819, Congress passed an act adjusting the claims to land, establishing land offices in the district east of the island of New Orleans. Specifically, this was aimed at the property now in question.

For some 200 years, the property rights and mineral rights have been legally and arbitrarily separated. In 1992,

I offered legislation which conveyed only surface rights of the property to the landowners now awaiting resolution. At that time, there was some debate as to the value of these mineral rights to the United States Government. Pursuant to the intervening decade, there is now a geological survey determination that any such value would be so minimal in effect as to not adversely affect any taxpayer interest by transferring these unquestioned mineral rights to the rightful owner.

I respectfully request that the House do now consider and adopt H.R. 542 in order to restore the property rights with mineral rights to those who have been waiting 200 years for resolution.

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

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

The SPEAKER pro tempore (Mr. BOOZMAN). The question is on the motion offered by the gentleman from Arizona (Mr. RENZI) that the House suspend the rules and pass the bill, H.R. 542.

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.

INTERNATIONAL FISHERIES REAUTHORIZATION ACT OF 2003

Mr. RENZI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2048) to extend the period for reimbursement under the Fishermen's Protective Act of 1967, and to reauthorize the Yukon River Restoration and Enhancement Fund, as amended.

The Clerk read as follows:

H.R. 2048

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 ''International Fisheries Reauthorization Act of 2003''.

SEC. 2. EXTENSION OF PERIOD FOR REIMBURSEMENT UNDER FISHERMEN'S PROTECTIVE ACT OF 1967.

Section 7(e) of the Fishermen's Protective Act of 1967 (22 U.S.C. 1977(e)) is amended by striking ''2003'' and inserting ''2008''.

SEC. 3. REAUTHORIZATION OF YUKON RIVER SALMON ACT OF 2000.

Section 208 of the Yukon River Salmon Act of 2000 (16 U.S.C. 5727) is amended by striking ''2000'' and all that follows through ''2003'' and inserting ''2004 through 2008''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. RENZI) and the gentleman from New Jersey (Mr. PALLONE) each will control 20 minutes.

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

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

Mr. Speaker, H.R. 2048 reauthorizes two important laws dealing with international fisheries: the Fishermen's Protective Act and the Yukon River Salmon Act.

At the hearing the Fisheries Conservation, Wildlife and Oceans Subcommittee held on May 22, 2003, we heard from the Departments of State, Interior, and Commerce on the significance of these two laws. Without going into any of the details about the successes of these two laws, let me state that reauthorizing these laws will provide Federal assistance to important conservation work being done on the shared salmon stocks of the Yukon River. Without a new agreement on the shared Yukon River stocks, we are not able to work together with Canada on research, restoration, and management of these unique salmon stocks.

In addition, this legislation will continue an important self-funded insurance program for U.S. fishermen who fish outside of U.S. waters as well as maintain a critical provision in the Fishermen's Protective Act that allows the United States to take action against nations that are not in compliance with international fishery conservation and management agreements.

At a time when there has been much media attention on the status of our marine fisheries and in particular those large, highly-migratory species, the Pelly Amendment allows the United States to hold our trading partners accountable if they are not in compliance with internationally-agreed-upon management regimes.

This legislation is a critical component to continuing the process we are making on sustainable international fishery agreements, and I urge Members to support this important legislation.

Mr. Speaker, I urge my colleagues to support H.R. 2048.

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

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

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

Mr. PALLONE. Mr. Speaker, I rise in support of the bill.

Effective international fisheries agreements are critical for both economic and ecological reasons. Improper or unfair management of international fisheries costs our constituents millions of dollars in lost revenue each year. And our oceans are a global resource: fish and habitats on which they depend do not respect national boundaries. This bill, H.R. 2048, would reauthorize two important fisheries laws: the Fishermen's Protective Act and the Yukon River Salmon Act.

Congress has both a right and a duty to protect our fishermen's interests in the global resources market. It remains vital that our fishermen are able to work harmoniously with fishermen from neighboring countries, and reauthorization of these acts will ensure future cooperation.

Mr. Speaker, I want to thank the gentleman from Maryland (Mr. GILCHREST), chairman of the Subcommittee on Fisheries Conservation, Wildlife and Oceans, for introducing this legislation and in expediting its consideration by the committee. And I also want to commend the gentleman from California (Mr. POMBO), chairman of the Committee on Resources, and his staff for their cooperation in working with Democratic Members to clear this noncontroversial legislation for the floor. I urge the House to adopt the bill.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. RENZI) that the House suspend the rules and pass the bill, H.R. 2048, as amended.

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

The title of the bill was amended so as to read: ''A bill to extend the period for reimbursement under the Fishermen's Protective Act of 1967, and to reauthorize the Yukon River Salmon Act of 2000.''

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. RENZI. 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 the bills, H.R. 1446, H.R. 542, and H.R. 2048.

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

There was no objection.

EDWARD O'GRADY, WAVERLY BROWN, PETER PAIGE POST OFFICE BUILDING

Mr. SHAYS. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1591) 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.''

The Clerk read as follows:

S. 1591

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

SECTION 1. DESIGNATION OF BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 48 South Broadway, Nyack, New York, and known as the ''Nyack Post Office'' shall be known as the ''Edward O'Grady, Waverly Brown, Peter Paige 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 shall be deemed to be a reference to

the ''Edward O'Grady, Waverly Brown, Peter Paige Post Office Building''.

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

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

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, S. 1591 introduced by Senator CHARLES SCHUMER of New York, designates this postal service facility in Nyack, New York as the ''Edward O'Grady, Waverly Brown, Peter Paige Post Office Building.'' The three namesakes of this post office designation were tragically killed during a malicious robbery of a Brinks Corporation armored vehicle on October 20, 1981, 22 years ago today. This bill has already passed the other body, and I am pleased the House is taking it up today.

On that dreadful October day in 1981, a gang attacked a Brinks armored car in broad daylight outside a shopping mall in the New York City suburb of Nyack. The two guards, Peter Paige and Joseph Trombino, were both shot, and Paige died from his wounds. The ruthless gang also shot and killed Nyack police officers Edward O'Grady and Waverly Brown, who courageously responded to the robbery.

Mr. Speaker, this senseless, wicked crime ended the lives of these three men who were each carrying out their daily duties 22 years ago today. With the enactment of S. 1591, this post office in Nyack will forever carry the names of these three slain heroes.

Peter Paige dutifully served the Brinks Corporation for 25 years as a security guard prior to the 1981 robbery. He was a gentle, yet diligent man, who was known by his colleagues, friends, and family for his selflessness.

Waverly Brown was a caring and disciplined Nyack police officer who earned a reputation as a no-nonsense law enforcer. In addition, Officer Brown was known for his aptitude in the kitchen, as he regularly prepared meals for his fellow officers at his station.

Edward O'Grady also served with the police force in the Village of Nyack. Prior to his police service, Mr. O'Grady was a Marine who served two tours, two tours, in Vietnam. He also selflessly worked with the Volunteer Fire Department in his hometown of Nyack.

Mr. Speaker, I commend the Senator from New York for helping us all to remember the wonderful lives as well as the sacrifices of Edward O'Grady, Waverly Brown, and Peter Paige. I also congratulate the Senator for having S. 1591 considered by the House, and I want to recognize the gentleman from New York (Mr. ENGEL) for introducing an identical piece of legislation, H.R. 3167, in this body. He, certainly, also should be commended for his work to commemorate the lives of these three men.

Mr. Speaker, I strongly urge all Members to support the passage of S. 1591.

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

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

As a member of the Committee on Government Reform, I rise in support of S. 1591, legislation naming a postal facility in Nyack, New York, after Edward O'Grady, Waverly Brown, and Peter Paige. This measure was introduced by Senator CHARLES SCHUMER on September 8, 2003. S. 1591 was unanimously passed by the Senate and unanimously approved by the Committee on Government Reform. The gentleman from New York (Mr. ENGEL) has an identical bill, H.R. 3167, that has met the committee cosponsorship policy and has the support of the entire New York delegation.

Twenty-two years ago on October 20, 1981, members of a radical group, the Weather Underground, killed two police officers and a Brinks guard in two separate but deadly incidents. On that Wednesday, gunmen held up an armored vehicle just outside the Nanuet National Bank and killed Brinks guard Peter Paige. Minutes later, while on the run, the killers opened fire and mortally wounded two Nyack policemen, Edward O'Grady and Waverly Brown. These men paid the ultimate sacrifice for doing their job and died in the line of duty.

Mr. Speaker, I commend Senator SCHUMER and the gentleman from New York (Mr. ENGEL) for seeking to honor the memory of these slain individuals by naming a postal facility in their honor. I am indeed pleased to join with the gentleman from Connecticut (Mr. SHAYS) in consideration of this measure and urge its swift passage.

□ 1515

Mr. DAVIS of Illinois. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. ENGEL), the sponsor of this legislation.

Mr. ENGEL. Mr. Speaker, I thank my friend from Illinois for yielding time, as well as my friend from Connecticut.

Mr. Speaker, I rise in support of S. 1591, legislation I have worked on with our Senator, Senator SCHUMER, to name the United States Postal Service facility at 48 South Broadway in Nyack, New York, in my district, after three heroes: Nyack Police Officers Edward O'Grady and Waverly Brown, and Brinks Guard Peter Paige.

I am proud to have introduced H.R. 3167, the House version of this bill, that has the support of the entire 29-member New York State delegation in the House. It is a true testament to those three brave men who helped prevent the deaths of countless others 22 years ago today when an armed gang attempted to rob a Brinks armored truck in the middle of the day at a crowded mall with no regard for the lives that would fall in their wake. The naming of this Federal building will serve as a living memorial to these fine men who made the ultimate sacrifice while serving their community.

Mr. Speaker, there are few events that rock a community such as this. To this day, the people of Rockland County can recount the events of October 20, 1981, as if it were yesterday. This wonderful, tranquil community was awakened by the stark gunfire of a gang of heavily armed murderers and thieves who struck at the heart of the community, the Nanuet Mall, where children and families shop, eat, and spend time throughout the year. This brazen act forever changed Rockland County and the families of those gunned down.

It is reassuring to know that Peter Paige, Edward O'Grady, and Waverly Brown did not die in vain. After this horrific incident, Rockland County implemented new training measures and policies that have saved the lives of many officers over the last 22 years.

In addition to better coordination with State and Federal agencies, the Rockland County Police Department also began rigorous new training programs designed to deal with these types of crises. These new policies undoubtedly enhanced the Rockland PD's response to September 11 and the subsequent war on terror.

Also, every year on October 20, and as we are speaking now this is happening at this moment, the community gathers at a park on the Hudson River dedicated to their memory to honor their lives and their heroism. Today, the loved ones of these fine men are there remembering their son, their father, their friend. I am honored and humbled to inform them that the House of Representatives is recognizing them as well, and that the memory will be forever imprinted on Rockland County and, indeed, on our entire Nation.

This honor comes at a difficult time for the families of the victims as a participant in the robbery, Kathy Boudin, was recently paroled. Although she has regained her freedom, the lives of Edward O'Grady, Waverly Brown, and Peter Paige can never be replaced and the wounds their families and friends and the community still feel can never be healed. So, again, this is a fitting tribute to the memory of those lost and the lives of those still with us who grieved for their loved ones.

Mr. Speaker, I want to thank both the chairman of the Committee on Government Reform, the gentleman from Virginia (Mr. TOM DAVIS), and the ranking member, the gentleman from California (Mr. WAXMAN), for moving

this legislation quickly through the committee and to the floor so it can be considered today, the exact anniversary of that tragic day.

I also want to thank the majority leader, the gentleman from Texas (Mr. DELAY), for his help and cooperation in facilitating this process, and the minority leader, the gentlewoman from California (Ms. PELOSI), for her support today. In addition, today would not be possible without the tireless work of our Senator, CHUCK SCHUMER, and the entire New York delegation, who have come together as New Yorkers do in a time of need and have unanimously supported this legislation.

Mr. ENGEL. Mr. Speaker, I rise in support of S. 1591, legislation I am working on together with Senator SCHUMER, to name the United States Postal Service facility at 48 South Broadway in Nyack after three heroes, Nyack Police Officers Edward O'Grady and Waverly Brown, and Brinks Guard Peter Paige. I am proud to have introduced H.R. 3167, the House version of this bill that has the support of the entire New York delegation. It is a true testament to these brave men who helped prevent the deaths of countless others 22 years ago when an armed gang attempted to rob a Brinks Armored Truck in the middle of the day at a crowded mall with no regard for the lives that would fall in their wake. The naming of this federal building will serve as a living memorial to these fine men who made the ultimate sacrifice while serving their community.

Mr. Speaker, there are few events that rock a community such as this. To this day, the people of Rockland County can recount the events of October 20, 1981, as if it were yesterday. This wonderful, tranquil community was awakened by the stark gunfire of a gang of heavily armed murderers and thieves who struck at the heart of the community, the Nanuet Mall, where children and families, shop, eat, and spend time throughout the year. This brazen act forever changed Rockland County and the families of those gunned down.

It is reassuring to know that Peter Paige, Edward O'Grady, and Waverly Brown did not die in vain. After this horrific incident, Rockland County implemented new training measures and policies that have saved the lives of many officers over the last 22 years. In addition to better coordination with state and federal agencies, the Rockland County Police Departments also began rigorous new training programs designed to deal with these types of crisis. These new policies undoubtedly enhanced the Rockland PD's response to September 11th and the subsequent war on terror. Also, every year on October 20th, the community gathers at a park on the Hudson River dedicated to their memory to honor their lives and their heroism. Today, the loved ones of these fine men are there—remembering their son, their father, their friend. I am honored and humbled to inform them that the House of Representatives is recognizing them as well, and that their memory will be forever imprinted on Rockland County, and our entire Nation.

This honor comes at a difficult time for the families of the victims as a participant in the robbery, Kathy Boudin, was recently paroled. Although she has regained her freedom, the lives of Edward O'Grady, Waverly Brown, and Peter Paige can never be replaced and the wounds their families and friends still feel can never be healed. So again, this is a fitting tribute to the memory of those lost and the lives of those still with us who grieve for their loved ones.

Mr. Speaker, I want to thank both Chairman TOM DAVIS and Ranking Member HENRY WAXMAN for moving this legislation quickly through the Committee and to the floor so it could be considered today on the anniversary of that tragic day. I also want to thank Majority Leader TOM DELAY for his help and cooperation in facilitating this process and Minority Leader NANCY PELOSI for her support. In addition, today would not be possible without the tireless work of Senator CHUCK SCHUMER, and the entire New York delegation who have come together as New Yorkers do in a time of need and have unanimously supported this legislation.

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

Mr. SHAYS. Mr. Speaker, thanking Members for their cooperation, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BOOZMAN). The question is on the motion offered by the gentleman from Connecticut (Mr. SHAYS) that the House suspend the rules and pass the Senate bill, S. 1591.

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.

BRIGADIER GENERAL (AUS-RET.) JOHN H. MCLAIN POST OFFICE

Mr. SHAYS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3068) to designate the facility of the United States Postal Service located at 2055 Siesta Drive in Sarasota, Florida, as the ''Brigadier General (AUS-Ret.) John H. McLain Post Office''.

The Clerk read as follows:

H.R. 3068

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

SECTION 1. BRIGADIER GENERAL (AUS-RET.) JOHN H. MCLAIN POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 2055 Siesta Drive in Sarasota, Florida, shall be known and designated as the ''Brigadier General (AUS-Ret.) John H. McLain Post Office''.

(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 Brigadier General (AUS-Ret.) John H. McLain Post Office.

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

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

GENERAL LEAVE

Mr. SHAYS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3068.

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

There was no objection.

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

Mr. Speaker, I am happy to join with the gentleman from Illinois (Mr. DAVIS) to introduce H.R. 3068, which was introduced by my colleague, the gentlewoman from Florida (Ms. HARRIS), which designates this U.S. Postal Service facility in Sarasota, Florida, as the Brigadier General John H. McLain Post Office. The entire delegation from the State of Florida has signed on as cosponsors to this legislation.

Mr. Speaker, Brigadier General John McLain was a national hero who this body appropriately recognizes today. A veteran of both World War II and the Korean War, General McLain served his Nation in the U.S. Army for 37 years. He earned countless honors during his career, including the Bronze Star, Meritorious Service Medal, and the Legion of Merit.

John McLain was born in Pittsburgh, Pennsylvania, on January 21, 1919. After finishing high school, he enlisted in the Army in 1940. His very enlistment at this time exhibited bravery and a love of country, as Hitler's Nazi Germany had already invaded several countries in Europe by this time at the outbreak of World War II. Sure enough, McLain was soon sent to Europe as part of General George Patton's Third Army. He fought bravely during the infamous Battle of the Bulge that began in December 1944 and was promoted to the rank of captain for his valor.

When he returned to his hometown following World War II, McLain enrolled at the University of Pittsburgh, where he graduated with honors in 1947. As war erupted in Korea, Captain McLain volunteered for active duty, despite being a Reserve in the Army. During the war, he served as a senior advisor with the Korean Military Advisory Group. After he returned safely home from his second war in 1953, he returned to the University of Pittsburgh, where he earned his second degree, this time a master of arts.

The Korean War concluded General McLain's distinguished combat service, but he remained in the Army Reserves until his retirement in 1977. He deservedly earned the rank of brigadier general in 1972. It is important to note that the general spent much of his years following his active duty teaching. He taught English classes at Florida State University in Tallahassee, Admiral Farragut Academy in St. Petersburg, Florida, and St. Petersburg High School in Edgewood, Pennsylvania. He also returned to his alma mater to teach English history classes at the University of Pittsburgh.

From the time of his retirement until his death, General McLain lived in Sarasota with his wife of 50 years,

Patricia Ann. He contributed to his community by volunteering countless hours at schools and organizations in the Sarasota area.

Mr. Speaker, for all these reasons, I urge all Members to support passage of H.R. 3068 that will name this post office after Brigadier General John McLain. General McLain will be laid to rest in Arlington National Cemetery on November 5 with full military honors.

Mr. Speaker, I thank the gentlewoman from Florida for her work toward honoring General McLain through this legislation.

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, as a member of the Committee on Government Reform, I am pleased to join with my colleague, the gentleman from Connecticut (Mr. SHAYS), in support of H.R. 3068, legislation naming a postal facility in Sarasota, Florida, after Brigadier General John H. McLain.

This measure was introduced by the gentlewoman from Florida (Ms. HARRIS) on September 10, 2003. H.R. 3068, which was unanimously approved and reported by the Committee on Government Reform on September 18, 2003, has the support and cosponsorship of the entire Florida congressional delegation.

General McLain served his country bravely for nearly 4 decades, both on active duty and as a Reservist. He enlisted in the United States Army in 1940 and served in World War II and the Korean War. He attained the rank of brigadier general in 1972 and was inducted into the Field Officer Candidate School Hall of Fame in 1976. During his career, he received the Legion of Merit, the Bronze Star Medal, Meritorious Service Medal, and the United Nations Service Medal, among others.

An active member of his community, General McLain passed away last month on September 23, 2003. He left behind a wife, four children, grandchildren, and a great grandchild. General McLain will be buried with full military honors in Arlington National Cemetery on November 5, 2003.

Mr. Speaker, naming a postal facility after the late General John H. McLain continues in our tradition of honoring individuals of great character and service to their community and to their country. I urge swift passage of this bill.

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

Mr. Speaker, I would like to thank the gentleman from Illinois (Mr. DAVIS) for his help in passage of both these pieces of legislation. I also know the gentlewoman from Florida (Ms. HARRIS) badly wanted to be here for consideration of H.R. 3068. I commend her for her work on this bill.

Mr. Speaker, this legislation honors a devoted American patriot, Brigadier General John H. McLain. I, along with the gentleman from Illinois (Mr. DAVIS), urge all Members to support its passage.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Connecticut (Mr. SHAYS) that the House suspend the rules and pass the bill, H.R. 3068.

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 TITLE XXI OF THE SOCIAL SECURITY ACT

Mr. UPTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3288) to amend title XXI of the Social Security Act to make technical corrections with respect to the definition of qualifying State.

The Clerk read as follows:

H.R. 3288

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

SECTION 1. TECHNICAL CORRECTIONS RELATING TO THE DEFINITION OF QUALIFYING STATE UNDER TITLE XXI OF THE SOCIAL SECURITY ACT.

Effective as if included in the enactment of Public Law 108–74, section 2105(g)(2) of the Social Security Act, as added by section 1(b) of such Act, is amended—

(1) by striking ''185'' the first place it appears and inserting ''184'';

(2) by inserting ''August 1, 1994, or'' before ''July 1, 1995''; and

(3) by inserting before the period at the end the following: '', or, in the case of a State that had a statewide waiver in effect under section 1115 with respect to title XIX that was first implemented on October 1, 1993, had an income eligibility standard under such waiver for children that was at least 185 percent of the poverty line and on and after July 1, 1998, has an income eligibility standard for children under section 1902(a)(10)(A) or a statewide waiver in effect under section 1115 with respect to title XIX that is at least 185 percent of the poverty line''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. UPTON) and the gentleman from New Jersey (Mr. PALLONE) each will control 20 minutes.

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

GENERAL LEAVE

Mr. UPTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3288.

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

There was no objection.

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

Mr. Speaker, I rise today in support of H.R. 3288 and urge swift passage of this bipartisan bill. H.R. 3288 corrects technical errors in the recently enacted State Children's Health Insurance Program, S–CHIP, legislation. This important legislation extended the availability of State S–CHIP allotments from prior years to allow States to use this money to continue to provide health care coverage for children. The bill also permitted certain States that had previously covered children with higher incomes through their Medicaid program prior to the creation of S–CHIP to use a small portion of their S–CHIP allotments to pay for the costs associated with covering these children.

Unfortunately, a definition included in the new S–CHIP law inadvertently excluded a number of States. As a result, New Mexico, Maryland, Hawaii, and Rhode Island were barred from being able to use their allotments to pay for the expenses of their kids with higher incomes.

It was always the intent of the sponsors of the S–CHIP legislation that these States would be allowed to use their money in this way. For that reason, my chairman, the gentleman from Louisiana (Mr. TAUZIN), and the ranking member, the gentleman from Michigan (Mr. DINGELL), introduced H.R. 3288, which amends the definition of eligible States to correct the technical error.

I would urge all Members to unanimously support this bipartisan bill, which would allow these States to use a portion of their S–CHIP allotments to provide health coverage for their low-income children.

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

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

Mr. Speaker, I also rise in support of H.R. 3288. First, I also want to thank the gentleman from Louisiana (Chairman TAUZIN) and our ranking member, the gentleman from Michigan (Mr. DINGELL), for working in a spirit of bipartisan cooperation on this issue. Our Committee on Energy and Commerce has repeatedly worked together to deal with issues related to the State Children's Health Insurance Program, or S–CHIP.

□ 1530

As recently as July, we developed a compromise to protect health care coverage for hundreds of thousands of children under the SCHIP program.

The SCHIP program was enacted in 1997 and currently provides health care coverage to approximately 4.3 million children, but there have been some growing pains. The State funding allotment mechanism has not worked perfectly. And, as a result, some States have been left with excess funding and others with too little funding.

In July, we passed legislation that preserved the nearly $1.2 billion of funding intended for children's health insurance coverage from returning to the Treasury, not for lack of need but

as a result of these problems with the funding allocation.

In addition, the bill passed in July extended, for one additional year, the availability of $1.5 billion in SCHIP funds from fiscal years' 2000 and 2001 allotments, thereby allowing 50 percent of each year's unspent money to be retained by States that have not used their entire allotment.

The remaining 50 percent of unspent money was distributed to States that have spent all of their respective year's allotment, and New Jersey is one of those states.

Finally, the bill allowed certain States to use a portion of their unspent funds for children covered through Medicaid.

Mr. Speaker, unfortunately there were technical errors in that bill which inadvertently excluded New Mexico, Maryland, Hawaii, and Rhode Island. And as a result these four States were unable to receive their portions of these allotments which assisted them in providing health coverage to the children of their State. Neither the gentleman from Louisiana (Mr. TAUZIN) nor the gentleman from Michigan (Mr. DINGELL) intended this to happen so they introduced H.R. 3288 to correct this technical error.

Again, I want to thank the chairman for his efforts to move this legislation forward to make it possible for these four States to receive their allotment and protect health care for children under SCHIP. I hope that the Senate will act quickly, so that we can get this bill to the President's desk and expedite the flow of needed funding for children's health care.

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

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

The SPEAKER pro tempore (Mr. BOOZMAN). The question is on the motion offered by the gentleman from Michigan (Mr. UPTON) that the House suspend the rules and pass the bill, H.R. 3288.

The question was taken.

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

Mr. UPTON. 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.

RECESS

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

Accordingly (at 3 o'clock and 34 minutes p.m.) the House stood in recess until approximately 6:30 p.m.

□ 1831

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DUNCAN) at 6 o'clock and 31 minutes p.m.

QUESTION OF PRIVILEGES OF THE HOUSE

Mr. MCDERMOTT. Mr. Speaker, pursuant to rule IX, I rise to a question of privileges of the House, offer a resolution, and ask for its immediate consideration.

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

The Clerk read the resolution, as follows:

RESOLUTION

Correcting the Record of Tuesday, January, 28, 2003.

Resolved, That an asterisk be placed in the permanent Record of Tuesday, January 28, 2003, noting that the following statements contained in the State of the Union Address by the President of the United States are inaccurate:

(1) ''The British Government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa.''

(2) ''Our intelligence sources tell us that he has attempted to purchase high-strength aluminum tubes suitable for nuclear weapons production.''

(3) ''From intelligence sources, we know, for instance, that thousands of Iraqi security personnel are at work hiding documents and materials from the U.N. inspectors, sanitizing inspections sites, and monitoring the inspectors themselves.''

(4) ''Evidence from intelligence sources, secret communications, and statements by people now in custody reveal that Saddam Hussein aids and protects terrorists, including members of al Qaeda.''.

The SPEAKER pro tempore. The Chair will hear argument on the question of whether the resolution constitutes a question of the privileges of the House under rule IX.

The gentleman from Washington (Mr. MCDERMOTT) is recognized.

Mr. MCDERMOTT. Mr. Speaker, on Thursday, October 16, I gave notice of my intention to raise a question of privileges of the House.

Mr. Speaker, the first definition of rule IX(1) is ''affecting the rights of the House collectively, its safety, dignity, and the integrity of its proceedings.'' Rule IX is designed to give Members of the House the means to protect the dignity and integrity of this body, and that is what my resolution seeks to do.

I believe that our rights, our dignity, and our integrity are affected and are harmed when inaccurate statements are made in our Chamber and recorded in our official proceedings without note being taken that they are inaccurate. I believe that the integrity of the CONGRESSIONAL RECORD is harmed and the dignity of the body issuing the RECORD is harmed.

I am aware that it is conceivable that Members of this body may, at least in theory, at times make statements on the floor that might be shown to be inaccurate. When this occurs, however, other Members have the opportunity and the responsibility to engage in debate to identify the offending statements. Readers of the CONGRESSIONAL RECORD, citizens, future historians, have the opportunity to learn from our debate what is and is not accurate.

When the four statements I have identified were made in this Chamber on January 28, there was no such opportunity to engage the person making these statements in debate in order to identify the statements as inaccurate as there is normally in the House. Unless we act today, when future historians go back to examine our proceedings, they will find these four statements presented in the RECORD unchallenged.

Normally, dubious statements in the RECORD are not unchallenged. Normally, we collectively take responsibility for the accuracy of the statements made in the RECORD through our debate and discussion. The statements of January 28 were made outside the normal process Congress uses to identify inaccurate statements. Therefore, the only opportunity Congress has to protect the integrity of its proceedings is to identify in the RECORD the statements that are inaccurate.

I believe that the integrity of our proceedings, as protected under rule IX, requires the House to consider my resolution. To fail to consider this resolution would leave the implication that these statements were of no consequence, or that this body did not care to identify them as inaccurate. I do not think we can afford to leave that impression in a journal that will be examined in the future as a basis for writing the history of our entrance into the war.

Mr. Speaker, for that reason, I ask that we consider this resolution at this time.

The SPEAKER pro tempore. The Chair is prepared to rule.

The resolution alleges certain inaccuracies in the address of the President of the United States before a joint session of the two Houses earlier in this Congress and resolves that those precise statements be footnoted by asterisks in the permanent CONGRESSIONAL RECORD.

The Chair has examined precedents permitting questions of the privileges of the House to address the accuracy and propriety of the CONGRESSIONAL RECORD. In each of these occasions where questions of privilege have been permitted, it was alleged that a Member had been proceeding out of order, that remarks were improperly transcribed, or that unauthorized matter was inserted in the RECORD.

On several occasions, the Chair ruled that where remarks that were made in order were printed in the RECORD, collateral challenges under the guise of questions of privilege were not in order. (See Hinds V, 6974; Cannon's

VIII, 3469, 3498). While the Chair is not aware of any precedent with regard to the accuracy of an address by the President of the United States in a joint session, the Chair rules that allegations of factual inaccuracy in the contents of a speech, as opposed to the fidelity of its transcription, whether by the President or by a Member, are matters for subsequent proper debate and do not give rise to a question of the privileges of the House. To rule otherwise would be to permit collateral challenges under the guise of a question of privilege to the factual correctness of every word uttered, whether or not alleging the unauthorized inclusion of those remarks on the RECORD.

The Chair, therefore, rules that the resolution does not constitute a question of the privileges of the House under rule IX.

PARLIAMENTARY INQUIRY

Mr. MCDERMOTT. Mr. Speaker, further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. MCDERMOTT. Is the effect of your ruling that whatever the President says must be considered correct since we have no chance to debate him, we have no chance to question him?

The SPEAKER pro tempore. The Chair has ruled that debate over the next weeks or months in the House can go to the question of the factual accuracy of the previous statements of the President; but it would not be proper to do so in this type of resolution or in this form.

Mr. MCDERMOTT. So the body does not have a way to deal with the statements made in the State of the Union message? We must accept it, and there it is?

The SPEAKER pro tempore. The House has the right and the responsibility to respond to the President's address during subsequent debate.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H. Res. 356, by the yeas and nays;

H. Res. 400, by the yeas and nays; and

H.R. 3288, by the yeas and nays.

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

EXPRESSING SENSE OF HOUSE REGARDING MAN-MADE FAMINE THAT OCCURRED IN UKRAINE IN 1932–1933

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 356.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. HYDE) that the House suspend the rules and agree to the resolution, H. Res. 356, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 382, nays 0, not voting 52, as follows:

[Roll No. 563]

YEAS—382

Abercrombie
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capuano
Cardin
Cardoza
Carson (IN)
Carter
Castle
Chabot
Chocola
Clyburn
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Hall
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Matheson
Matsui
McCarthy (MO)
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)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Nethercutt
Neugebauer
Ney
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Quinn
Radanovich
Rahall
Rangel
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—52

Ackerman
Barton (TX)
Becerra
Bell
Brady (PA)
Brown, Corrine
Burr
Capps
Carson (OK)
Case
Clay
Coble
Davis (FL)
Delahunt
Doggett
Doolittle
Fattah
Fletcher
Ford
Gallegly
Gephardt
Gingrey
Gutierrez
Harman
Hoeffel
LaHood
Leach
Lewis (GA)
Lucas (OK)
Manzullo
Marshall
McCarthy (NY)
Neal (MA)
Northup
Owens
Pryce (OH)
Putnam
Ramstad
Reyes
Rogers (KY)
Roybal-Allard
Sessions
Simpson
Slaughter
Stark
Stenholm
Taylor (MS)
Visclosky
Vitter
Weiner
Wexler
Whitfield

□ 1858

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.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

HONORING THE 25TH ANNIVERSARY OF POPE JOHN PAUL II'S ASCENSION TO THE PAPACY

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 400, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. MCCOTTER) that the House suspend the rules and agree to the resolution, H. Res. 400, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 382, nays 0, not voting 52, as follows:

[Roll No. 564]

YEAS—382

Abercrombie
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capuano
Cardin
Cardoza
Carson (IN)
Carter
Castle
Chabot
Chocola
Clyburn
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Hall
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Matheson
Matsui
McCarthy (MO)
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)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Nethercutt
Neugebauer
Ney
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Quinn
Radanovich
Rahall
Rangel
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—52

Ackerman
Barton (TX)
Becerra
Bell
Brady (PA)
Brown, Corrine
Burr
Capps
Carson (OK)
Case
Clay
Coble
Davis (CA)
Davis (FL)
Delahunt
Doggett
Doolittle
Fattah
Fletcher
Ford
Gallegly
Gephardt
Gingrey
Gutierrez
Harman
Hoeffel
LaHood
Leach
Lewis (GA)
Lucas (OK)
Manzullo
Marshall
McCarthy (NY)
Neal (MA)
Northup
Owens
Pryce (OH)
Putnam
Ramstad
Reyes
Rogers (KY)
Roybal-Allard
Sessions
Slaughter
Stark
Stenholm
Taylor (MS)
Visclosky
Vitter
Weiner
Wexler
Whitfield

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1906

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. DAVIS of California. Mr. Speaker, on rollcall No. 564, had I been present, I would have voted "yea."

AMENDING TITLE XXI OF THE SOCIAL SECURITY ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 3288.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. UPTON) that the House suspend the rules and pass the bill, H.R. 3288, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 382, nays 0, not voting 52, as follows:

[Roll No. 565]

YEAS—382

Abercrombie
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burton (IN)
Buyer
Calvert
Camp
Cannon
Capito
Capuano
Cardin
Cardoza
Carson (IN)
Carter
Castle
Chabot
Chocola
Clyburn
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Hall
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Manzullo
Markey
Matheson
Matsui
McCarthy (MO)
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)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Nethercutt
Neugebauer
Ney
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Quinn
Radanovich
Rahall
Rangel
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Royce
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—52

Ackerman
Barton (TX)
Becerra
Bell
Brady (PA)
Brown, Corrine
Burr
Cantor
Capps
Carson (OK)
Case
Clay
Coble
Davis (FL)
Delahunt
Doggett
Doolittle
Fattah
Fletcher
Ford
Gallegly
Gephardt
Gingrey
Gutierrez
Harman
Hoeffel
LaHood
Leach
Lewis (GA)
Lucas (OK)
Marshall
McCarthy (NY)
Neal (MA)
Northup
Owens
Pryce (OH)
Putnam
Ramstad
Reyes
Rogers (KY)
Roybal-Allard
Ruppersberger
Sessions
Slaughter
Stark
Stenholm
Taylor (MS)
Visclosky
Vitter
Weiner
Wexler
Whitfield

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. DUNCAN) (during the vote). Members are advised 2 minutes remain in this vote.

□ 1922

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

APPOINTMENT AS MEMBER TO COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

The SPEAKER pro tempore. Pursuant to section 201(b) of the International Religious Freedom Act of 1998 (22 U.S.C. 6431 Note), amended by section 681(b) of the Foreign Relations Authorization Act, fiscal year 2003 (22 U.S.C. 2651 Note), the order of the House of January 8, 2003, and upon the recommendation of the minority leader, the Speaker appointed the following member on the part of the House to the Commission on International Religious Freedom for a 1-year term ending May 14, 2004, to fill the existing vacancy thereon:

Ms. Patricia W. Chang, San Francisco, California.

MAKING IN ORDER AT ANY TIME CONSIDERATION OF H.R. 2535, ECONOMIC DEVELOPMENT ADMINISTRATION REAUTHORIZATION ACT OF 2003

Mrs. BLACKBURN. Mr. Speaker, I ask unanimous consent that it shall be in order anytime without intervention of any point of order to consider in the House H.R. 2535; the bill shall be considered as read for amendment; the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure now printed in the bill, modified by the amendment that I have placed at the desk, shall be considered as adopted; all points of order against the bill, as amended, shall be waived; the previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except, one, 1 hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure; and, two, one motion to recommit, with or without instructions; and the amendment that I have placed at the desk shall be considered as read for purposes of this unanimous consent request.

The text of the amendment is as follows:

Page 15, line 25, strike the closing quotation marks and the final period and insert the following:

''(4) PRESERVATION OF SECURITIES LAWS.—

''(A) NOT TREATED AS EXEMPTED SECURITIES.—No securities issued pursuant to paragraph (2)(C) shall be treated as exempted securities for purposes of the Securities Act of 1933 or the Securities Exchange Act of 1934, unless exempted by rule or regulation of the Securities and Exchange Commission.

''(B) PRESERVATION.—Except as provided in subparagraph (A), no provision of this subsection or any regulation issued by the Secretary under this subsection shall supersede or otherwise affect the application of the securities laws (as such term is defined in section 2(a)(47) of the Securities Exchange Act of 1934) or the rules, regulations, or orders of the Securities and Exchange Commission or a self-regulatory organization thereunder.''.

Page 24, line 2, strike the period at the end and insert the following:

; except that recipients may use grant funds awarded under this section for the administrative costs of economic development activities.

Page 25, line 15, strike the period at the end and insert the following:

; except that recipients may use grant funds awarded under this section for the administrative costs of economic development activities.

At the end of the bill, add the following:

TITLE VIII—APPALACHIAN REGIONAL DEVELOPMENT

SEC. 801. ADDITIONS TO APPALACHIAN REGION.

(a) KENTUCKY.—Section 14102(a)(1)(C) of title 40, United States Code, is amended—

(1) by inserting ''Nicholas,'' after ''Morgan,''; and

(2) by inserting ''Robertson,'' after ''Pulaski,''.

(b) OHIO.—Section 14102(a)(1)(H) of such title is amended—

(1) by inserting ''Ashtabula,'' after ''Adams,'';

(2) by inserting ''Fayette,'' after ''Coshocton,'';

(3) by inserting ''Mahoning,'' after ''Lawrence,''; and

(4) by inserting ''Trumbull,'' after ''Scioto,''.

(c) TENNESSEE.—Section 14102(a)(1)(K) of such title is amended—

(1) by inserting ''Giles,'' after ''Franklin,''; and

(2) by inserting ''Lawrence, Lewis, Lincoln,'' after ''Knox,''.

(d) VIRGINIA.—Section 14102(a)(1)(L) of such title is amended—

(1) by inserting ''Henry,'' after ''Grayson,''; and

(2) by inserting ''Patrick,'' after ''Montgomery,''.

SEC. 802. AUTHORIZATION OF APPROPRIATIONS.

Section 14703(a) of title 40, United States Code, is amended by striking paragraphs (1) through (3) and inserting the following:

''(1) $88,000,000 for each of fiscal years 2002 and 2003.

''(2) $91,000,000 for fiscal year 2004.

''(3) $93,000,000 for fiscal year 2005.

''(4) $95,000,000 for fiscal year 2006.''.

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

There was no objection.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 6, ENERGY POLICY ACT OF 2003.

Mr. MARKEY. Mr. Speaker, subject to rule XXII, clause 7, I hereby announce my intention to offer a motion to instruct on H.R. 6, the Energy Policy Act.

The form of the motion is as follows:

Mr. MARKEY 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 insist upon the provisions contained in—

(1) section 14011 of the House bill relating to secure transfer of nuclear materials;

(2) section 14012(d) of the House bill relating to nuclear facility threats, directing the Nuclear Regulatory Commission to issue regulations, including changes to the design basis threat, to ensure that nuclear facilities licensed by Commission address the threat of a terrorist attack against such facilities; and

(3) section 14013 of the House bill requiring the Nuclear Regulatory Commission, before entering into any agreement of indemnification with respect to a utilization facility under section 170 of the Atomic Energy Act of 1954, to consult with the Assistant to the President for Homeland Security (or any successor official) with respect to that facility concerning whether the location of the facility and the design of that type of facility ensures that the facility provides for the

adequate protection of public health and safety if subject to a terrorist attack, and that the Nuclear Regulatory Commission also consult with the Secretary of Homeland Security before issuing a license or a license renewal for a sensitive nuclear facility concerning the emergency evacuation plan for the communities living near the sensitive nuclear facility.

The SPEAKER pro tempore. The notice will appear in the RECORD.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.J. RESOLUTION 73, FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2004

Mr. LINDER, from the Committee on Rules, submitted a privileged report (Rept. No. 108–323) on the resolution (H. Res. 407) providing for consideration of the joint resolution (H.J. Res. 73), making further continuing appropriations for fiscal year 2004, and for other purposes, which was referred to the House Calendar and ordered to be printed.

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

Ms. WOOLSEY. Mr. Speaker, subject to rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct on H.R. 1308, Tax Relief, Simplification, and Equity Act of 2003.

The form of the motion is as follows:

Ms. WOOLSEY 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.

The SPEAKER pro tempore. Notice will appear in the RECORD.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 1, MEDICARE PRESCRIPTION DRUG AND MODERNIZATION ACT OF 2003

Mr. BROWN of Ohio. Mr. Speaker, subject to rule XXII, clause 7, I hereby announce my intention to offer a motion to instruct on H.R. 1, Medicare Prescription Drug and Modernization Act of 2003.

The form of the motion is as follows:

Mr. BROWN of Ohio 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 to reject the provisions of subtitle C of title II of the House bill.

The SPEAKER pro tempore. Notice will appear in the RECORD.

□ 1930

RECOGNIZING THE PASSING OF WILLIAM C. CRAMER

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

Mr. YOUNG of Florida. Mr. Speaker, I rise to announce to my colleagues the death of one of our former Members of Congress, William C. Cramer of St. Petersburg, Florida. Bill Cramer died on Saturday afternoon. He had served in the State House of Representatives prior to being elected to Congress where he served 16 years until he left after the election of 1970.

Our heartfelt sympathies and condolences go out to his wife Sara and to his three sons Billy, Mark, and Allyn. And I know that not only some of the Members today served with Mr. Cramer, but he continued to be a presence here in Washington and continued to make friends among the membership of the House.

And I would say that, having been a member of his staff in the late 1950s, in his district staff, and our friendship was a long-standing friendship, that I certainly shall miss Mr. Bill Cramer.

RECOGNIZING THE PASSING OF WILLIAM C. CRAMER

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

Mr. MICA. Mr. Speaker, it is with sadness that I join my colleague, the gentleman from Florida (Mr. YOUNG), the distinguished chairman of the Committee on Appropriations, in recognizing the passing of one of our former colleagues of the House of Representatives, William C. Cramer.

Bill Cramer served in this Chamber as a representative from Florida's west coast from 1955 to 1970. Over the past decades, Congressman Cramer was more than a former colleague to me. I affectionately referred to him as my old boss for I had the great honor and privilege also to work with him, and I worked as a campaign aid in his bid for the United States Senate in 1970.

Bill Cramer was a pioneer for the Republican party. He was a Florida State legislator and the first GOP Member from the State of Florida since the post-Civil War reconstruction era. Not only was he one of the true contemporary founders of Florida's Republican majority, Bill Cramer served initially as a minority of one, our State's only GOP Member in Congress in 1955.

In the House of Representatives, Congressman Cramer rose to leadership positions in both the Public Works Committee and also the House GOP conference with his distinguished service. And as part of his legacy, the Republican party of Florida now has 18 of 25 GOP Members of Congress, a Republican Governor, and majorities in both the State Senate and State House.

Our country has lost a great American and an honored veteran. Mr. Speaker, the Congress, the State of Florida, and the Republican party have lost a distinguished leader. With Bill Cramer's passing, I have lost a great mentor and a good friend.

To the Cramer family, Sara his wife, his sons Billy, Jr., Mark, Allyn, and his family, I extend my personal sympathy.

HONORING JUDGE KAY SPAULDING ROBILIO

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

Mrs. BLACKBURN. Mr. Speaker, today I wanted to take time to honor one of Tennessee's most accomplished Memphians, Judge Kay Spaulding Robilio of the U.S. Circuit Court, Division 5, 30th Judicial District.

For more than 20 years of dedicated service as a judge and the 2002–2003 president of the Tennessee Lawyers' Association for Women, Judge Robilio has committed her life to the pursuit of justice and equality for all. She has helped open the way for women interested in serving on the bench and in public office. And as a mother and volunteer, her dedication to the community extends beyond her profession. Her dedication to exploring legal issues surrounding emotional abuse claims is helping expand recognition of the problem and establishes her as a true pioneer.

Judge Robilio is an asset to Memphis and a shining light in our legal community. I want to thank Kay for her decades of service and let her know we look forward to many more years of legal excellence and integrity from her court.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. SHERWOOD). 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 SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. LIPINSKI) is recognized for 5 minutes.

(Mr. LIPINSKI addressed the House. His 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 Florida (Mr. MARIO DIAZ-BALART of Florida) is recognized for 5 minutes.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I, once again, want to speak a little bit on the cause the Washington Waste Watchers is trying to get done and that is to highlight and try to get rid of some of the everlasting waste in the Federal Government, waste of the taxpayer's money that the Federal Government seems so apt at doing so well.

Mr. Speaker, for example, the postal service managers received over $500 million in incentive awards for allegedly improving financial performance when, in fact, all indicators showed at the same time that the financial performance had actually declined. And, yet, we still gave that $500 million because of the performance which, again, the same performance had declined.

The examples are just never-ending. For example, the EPA had no knowledge whatsoever of the work that a certain EPA applicant was going to perform, but still awarded that same applicant with a $700,000 grant even though it did not know what it was for, Mr. Speaker.

HUD paid the full amount of $227,000, Mr. Speaker, for a project even though that same project that it was paying for, the full project, one-third of the project had only been completed. And, yet, the entire sum went out.

Again, no accountability whatsoever. And nothing seems to happen.

The public housing authority in Bridgeport, Connecticut, received an extra $750,000 in operating subsidies during the year 2000, while incurring $300,000, Mr. Speaker, in unnecessary utility expenses for units that had been vacant for years. Again, these are not new issues.

And, yet, the Democrats, Mr. Speaker, still insist on trying to raise the taxes of the hard-working American people to do more of this.

You see, Mr. Speaker, the Federal Government has grown at an uncontrollable size. And the Democrats insist on raising the taxes on the hard-working Americans to do more of this, of throwing good money after bad and bad money after good and good money after bad. Because it is not once, it is over and over and over. And their solution, Mr. Speaker, is it is not a problem, there is more money where that comes from.

The American people will take more money out of their hard-earned dollars, take it out of their pockets, send it to D.C. so D.C. can continue to do what it has done year after year after year.

I am encouraged, Mr. Speaker, by the President's new initiative to try to curtail this. But let me tell my colleagues what I am a little bit discouraged about, Mr. Speaker. The Federal Government loses almost $20 billion before it can even waste it. When the gentleman from Iowa (Mr. NUSSLE), the chairman of the Committee on the Budget, had an amendment in the committee after we see the amount of money that is wasted, he said let's cut 1 percent, just 1 percent on waste, fraud and abuse. Mr. Speaker, how many votes were there from our distinguished friends of the Democratic party for the motion of the chairman of the Committee on the Budget to cut just 1 percent of waste, fraud and abuse? Zero. Not one. Because, again, they believe in raising taxes.

Take the money from the hard-working American people. They all keep sending it up here so they can come up and the money can come up here and the Federal Government can continue to waste it.

Mr. Speaker, again I will continue to highlight this waste. I am going to continue to thank the President for the initiatives that he has taken to change this, and we are going to continue to highlight it. And we have already filed some legislation, and we are going to file more legislation in order to try to change this culture of spending and of misspending to the culture of fiscal responsibility.

In the meantime, I would ask my friends in the other party to change their attitude from just asking for more money, for asking for more taxes and increases in taxes, and help us change this attitude that the President is trying to change, and we are going to continue to try to change.

PURCHASING PRESCRIPTION DRUGS FROM CANADA AND EUROPE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

Mr. EMANUEL. Mr. Speaker, people from around the world come to America for their medical care. Yet Americans are forced to travel around the world for their prescription drugs and medications. Today, in the Washington Post, there was a poll conducted by the Washington Post and ABC News showing more than two-thirds of Americans think it should be legal to purchase medications from Canada and Europe and other industrialized nations.

I think this is significant given on the eve that the conference on prescription drugs is meeting to know where the American people are on the major issue of allowing them to purchase medications from either Europe or Canada, allowing competition to pervade in the prescription drug area, allowing choice to consumers. Two-thirds of the Americans think it is the right thing to do.

In the meantime, millions of Americans are forced to either cut their medications in half, skip a month, forgo their prescription drugs entirely, or cut their pills, as I said, in half. Yet of those who choose not to do that, many are forced to go to Canada to buy their medications.

And what do our drug companies provide these seniors who are in dire need of life saving medications? Today, Eli Lilly announced joining other major companies like Glaxo, AstraZeneca, and Pfizer, they are going to begin to limit their sales to Canada, cut off their supplies to Canada. Rather than allowing competition and choice to exist in the system, these prescription drug companies are going to deny access to the Canadians where Americans get competitive prices.

You take the cancer drug Tamoxifen, $360 in the United States; Canada, $33. Life-saving medication for women with breast cancer. You go down the list, line by line. Last week, USA Today ran an article going line by line over major medications, and they were all somewhere between 40 to 50 percent cheaper in Canada than they are in the United States.

And the irony of all of that is many of those medications were developed with U.S. taxpayer dollars. So what have we provided? Not only do we fund the research and development of these new life-saving medications, we are provided the unique opportunity of paying the most expensive prices in the world for medications that were originally developed with U.S. tax dollars.

Many in the industry not only now are limiting sales, they argue about the safety of these medications purchased from Canada. Yet today, we import $15 billion worth of medications from around the world. Nobody argues about their safety. And the most telling example about the issue of Canada is that in October 2000 when the United States Government needed a vaccine for anthrax, where did they turn because there was a shortage here in the United States?

□ 1945

They turned to Canada. If it was so unsafe for our consumers to go to Canada to buy medications, where did the United States Government go in dire need? They went to Canada because the system in Canada is comparable to our system.

A recent Wall Street Journal/Harris Interactive poll shows 77 percent of Americans believe it is unreasonable for pharmaceutical companies to take actions like Eli Lilly did today.

The facts are that the claims made by the FDA and the pharmaceutical companies about the dangers of these

drugs simply do not hold. They did not hold when the United States Government needed them, and they do not hold today when our seniors and others are forced to go to Canada to get life-saving medications.

This system is not some great beyond that we do not know. Today in Europe the system of parallel trading exists, free trade where people in Germany or France or England or Ireland buy medications wherever they need them in Europe. That system exists, and it is the most competitive market in the pharmaceutical industry.

What I am suggesting, what others in bipartisan fashion have passed in July, the legislation known as market access, are suggesting is allow the United States to participate in that market access. Allow the barriers to come down, allow the market to organize and properly manage itself and prices in the United States would come down, rather than allowing a 40 to 50 percent disparity between the prices in Canada and Europe between the United States. That is what would happen if we passed this legislation today.

For too long, if we take a look at it, in Families USA, the 50 most commonly used drugs by our seniors have risen 3½ times the rate of inflation. Between 2000 and 2003, seniors' expenditures on prescription drugs increased by 44 percent.

The costs of medications are too expensive. Eli Lilly and the other pharmaceuticals are limiting the sales to Canada in an attempt to cut off the seniors. And what does the United States Congress do and what does the United States Senate do? When they passed a prescription drug, when it came to the issue of price and affordability, the Congress did nothing. And so people are forced to take action in their own hands and go to Canada.

We should not turn our grandmothers and our grandfathers into drug runners, filling up prescription bags for people that live in the housing centers with them. We can deal with the issue of cost. Allow the free market system to work and allow choice to exist and prices would come down here in the United States.

For too long the American people have been forced to subsidize the starving French and Germans. We should give them competitive prices, give them choice, allow the free market to work; and we will finally get the prescription drugs people need and deserve.

WASHINGTON WASTE WATCHERS

The SPEAKER pro tempore (Mr. SHERWOOD). Under a previous order of the House, the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) is recognized for 5 minutes.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise to join my colleagues, and in particular the gentleman from Florida (Mr. MARIO DIAZ-BALART), as a vigilante for the American taxpayer. In the 10 short months that I have been a Member of Congress, I have been appalled by the waste, fraud, and abuse that I have found to exist within the Federal Government.

As a member of the Washington Waste Watchers and of this body, I believe it is my duty to bring to the public's attention instances of fraud, waste, and abuse. It not only steals from taxpayers but also from the beneficiaries who truly need the benefits.

I have been given the honor of serving on the House Committee on Veterans' Affairs. In this position, I exercise oversight responsibilities over the second largest agency in the Federal Government. The VA is a laudable institution with lofty goals and worthy intentions. However, as evidenced by long wait times suffered by many veterans, not only in my district but in other districts as well, it has not always flourished under the best management practices. Again this year, the GAO placed the VA on its high-risk list for fraud, waste, and abuse. Here are but a few examples of fraud and waste that I will discuss that happened in the VA where we stood to lose over $130 million to unscrupulous felons.

They have been vulnerable to this because of poor management practices and loose accounting standards. Three VA employees, two in my home State of Florida and one in New York, embezzled nearly $1.3 million by exploiting internal weaknesses in the VA benefit program. With this money one employee purchased a Mazda Miata, a Mitsubishi 3000 GT, and two engagement rings.

After a review was conducted as a result of this crime, auditors uncovered 136 other cases of potential fraud or mishandling of veterans' benefit checks from offices in St. Pete, Florida, and St. Louis, Missouri, alone.

We need to seek out this fraud, not just believe that the solution is to raise taxes and turn our backs on fraud, waste, and abuse.

The VA has also identified approximately 7,000 possible cases of individuals who may be receiving benefits intended for deceased veterans. The VA estimates that they netted nearly $21 million over 5 years by identifying these cases. Can you imagine that they are continuing to pay for veterans who have passed away?

For more than 7 years, nearly 400 veterans actually received VA educational benefits even though they did not attend class. The veterans had a great scheme going with the instructor who falsified their attendance. Nineteen defendants have been convicted in this scheme, and the government has recouped over $4.5 million.

Lastly, the Department's Inspector General estimated that roughly 13,700 veterans have been paid about a million dollars nationwide and that the Department has no systematic method to identify these people who are prisoners. Prisoners should not be paid veterans benefits.

Here are a few recent examples of waste within the VA: the Veterans Administration keeps an excess inventory of medical supplies totalling $64 million, or 62 percent of its $132 million inventory. An example is at four pharmaceutical facilities surveyed, the Inspector General found 48 percent of the inventory was actually in excess.

The VA medical supply procurement practices are also questionable because very often they pay more for medical supplies than the market price, and here is an example of that. During a 6-month period, seven out of 10 VA medical centers that purchased standard powder-free surgical gloves failed to use the established FFS contractor and overpaid an open-market vendor by 28 percent. This error in disposable gloves alone cost the taxpayers $34,000.

As evidenced by these instances of fraud and abuse which are only the tip of the iceberg within the VA and other Federal agencies, it is imperative that the culture in Washington change.

Instead of the knee jerk reaction to raise taxes to fund programs or to create mandatory spending entitlements (the answer favored by Democrats) we must look into the wasteful spending practices the result from unchecked bureaucracy!

It is my deepest hope that by highlighting these abuses and bringing them to the attention of the American taxpayer, the VA will continue to take corrective action under the leadership of Sec. Principi and respect that the money that they are spending is the people's money. Not their own.

Waste, fraud, and abuse throughout the federal government is decades old, and Republicans—led by Budget Chairman NUSSLE and Speaker HASTERT—are working to eliminate the culture of waste that has existed in the federal government.

As a Republican, I will work to reduce wasteful spending in the government and protect your tax dollars.

CONSTITUENT LETTERS REGARDING IRAQ WAR

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. Mr. Speaker, about 170 or so years ago, John Quincy Adams came to the House floor night after night reading letters from his constituents because the conservative leaders of the House of Representatives in those days passed a rule prohibiting banning the debate and discussion of slavery in the United States. He read letters mostly from women in his Massachusetts district protesting the cutting off of debate, the fact that conservative leadership in Congress simply did not want this discussed.

Today, 165 years later, I have come to the House night after night reading letters from any constituents, talking about corruption in the Bush administration, talking about the money we are spending on reconstruction in Iraq, talking about the billion dollars a week, a third of it from private contractors, money that goes to the

friends of the President and the companies and contributors supporting the President, and really wondering why this administration and the conservative leaders in this Congress will not allow us to discuss this.

I have gotten letter after letter from my Ohio constituents wondering why Vice President CHENEY still gets $13,000 every month from the Halliburton Company, the company of which he was CEO 3 years before he was Vice President, a company that is still receiving millions, hundreds of millions of dollars in unbid government contracts.

Just last week I tried to offer an amendment to the $87 billion appropriations that would have stopped some of the corporate tax evaders who have evaded taxes at the expense of the American citizens. The amendment would have banned corporate tax evaders, tax dodgers, from receiving any contracts on the reconstruction of Iraq.

We know that Halliburton companies have broken Federal law, yet we still give them these contracts and they still pay the Vice President of the United States, this is on record, pay him $13,000 a month.

I will begin to share some of these letters.

Jill from Akron, Ohio writes, ''It is a disgrace that our government is willing to spend billions on another country when the education system in our country is crumbling.''

Dr. Steve in Hinckley writes, ''The Iraq war has not made it safer. It has harmed relationships with key NATO allies as well as helped fuel more anti-American sentiment in the Middle East. This has to stop.''

Francene from Akron, Ohio writes, ''Please do not vote for additional funding for this war. It took lies and deceit to get us into this war, and we should back off now and let the United Nations help rebuild the mess in Iraq that Mr. Bush created.'' She is talking about the things that the administration told us that simply are not true: the weapons of mass destruction, the al-Qaeda connections, all of those things.

Terence of Avon Lake writes, ''We need to hold the Bush administration accountable for their poor Iraq planning and nonexistent exit strategy. Please withhold the funds requested until they lay out an exit strategy from Iraq.''

One of the things that Terence is talking about is the fact that a year or 14 months after President Bush said he wanted to attack Iraq, we still do not have body armor for our troops. One-quarter of our troops still do not have body armor, are not going to have it at earliest until December; and I am hearing from families who just cannot believe that we knew we were going to do this, yet we are not taking care of the troops. We are not supplying them with antibiotics. We are not supplying them with safe drinking water. We are not supplying them with body armor, yet we are forcing them when they get leave, if they do, to pay for their own plane tickets home. Yet we are spending a billion dollars a week and a third of it is going to private contractors, many of them contributors to and friends of the President.

Eric of Akron writes, ''I am dismayed this country can find billions of dollars to pay for an unnecessary and illegitimate war in Iraq but cannot find in its heart to solve some of the real problems this country and the world are facing. I am saddened and I am sickened. Very few of you in Congress and the Bush administration are really looking out for the people of this country.''

Corky of Strongville, Ohio writes, ''It is time the American people hold the Administration accountable for lies in regard to Iraq. No more money or troops should be committed until a full investigation is conducted.''

PARLIAMENTARY INQUIRY

Mr. CUNNINGHAM. Mr. Speaker, I have a parliamentary inquiry. Is it proper decorum of the House to call the President a liar?

The SPEAKER pro tempore. If the gentleman's remarks were of that tenor, they would be out of order.

Mr. BROWN of Ohio. Mr. Speaker, I did not mean to say that. I was reading a letter and talking about the Bush administration. If I actually called the President a liar, I withdraw that. I do not mean to say that.

The SPEAKER pro tempore. Without objection.

Mr. CUNNINGHAM. Mr. Speaker, further parliamentary inquiry, there are slick ways to get around calling the President a liar and still doing it. I would object.

The SPEAKER pro tempore. The gentleman from Ohio (Mr. BROWN) may proceed in order.

Mr. BROWN of Ohio. Mr. Speaker, is that time taken away from me during the parliamentary inquiry?

The SPEAKER pro tempore. No, the clock was stopped during the inquiry.

Mr. BROWN of Ohio. Mr. Speaker, Deborah of Akron, Ohio, writes, ''Please do not give $87 billion to President Bush. He and his advisors did not plan well for the rebuilding of Iraq.'' I think she is talking about the Kevlar jackets, the body armor that simply was not planned, even the war was planned maybe more than a year and a half ago.

''Control of this project should be under the authority of the U.N. We should help but not by throwing more money after a very unsuccessful plan by the Bush team. Maybe the President should ask his rich friends for the money since they are the only ones benefitting big time from his tax cuts.''

She is talking about the tax cut where millionaires get $93,000 while 50 percent of people in my home State and the home State of the gentlewoman from Ohio (Ms. KAPTUR) got zero dollars from that tax cut.

□ 2000

TRIBUTE TO MR. JAMES W. FEE OF HUTCHINSON, KANSAS

The SPEAKER pro tempore (Mr. SHERWOOD). Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Kansas. Mr. Speaker, I rise this evening to honor a public servant, James W. Fee of Hutchinson, Kansas, and join with his family and community in mourning his recent passing. In his life, Jim loved his family, his community and his country.

Jim proudly served his country for nearly 50 years in the United States Navy, first aboard the U.S.S. Albany and then as captain of the U.S. Naval Reserve. His patriotism and allegiance to the principles of freedom were shared with all who would listen.

Jim's tireless commitment and devotion to his hometown was unrivalled. Throughout his life, Jim took a lead role in making certain his community was always an attractive place to call home. Without fail, Jim would report to his friends, family and colleagues upon his return home from travel, It was great to visit, but I could not wait to get home to Hutchinson.

Jim's actions equalled his words. His service as mayor of the city of Hutchinson and as a member of the Hutchinson City Commission was guided by the goal of doing the common good for the most people. His leadership and dedication to his church, his professional trade associations and his business interests were always marked with charisma, honesty and sincerity.

Jim was also, by every account, a successful businessman. Along with his brother Franklin and his father Frank T., Jim teamed to build the Fee Insurance Group into an industry-leading independent insurance agency. With a disciplined approach and a vision for success, Jim directed the agency for over a quarter century.

Most important to Jim was his family. He and his wife of nearly 50 years, Martha, raised five children, Jim, Jr., Stacy, Allen, Bob, and Dan, and devoted endless love and attention to 18 grandchildren.

Jim Fee personified the words of Abraham Lincoln, ''I like to see a man proud of the place in which he lives. I like to see a man who lives in it so that his place will be proud of him.'' Jim Fee made his community, State and Nation a better place. He and his family can be proud of the life he lived.

I join his many friends and his admirers in extending my deepest sympathies to Martha and the Fee family.

A JOBLESS RECOVERY IS NO RECOVERY

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. Mr. Speaker, I rise on behalf of unemployed Americans.

The administration and our Republican leadership tell us that the economy is rebounding and that we are in an economic recovery, but to the hard-working Americans who are still looking for those jobs, the statistics do not amount to a hill of beans because they still cannot find work. To them, a jobless recovery is no recovery at all.

America's unemployed have this administration to thank for an economic recovery that has produced few jobs and has little impact on their lives. Sure, the administration will tell us that job creation is its number one priority. In fact, over the past year, the President has gone on a nationwide public relations tour touting his tax cut in front of backdrops that proclaimed ''Strengthening America's Economy'' and shout ''Jobs, Growth and Opportunity.''

The truth of the matter is, however, that any growth produced by the administration's economic policies has come at the expense of jobs or Congress' opportunity to create them.

Let us take the administration's catch-all solution for any of our economic woes, tax cuts. The administration said that our economic recovery would be fueled by consumers who spent the extra money. Unfortunately, an income tax cut does not help unemployed workers without an income. They do not feel the economic recovery.

To this argument, the administration is sure to say, wait a minute, we also gave businesses tax cuts to expand and create jobs. Well, our businesses did not take their advice. Instead, they invested in technology and innovation, and in doing so, they increased productivity and can now produce more products without producing more jobs.

In fact, a recent Department of Labor study determined that our high unemployment levels are due not just to layoffs, but primarily to the lack of newhires in expanding businesses. So tax cuts for businesses have provided little relief for unemployed workers.

Our trade policies have also been truly devastating for the American worker. By implementing fast-track trade negotiating authority and permanent normal trade relations for China, we have seen American jobs go out on a fast track out of this country. I would remind my colleagues that 3 years ago, we were promised that trade with China would lead to an increase in American jobs and exports. Well, certainly, we were not told that, 3 years later, our main export to China would actually be American jobs, about 1 million of them to be specific.

Frankly, we have given American businesses little incentive to keep their jobs in this country. In ratifying a flurry of free trade agreements, we have made it increasingly difficult for American products to compete with their inexpensive foreign competitors. We have left many American businesses with few choices other than to move production, and jobs, offshore.

Additionally, too many of our service sector businesses are outsourcing their jobs to cheaper foreign labor. Today, we already have 400,000 jobs outsourced to a country like India. That number is bad enough, but even worse is a recent study indicating that over 3 million of these jobs will likely be outsourced over the next 10 years.

This country has already felt the tremendous pain of losing almost 3 million jobs. We need to take action now to encourage private sector business to keep these much-needed jobs at home.

Mr. Speaker, the unemployment rate in this country stands at 6.1 percent. The sad news, however, is that that number does not even take into account the thousands of Americans who have looked for work but have now given up. Labor force participation, the percentage of Americans who are either working or looking for work, is only 66 percent. It is at the lowest level since 1991.

We need true job creation in this country, not the administration's idea of job creation through permanent tax cuts, tort reform and more free trade legislation. That kind of trickle-down job creation will not work any better than their trickle-down economics.

Instead of their faulty economic policies, we need to stimulate the economy directly by aiding our cash-strapped States so that our law enforcement and teachers can keep their jobs. We should create jobs through public works programs that will employ our skilled workers while repairing America's crumbling roads and bridges. This is the kind of economic stimulus needed in our country. This is the kind of economic stimulus that creates jobs on the ground.

The administration tells us to be patient, the economy is growing and the jobs will come. Unfortunately, however, recovery based on increased productivity only lessens the chance for job creation because to create jobs the economy must grow faster than productivity, and it does not seem likely that our sputtering economy will be meeting these expectations in the near future.

So, here we are, with record-level trade deficits brought on by record-level tax cuts that will not do a thing for most of the American people hurting the most. And it is a shame, particularly because we had a choice. The administration could have pursued economic policies in the best interests of both our country and America's unemployed workers. Instead, they pursued economic policies in the best interest of their campaign and reelection efforts, and the unfortunate result is a jobless recovery, or if we ask our unemployed workers, no recovery at all.

WASTE, FRAUD AND ABUSE IS RAMPANT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. NEUGEBAUER) is recognized for 5 minutes.

Mr. NEUGEBAUER. Mr. Speaker, I rise today because of the serious concerns I have about wasteful spending practices by the United States Government. Waste, fraud and abuse is rampant.

Financial management, for instance, at the Department of State is a problem. Although it accounts for billion of dollars annually in appropriations and possesses over $20 billion in assets, it usually cannot determine how much its programs cost or how much money it has. An audit revealed that the State Department owes $3.5 million on past orders that have never been delivered, a revelation which the Department's accounting books failed to reflect. One contract billed the Department for $92,000 in insurance premiums for a policy that never existed.

The financial management service at the Department of Treasury could not produce details on many outstanding checks, and in one case, caused a $3.1 billion overstatement of its cash position. The Inspector General reviewed 24 individual cases of government purchase on credit cards at the same department. The investigation revealed that purchases were unsupported and unjustified, and while none of those were large, had large price tags, they concluded that the system is more than moderately subject to fraud, waste and abuse.

Last November, the GAO investigators created a fictitious graduate-level school they called Y Hica Institute for the Visual Arts, purportedly located in London, and received student loans on behalf of fictitious students, including one name which was the same as the chair of the Permanent Subcommittee on Investigations of the Senate Government Affairs Committee.

Employment Training Administration's accounting system for grants is consistently poor. For example, transfers of Workforce Investment Act funds are not even noted on the agency's books.

The Department of Labor Inspector General estimates that the IRS overcharged the Unemployment Trust Fund by $174 million in fiscal years 1999 through 2002.

$238 million in funds were found that the States no longer needed on projects that should have been redirected to other projects. Of this amount, $54 million was idle for 16 years on a freeway project in Connecticut that had never even started.

The Environmental Protection Agency awarded $700,000 on a contract without knowledge of the work the recipient was going to perform. The work plan did not have clear objectives, milestones, deliveries or outcomes.

The Inspector General of the EPA audited a sample of 116 assistant agreements awarded by the Office of Air Radiation and the Office of Water. In 79 percent of these projects, using over $100,000, project officers could not document the costs or document cost reviews of the proposed budgets. In 42

percent of these projects, the EPA did not even determine the environmental outcomes. For example, EPA awarded a recipient $200,000 to regulate costs charged by power companies. The work plan contained no environmental outcomes and stated that specific projects would be identified at a later date.

These are just a few examples of the waste, fraud and abuse, a problem which is decades old. Republicans, led by the gentleman from Iowa (Mr. NUSSLE), the Committee on the Budget chairman, and President Bush and those of us here tonight are working hard to eliminate the culture of waste that exists today, and I believe we have a chance. I urge my colleagues to join this effort because waste, fraud and abuse within the Federal Government not only steals from the taxpayers, but the beneficiaries so desperately in need of quality services.

This is not a debate about which programs should be funded. This is about bringing accountability to the money that is spent. As Members of Congress, we have a responsibility to do make sure that the American families do not get ripped off.

2004 ELECTIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, this evening I wish to talk about the elections of 2004 and how we prepare for them across our country, and I wish to attach an article from the Cleveland Plain Dealer today entitled, ''Computer Voting Is Not Fool-proof'' and also a front-page story from the New York Times entitled ''Replacement Near, Old Vote Machines Are New York Issue.''

[From the Cleveland (OH) Plain Dealer, Oct. 2003]

COMPUTER VOTING ISN'T FOOL-PROOF

(By Lawrence M. Krauss)

Anyone who was not in a coma in November 2000 remembers the agony caused by the now infamous butterfly ballots and hanging chads. Concerns about the possible repeat of events almost caused the California recall election to be delayed.

Following the election debacle in Florida, Congress became determined that in the next elections the winners actually would be determined by all the votes casts. Last October, they passed the Help America Vote Act in order to help states prepare for the next election. Unfortunately, the solutions being proposed, involving an assortment of computer-voting systems, may be worse than the problems they were designated to fix.

We are used to depending on computers for almost every aspect of our lives, from governing our bank accounts to controlling our cars. So it doesn't seem highly radical to suggest computer-aided voting. That is, until you think of the possible problems.

How can you be assured after you vote that the machine actually recorded your vote? With a paper ballot, even a flawed ballot, at least there is a semi-permanent record that we can return to—and argue over, if necessary. Would you buy an airplane ticket by computer if there was no way to obtain a printed receipt of your transaction?

There already have been problems. For example, in the 2002 election, the new computer voting systems in Florida lost more then 100,000 votes due to a software error.

Voting is not like a physics experiment. We learned in Florida that even if the first attempt is flawed, no large-scale election is likely to be repeated merely to verify the result—as one would do in any good scientific measurement. Thus, you have to get it right the first time and allow some method of secure verification.

It is not surprising, therefore, that one of two Ph.D. scientists in Congress, physicist Rush Holt of New Jersey, has proposed new legislation that would require a paper record of every vote and require that all software for use in elections be verified in advance.

In spite of this, various states have indicated a willingness to go ahead with systems that experts in the field find suspect. As reported in the New York Times last month, software flaws in a popular voting machine, the Diebold Accuvote-TS machine, make it vulnerable to manipulation. More than 33,000 of these machines are used in 38 states.

In the Science Applications International Corporation report, commissioned by Maryland (which nevertheless plans to use the Diebold machines in its next election), ''several high risk vulnerabilities'' were identified—even based on the assumption that the machines are isolated and not connected to the Internet. But in a March primary in California, the Diebold machines were connected to the Internet with election tallies posted on the Internet before polls closed.

It is interesting in this regard that Walden O'Dell, the CEO of Diebold, an Ohio company, was quoted in The Plain Dealer as telling Republicans in a recent fund-raising letter that he is ''committed to helping Ohio deliver its electoral votes to the president next year.''

As we rush to install computer voting systems, we should remember the admonition of a former chief scientist at Sun Microsystems Inc., who said in a television interview following the 2000 election: ''If your life depended on the measurement of a single ballot, would you prefer it be read by a machine, or examined carefully by three different human beings?''

If we are to avoid a host of articles on this page explaining how the election of 2004 might have been stolen, state governments must step back from the current headlong rush to install computer-voting system until the necessary verification systems and security guarantees, certified by outside experts, are in place. Certainly no one wants to relieve the frustration that followed the 2000 election—without any possibility of rechecking the results.

[From the New York Times, Oct. 20, 2003]

REPLACEMENT NEAR, OLD VOTE MACHINES ARE NEW YORK ISSUE

(By Eric Lipton)

James Parks, on his knees, struggled to find the one screw amid the 20,000 parts that would unjam the scraped and dented New York City voting machine he was repairing. Ray Crews, another mechanic, had a handful of thin metal straps, which he carefully threaded, one at a time, into the back of the 800-pound behemoth he was servicing nearby. And Jamie Wilkins used a screwdriver to flip back tiny copper switches in the endlessly complex guts of another battleship-gray machine.

Almost three years have passed since the Election Day debacle in Florida that generated calls for a comprehensive nationwide modernization in voting equipment. But this cavernous Brooklyn warehouse, filled with row after row of mechanical lever voting machines, purchased mostly when John F. Kennedy was in the Oval Office, shows just how far New York City has to go.

''It's sticking,'' Mr. Parks finally yelled out to Mr. Crews, a more experienced mechanic, as he tried to reset a vintage Shoup voting machine so it could be used in the Nov. 4 election. ''I am trying to get to the screw. But I can't get to it.''

New York State has a plan to buy new voting equipment, replacing New York City's 7,295 machines as well as the 12,000 similarly antiquated machines elsewhere in the state. The federal government has already delivered $65 million in aid to New York to get this modernization project under way, and up to $180 million more could ultimately come from Washington.

Though New York City's voting machines broke down 603 times in the 2002 primary and general elections, forcing thousands to vote by paper ballot, not a cent of the federal funds has been spent in New York State so far. And as each month passes, it is looking increasingly uncertain that the state will comply with a federal requirement that all the lever machines be retired by 2006.

''It is a very tight schedule, even without delay,'' said Lee Daghlian, a spokesman for the New York State Board of Elections. ''It is going to be very difficult to do. And if we don't meet the deadlines, we are in violation of the law.''

The federal government has the right to sue states that fail to comply, and to withhold aid.

Many other states are also struggling with voting modernization, with just a few, like Georgia and Maryland, already installing or selecting new machines statewide. Just why New York is off to a slow start comes back, at least in part, to that perennial source of roadblocks: partisan-charged squabbling among the Senate, the Assembly and Gov. George E. Pataki in Albany. But in this case, it is more complicated.

A long list of fundamental questions must be answered about how best to remake the voting experience across New York State: what the new ballot should look like, how a new statewide voter registration database should be set up, what kind of security should be incorporated into the new machines to prevent fraud, whether there should be one machine statewide or several models, and who should select the machines the state will buy.

Resolving each question will be hard enough. But the choices must come amid the charged atmosphere sure to form as lobbyists from the nation's biggest manufacturers of voting equipment descend on Albany, trying to grab a piece of what could be one of the largest voting machine contracts in the nation's history.

''This is going to be intense,'' said Brian O'Dwyer, a Democratic Party activist and a lobbyist for Sequoia Voting Systems. Sequoia, a California company, has also hired a Republican lobbying team, led by Jeff Buley, who was general counsel to Governor Pataki's re-election campaign last year.

''It is huge,'' added Dan McGinnis, senior vice president for domestic sales at Election System & Software, an Omaha, Neb., company that wants into the New York market.

Regardless of who wins the contract, voters will see the biggest changes in nearly a century. So a small army of government watchdog types is monitoring the debate, ready to intervene if politics intrudes on one of democracy's fundamental rights.

''How you run your election is a cornerstone of democracy,'' said Blair Horner, legislative director for the New York Public Interest Research Group. ''We are very concerned that a voting system may be put into

place that is less voter-friendly than the one we have right now.''

PARTISAN DISPUTES

President Bush signed the Help America Vote Act into law in October 2002. From the moment New York began to try to comply, polities intervened.

When Governor Pataki set up a task force to draft a plan detailing how New York would spend its cut of the expected $3.7 billion in federal funds, he passed over Thomas R. Wilkey, the executive director of the State Board of Elections, a Democrat, and instead named the deputy director, Peter S. Kosinski, a Republican, as the task force's chairman. Mr. Kosinski then filled most of the task force's other 19 seats with members of the Pataki administration or other Republicans. Mr. Wilkey has since retired from the agency.

Groups like Common Cause/New York and New York Immigration Coalition had requested that the task force include disabled people, young voters and members of ethnic minorities. Unhappy with the result, critics accused the Pataki administration of trying to hijack the election modernization effort to benefit his party.

''From the start this process has been flawed, absolutely flawed,'' said Assemblyman Keith L. T. Wright of Manhattan, chairman of the Assembly's Election Law Committee and one of the Democrats on to the task force. ''And I will blame the governor.''

Mr. Daghlian, the Board of Elections spokesman, said it should come as no surprise that a Republican governor created a Republican-dominated task force. He said Gov. Mario M. Cuomo, a Democrat, did the same thing the last time there were federally mandated changes in state election law. Now the Democrats, he said, ''do not control this process'' and are ''moaning about not being in the loop.''

The quarreling has implications for voters. One of the first federal requirements is to create a unified database of registered voters, to eliminate duplication and possible fraud that result from each county keeping its own tally. A 2004 deadline was set; already, New York has asked for a waiver until 2006.

Mr. Pataki had put $3 million in his budget plan for this year to start on the task, which is expected to cost $20 million. But the Assembly struck that money when it adopted, with the Senate, its own budget this year.

''Until there is an understanding that this is a bipartisan operation, the money coming loose will not happen right away,'' said Assemblyman Herman D. Farrell Jr., a Manhattan Democrat who is chairman of the Ways and Means Committee and of the state Democratic Party.

Joseph E. Conway, a spokesman for Mr. Pataki, said the governor was committed to moving expeditiously and fairly toward modernizing the election system. ''These criticisms are just the same old tired partisan politics. New Yorkers know that the governor has worked to bring bipartisan cooperation to our election process.''

Before the state can even start to buy new election machines, a fundamental question must also be answered about their design. New York is one of only two states that require a so-called full-faced ballot, which means that all the races and candidates, as well as any ballot questions, can be seen at once by voters. Party loyalists can easily flip switches down the line from race to race.

The mechanical lever machines were designed to accommodate large ballots. But most of the modern touch-screen voting devices, which resemble automated teller machines, cannot. They are set up so that a voter can scroll through one contest at a time. Advocates for disabled people prefer the scrolling machines, as they are smaller and easier for a person in a wheelchair to use.

New York State officials have not taken a final stand on the issue. But sides are forming. C. Virginia Fields, the Manhattan borough president, and State Senator Liz Krueger, both Democrats who have issued reports on the election modernization effort, each concluded that the state should abandon the full-face ballot requirement, citing the disadvantages it will create for disabled people. They also said it limited the options of manufacturers.

Some Republican leaders, meanwhile, say they want to keep the law as it is. ''I think people ought to be able to see everything that is going on at one time instead of flipping menus,'' said State Senator Thomas P. Morahan, a Rockland County Republican and the chairman of the Senate Elections Committee. ''I don't believe I would be able to get a bill out of the Senate on changing the full-face ballot.''

That is only the start of the unresolved questions that may turn into partisan disputes. The Assembly, as well as the Election Commissioners' Association of the State of New York and the New York Public Interest Research Group, has pressed to have a single new machine statewide, arguing it would make maintenance and training easier and be better for voters who move within the state.

But Mr. Kosinski, whom Mr. Pataki has hinted he would like to see named permanent executive director of the Board of Elections, said he thought the state should simply certify the electronic machines that meet state and federal requirements and then leave it up to the local governments to pick the one they want. ''New York has always had a decentralized system of elections'' he said.

The list of politically charged issues goes on and on. The new federal law, for example, requires that certain voters who have registered by mail present identification when they show up at the polls for the first time. Democrats, who have almost twice as many registered voters in New York State as Republicans, want an expansive list of acceptable forms of identification, including college identification cards and public housing rent statements.

''If you have too strict adherence to identification procedures, it could lead to possible disenfranchisement and suppression of votes, especially in communities of color,'' Assemblyman Wright said. ''In the history of the United States, this has happened many times before, and I have seen it happen in New York.''

Working through these and other sensitive issues, such as ensuring that the machines are essentially fraud-proof and tamper-proof, will not be easy, some critics said. Though Mr. Pataki's task force produced a report that is supposed to be a framework for moving forward, it offers few solutions, they said. ''The state plan succeeds only in putting off or pushing down to the staff or county level the critical decisions that must be mad,'' said Jeremy Creelan, associate counsel at the Brennan Center for Justice at the New York University School of Law, a voting rights and election reform group. ''The process, from the beginning, has been a sham.''

A CENTURY OF CONTROVERSIES

In a way, it should come as no surprise to New Yorkers that a voting machine contract would generate controversy. Since the first mechanical voting machine was introduced in the United States—in 1892, when an upstate New York inventor named Jacob H. Myers turned his fascination with bank vaults into the ''automatic ballot cabinet''—acquiring the machines for New York has been a touchy process.

Buffalo and Rochester moved to adopt the machines early on, buying into promises that they would ''protect mechanically the voter from rascaldom, and make the process of casting the ballot perfectly plain, simple and secret.'' But New York City fought an order by the state in 1925 that it abandon pencil-marked ballots for the supposedly more efficient machines.

''I can see the day when good Americans can sit motionless in their chairs and live without touching anything,'' complained John R. Voorhis, then president of the city Board of Elections, after the city backed down and finally purchased its first complete set of election machines.

When New York City moved to buy a second generation of machines in 1962, a lawsuit nearly blocked the purchase, this time with claims that the contracting process had been corrupted.

Pressure started to build on the city to replace its 1960's-era machines after the 1984 presidential primary, as supporters of the Rev. Jesse Jackson, the first major black presidential candidate, charged that there had been too many machine breakdowns in predominantly black neighborhoods.

But even before the city had awarded a contract for computerized voting machines, there was controversy, with one lobbyist claiming he had been asked for a bribe and a secret city report on the contest turning up in the hands of one of the bidders. Ultimately, the city spent at least $4.5 million on consultants and other costs, but the machines never arrived, partly because a contractor could not deliver vote-counting software that satisfied the city.

Though neither a mechanism for awarding a contract nor specifications for an acceptable voting terminal have been agreed to yet, lobbyists for manufacturers have been gearing up.

The most aggressive campaign has come from Sequoia Voting Systems, which won the New York City contract in the 1990's but was never allowed to deliver on it.

To pitch to Republican lawmakers in Albany, Sequoia has hired Mr. Buley, a legal consultant to the New York State Republican Committee and a counsel to Governor Pataki's 2002 campaign, at $7,500 a month. Mr. Buley said he has met with staff members from the offices of Joseph L. Bruno, the Senate majority leader, and Senator Morahan, the Elections Committee chairman, among others.

Sequoia also has a Democratic lobbying firm, the law firm O'Dwyer & Bernstien, which is earning $10,000 a month. When that firm learned that Assemblyman Farrell had concerns about whether elderly voters would be able to adjust to computerized voting machines, a Sequoia machine was brought in and a demonstration was organized for Mr. Farrell's staff at a Washington Heights restaurant in northern Manhattan.

Elderly voters were recruited from local community centers, with an offer of a free lunch. A bus was chartered. And for about $4,000, Sequoia's lobbyists delivered a litany of testimonials about how easy the Sequoia machine was to use.

''This won't be too hard,'' said Mary Frances Howard, 76, a regular at the Wilson Major Morris Community Center at 152nd Street and Amsterdam Avenue, which sent about a dozen volunteers to the demonstration and free lunch in June. ''It is easy.''

Mr. O'Dwyer said the event was a success. ''He is very important,'' Mr. O'Dwyer said of Mr. Farrell, who sent his chief of staff to the event. ''His concerns have to be our concerns.''

Because of Sequoia's aggressive early lobbying, some call it the front-runner for the contract. ''There is an undercurrent up here in Albany that says Sequoia is a lock,'' said Assemblyman Wright. ''I think it is horrible.''

But Sequoia is not the only firm going the lobbying route. Diebold Election Systems, based in McKinney, Tex., and known mostly for its A.T.M.'s, is spending $12,500 a month to retain Greenberg Traurig, a Manhattan law firm. Greenberg's lobbyists are Robert Harding, former deputy mayor under Rudolph W. Giuliani, and John Mascialino, a lawyer and former first deputy commissioner of a city agency charged with buying equipment and supplies under Mr. Giuliani.

Election Systems & Software pays Davidoff & Malito, one of the state's biggest lobbying firms, $10,000 a month. Its senior partners, Sid Davidoff and Robert Malito, are former aides to Mayor John V. Lindsay.

Liberty Election Systems, a new outfit owned by the executives of an Albany printing company that has produced election ballots for decades, is spending $3,000 a month on lobbyists from Capitol Group.

Mr. Daghlian of the State Board of Elections said that regardless of any lobbying pitch, no preference would be shown in evaluating voting machines. ''There will be no sweetheart contracts with anybody,'' he said.

PARTS BY THE THOUSANDS

John P. O'Grady, New York City's chief voting machine technician, was hired by the city Board of Elections to help oversee the addition of computerized voting machines when his daughter was 1 year old. Today, Megan, the daughter, is 12. The city still has not installed its first computerized machine.

''I can't wait to see them, I just can't wait to see them,'' he said. ''I know it has to come, and the mechanical machines have served the city well, but the city and its voters deserve a more modern machine.''

Until that happens, he spends his days leading a crew of 65 full-time mechanics who work out of warehouses like the one at 645 Clinton Street in the Red Hook section of Brooklyn. In just this one warehouse, 2,200 machines are stored, each with dents and other marks that attest to decades' worth of city service.

Keeping them running is not easy, as all the knobs, springs, straps, gears, cogs, rollers, screws, counters and green, cherry, yellow and white light bulbs must be constantly checked and rechecked. ''Wear and tear will break you down,'' said Jamie Wilkins, 44, a machine technician from International Election Systems, a New Jersey contractor hired by the city to repair and prepare the machines for elections.

Yet even with weeks of effort by Mr. O'Grady's army of mechanics, the Shoup machines are breaking down too often, he concedes. In the November 2000 election, the last presidential contest, 412 machines broke down citywide for an average of 45 minutes to an hour each. As a result, 20,717 voters had to use emergency paper ballots, leading to lines so long that some voters gave up. Last November, when turnout was lighter, there were still 358 breakdowns among the 6,788 machines in use.

The city at least has a sufficient supply of backup parts, like the thousands of extra black metal levers at the Brooklyn warehouse. Far from the good of beginning a phase-in of new machines by 2004, it will have to do for now.

''Let's get this thing done,'' said John Ravitz, executive director of the New York City Board of Elections, a Republican who is also a former member of the State Assembly. ''Let's settle the differences in Albany and give us the opportunity to bring a modern system to the voters of New York.''

Anyone who was not in a coma last November 2000 remembers the election debacle in Florida. Still today, thousands of votes remain uncounted. Congress, as a result, passed the Help America Vote Act in October of last year, and we provided at least language that directed the Bush administration to give funds to the States to buy new machines and also to help educate voters how to use this new equipment and to provide standards at the Federal level, so that local officials buying this equipment would know what they were doing and the machines that they were buying would be both secure and easily accessible to the voters. The problem is it is not happening, and we are facing the election of 2004.

The law HAVA, the Help America Vote Act, does not require any board of elections to purchase equipment by a year from next month, November. That can wait until 2006. I have been surprised at the confusion that exists across our country regarding the requirements of HAVA. States are afraid the Federal Government is going to fine them, but the Federal Government has not kept its word. It has not given the States the money that it needs because the Bush administration is not asking us for the proper amount of money, nor is the Congress appropriating the proper amount of money. Indeed, the Congress has appropriated less than half of what is needed to really provide machines and equipment that are trustworthy and the education that the voters need in order to use it.

That is the purpose of my remarks this evening. The Cleveland paper says, ''Unfortunately, the solutions being proposed, involving an assortment of computer-voting systems, may be worse than the problems they were designed to fix.''

''How can you be assured after you vote'' in your home precinct ''that the machine actually recorded your vote?'' And ''with a paper ballot, even a flawed ballot, at least there is a semi-permanent record that we can return to . . . Would you buy an airplane ticket by computer if there was no way to obtain a printed receipt of your transaction?''

That is one of the problems of what is happening across our country. There is no paper audit trail required in every precinct. That is why the gentleman from New Jersey's (Mr. HOLT) bill here in the House is an absolutely proper way to proceed, requiring a paper audit trail at every precinct in this country.

□ 2015

And if we do not have that, we should not ask these States and localities to purchase equipment that cannot provide a verifiable audit trail.

Because there is so much confusion around the country, in every single State, we should also provide for no-fault absentee voting. We should pass that as a Congress. It should be a no-brainer, because we should not leave our communities in upheaval as we face the elections of 2004. We have already had experience with that.

The Cleveland Plain Dealer says, ''In the 2002 election, new computer voting systems that were brought on in Florida lost more than 100,000 votes due to software error.'' The bill that the gentleman from New Jersey (Mr. HOLT) has offered would require a paper record of every vote and require that all software for use in elections be verified in advance.

I can tell my colleagues that in Ohio I sent five computer security specialists down to the Statehouse to look at the five systems that were being considered in Ohio. I was shocked at what they came back to me with. There was not a single system Ohio was considering that was both deemed very good or excellent in terms of computer security and in terms of ease of use. In other words, because the Federal standards do not exist, there is not a dependable system that a big State like Ohio can actually purchase. But our States and localities are under the impression that HAVA is forcing them to do all this by a year from this November. Absolutely untrue. Go back and read HAVA. It does not say that.

As reported in The New York Times last month, software flaws in a popular system called Diebold Accuvote made it vulnerable to manipulation. More than 33,000 of these machines are operating in 38 States and high-risk vulnerabilities were identified. In the March primary election in California of this year, for example, these Diebold machines were connected to the Internet with election tallies posted on the Internet before the polls closed, which is absolutely not supposed to happen. Those votes are supposed to be protected.

So if your life depended on the measurement of a single ballot, would you prefer it be read by a machine or examined by three different human beings at the precincts, as we have done it historically in this country?

Mr. Speaker, I will have more to say on this in the days ahead.

The Presidential elections of 2000 were a debacle. Deep concerns remain until today whether votes in Florida and in many other States were accurately recorded.

Therefore, Congress passed the Help America Vote Act, which authorized $650 million to enable our States and localities to modernize their voting machines should they be needed, plus $3 billion for a range of activities, including training poll workers and election officials, voter education projects, and other matters routinely involved with voting.

Importantly, the bill also authorized the establishment of an Election Assistance Commission to serve as a national clearinghouse and resource for the compilation of information and review of procedures with respect to the administration of Federal elections. But that commission is not functional to this day!

Money for Title I—the voting machines—was fully funded at $650 million.

The Election Assistance Commission was supposed to have been appointed by the

President within 120 days of enactment of the act. The act was signed on October 29, 2002. 120 days expired on February 26 of this year, and the Commission was not appointed. The White House sent the nominations to the Senate on October 3—219 days late. Hearings on the nominations are scheduled for October 28—244 days late. By the time confirmations are completed and officials are in place, it will be basically 1 year late.

So, while our local election officials are counting on $3 billion to help them improve election systems, the administration has not requested nor has the Congress provided the amount authorized by the act.

We authorized $1.4 billion for title II activities for fiscal year 2003, but appropriated only $830 million—only 59.26 percent of the authorization.

We authorized $1 billion for fiscal 2004. The administration requested only $490 million. The FY'04 Treasury/Transportation appropriations bill provides a little more—$495 million. But it is only 49.5 percent of the authorized amount.

Meanwhile, in the absence of sufficient guidance from the Federal level, States have put together election improvement plans and are looking to buy machines that will impact our elections for decades to come without sufficient guidance from the yet-to-be appointed Election Commission. Localities are scrambling to keep up with the requirements of these State plans.

What has it meant? Recent studies have come out that seriously question the security of these electronic voting machines, especially the Diebold machines which are being purchased in Ohio, and in other States. The manufacturers have dismissed these studies, but this dismissal cannot be accepted.

The integrity of our voting system was the reason we adopted HAVA, and is at the core of our election system.

Where is the Federal oversight that we are supposed to have?

What has the State of Ohio done to be sure that it is providing adequate guidance to localities regarding secure equipment?

Several stories in the Cleveland Plain Dealer, the Columbus Dispatch, and the Toledo Blade have highlighted ethical concerns regarding gifts and favors provided by vendors trying to sell $100 million in high-tech voting machines to 88 county election offices;

Stories have also highlighted the disturbing fact that Waledn O'Dell, chief executive of Diebold, Inc., in the words of the Cleveland Plain Dealer, ''The head of a company vying to sell voting machines in Ohio told Republicans in a recent fund-raising letter that he is ''committed to helping Ohio deliver its electoral votes to the President next year.''

Integrity—voters need to have voting devices that are beyond reproach;

Dependability—we need systems that will work time and time again;

Sufficiency—funds must be available to provide the technical assistance that our election systems need to achieve the goals that were set out by HAVA while recovering from the loss of credibility created by the 2000 election experience.

Integrity, Dependability, and Sufficiency are what we need. Instead we have gotten

Half measures—funding that barely meets 50 percent of the authorization requested by this administration and sanctioned by the Congress;

Empty promises—an Election Assistance Commission that exists in name only;

Confusion—our local officials do not know where to turn or exactly what is expected of them;

Ethical lapses and suspect activities—selling voting machines like we are at the Bazaar in Baghdad instead of the credible and demanding American marketplace.

America deserves better. If we can afford to spend $3.9 billion a month to ''secure democracy in Iraq,'' and can approve a supplemental which contains more funding than might be available for several Federal departments, can't we afford to spend $3 billion over 3 years to help secure democracy here at home? Mr. HOYER has said that he hopes to see this amount of funding added to the final omnibus appropriations bill. I will support him on it, and our leadership should as well. In order to assure intregity in the election of 2004, we must pass legislation to require (1) audible paper trail of votes at every precinct that can be counted and verified, no fault absentee voting if a voter wishes to use that option. (2) no fault absentee voting if a voter wishes to use that option.

STATE OF MEDICINE IN AMERICA

The SPEAKER pro tempore (Mr. SHERWOOD). Under a previous order of the House, the gentleman from Texas (Mr. BURGESS) is recognized for 5 minutes.

Mr. BURGESS. Mr. Speaker, I rise tonight to speak once more about the state of medicine in America brought on by an overly-litigious environment that pits patients against doctors and lines the pockets of special interest lawyers.

This crisis reduces the access to care and ultimately increases the cost of health care for all Americans. This is a situation that must be resolved. And in fact, in March this House took a big step toward that resolution when we passed H.R. 5 that will take great strides to address this glowing national crisis.

At a time, Mr. Speaker, that we are debating costs in health care, in 1996 the Quarterly Journal of Economics published a study on the cost of the current medical liability system and the cost of that system on the overall cost of health care in our country. That report, written by Dr. Daniel Kessler and Dr. Mark McClellan, shows that States where liability reform had occurred and had placed a cap on damage awards, if they would abolish mandatory prejudgment interest and place limits on the amount of lawyers' contingency fees, hospitals' expenditures could be reduced by 5 to 9 percent within 3 to 5 years of adoption of those reforms.

The costs incurred by the current environment are borne by the entire system, from the family purchasing their own health insurance to the businessperson trying to provide coverage for his employees, to the American taxpayer who supports medical services through Medicare, Medicaid, and CHIPs.

And how does this 5 to 9 percent savings translate in terms of real dollars? McClellan and Kessler's model showed that in States with effective tort reform, Medicare costs were 5.3 percent less for a new diagnosis of acute myocardial infarction, that is heart attack, and 9 percent less for ischemic heart disease. If applied nationally, this would mean that the direct liability reforms would save $600 million a year in the Medicare program. Extrapolating these costs across America's health care system, this amount would come to an average savings of $50 billion a year.

Why are costs higher in States that have not enacted reforms such as those we passed in H.R. 5? Because doctors have become accustomed to practicing defensive medicine, ordering tests they know their patients do not need, but, gosh, it could save their practice should a lawyer file suit against them. This unnecessary type of health care spending drives up the cost of health care for everyone. In fact, Mr. Speaker, it even drives it up for trial lawyers. So average Americans are saddled with the additional cost to the system when they go to the doctor.

Now, some will argue additional medical services are a good thing. They may say a doctor performing more tests will save more lives. However, the study did show between reform States and nonreform States mortality rates remain constant, indicating that a litigious environment does not improve health outcomes. The current environment is not conducive to low-cost quality health care and must be changed. In fact, it is our duty to change this environment. The Congressional Budget Office has concluded that reform would lead to ''an increase in the number of employers offering health insurance to their employees.''

As we have already seen in California, health care costs in that State are an estimated 6 percent lower than in other States, saving California patients $6 billion a year on health care, all because California had the foresight in 1975 to adopt meaningful medical liability reforms. Now the Congress has the same opportunity to positively impact the cost of health care in the United States by adopting much-needed medical liability reform.

Today, in an address to the American College of Surgeons, Senator FRIST, the Senate majority leader, spoke to this issue. He spoke and described the miracle of American medicine. And the miracle of American medicine is a gift. Not just to our Nation, but in fact to the world. And lest there be any doubt about this question, just look at the incredible story of the separation of the Egyptian twins in Dallas last weekend.

Truly, American medicine is an incredible gift; and we cannot, we should not, we must not allow that gift to be wasted. I urge my colleagues in the other body to make a commitment to

the health of American families. Preserve the gift and the miracle of American medicine, and pass this very necessary liability reform.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair must remind all Members not to make adjurations to the other body.

GUARD AND RESERVISTS TREATED AS THIRD-CLASS CITIZENS

The SPEAKER pro tempore (Mr. BURGESS). Under a previous order of the House, the gentleman from Washington (Mr. MCDERMOTT) is recognized for 5 minutes.

Mr. MCDERMOTT. Mr. Speaker, at the conclusion of my remarks, I will be entering into the RECORD an article entitled, ''Sick, wounded U.S. troops held in squalor.'' This is a story that comes out of UPI. The author is Mark Benjamin, who is a UPI investigator editor, and he reports that 1 month after President Bush greeted the soldiers at Fort Stewart, the home of the famed Third Infantry Division, as heroes on their return from Iraq, approximately 600 sick or injured members of the Army Reserve and National Guard are warehoused in rows of spare, steamy, and dark cement barracks in a sandy field, waiting for doctors to treat their wounds or illnesses.

Now, these National Guard and Army Reserve soldiers' living conditions are so substandard and the medical care so poor that many of them believe the Army is trying to push them out with reduced benefits for their ailments. One document showed to this reporter stated that no more doctor appointments are available from October 14 through November 11. These Reserve and National Guard people are on what are called medical hold. If you are wounded and you are badly injured, you are in the hospital. But after you get to a certain point, they can do it on an outpatient basis. So you are put into a medical hold status.

As one member of the Guard said, there are two armies, one is the regular army and the other is the reserve army, and we are second class citizens. We are being ignored. Now, Mr. Speaker, 40 percent of the people now on medical hold are people who served in Iraq. Those who went described clusters of strange ailments, like heart and lung problems, among previously healthy troops. They said the Army has tried to refuse them benefits and claims the injuries and illnesses were due to preexisting conditions prior to military service.

One particular case caught my eye. First Sergeant Gerry Mosley. He crossed into Iraq from Kuwait on March 19 with the 296th Transportation Company, hauling fuel while under fire from the Iraqis as they traveled north alongside combat vehicles. Mosley said he was healthy before the war. He could run 2 miles in 17 minutes. Pretty good. Those are 8½ minute miles, at 48 years of age. He also developed a series of symptoms: lung problems; shortness of breath; vertigo, that means he was dizzy; migraines; and tinnitus, that is ringing in his ears; and he thinks maybe the anthrax vaccine had something to do with it. He also has a torn shoulder from an injury there.

Mosely said he has never been depressed before, but he found himself looking at shotguns recently and thinking about suicide. Sergeant Mosely is paying $300 a month to get better housing than the cinder block barracks. He has a notice from the base that appears to show that there are no more doctor appointments available for Reservists from October 14 to November 11. He said he had never been treated like this in 30 years in the Army Reserves and his quote was, ''Now I won't go back to war for the Army.''

Mr. Speaker, it is shameful that this kind of article appears in the newspapers in the United States at a time when we are sending people over to a war for very unclear reasons. No one really knows why they are over there. We have called up Reservists for months on end. What started out as 6 months has now been extended to a year.

I recently spoke at the retirement of one my Reservists in the State of Washington up at Everett at the naval base. Before I went up to speak about him, I asked him about their deployment. He told me all about it. And I asked if everybody came back to their job. He said 25 percent of the people in his unit came back to no job. They lost their job while they were gone.

This is an unacceptable situation. Those people who voted and said they care about the troops ought to be asking some very tough questions of the Army.

Mr. Speaker, the article I referred to above is as follows:

[From United Press International, Oct. 17, 2003]

SICK, WOUNDED U.S. TROOPS HELD IN SQUALOR

(By Mark Benjamin)

FORT STEWART, GA., Oct. 17 (UPI).—Hundreds of sick and wounded U.S. soldiers including many who served in the Iraq war are languishing in hot cement barracks here while they wait—sometimes for months—to see doctors.

The National Guard and Army Reserve soldiers' living conditions are so substandard, and the medical care so poor, that many of them believe the Army is trying push them out with reduced benefits for their ailments. One document shown to UPI states that no more doctor appointments are available from Oct. 14 through Nov. 11—Veterans Day.

''I have loved the Army. I have served the Army faithfully and I have done everything the Army has asked me to do,'' said Sgt. 1st Class Willie Buckels, a truck master with the 296th Transportation Company. Buckels served in the Army Reserves for 27 years, including Operation Iraqi Freedom and the first Gulf War. ''Now my whole idea about the U.S. Army has changed. I am treated like a third-class citizen.''

Since getting back from Iraq in May, Buckels, 52, has been trying to get doctors to find out why he has intense pain in the side of his abdomen since doubling over in pain there.

After waiting since May for a diagnosis, Buckels has accepted 20 percent of his benefits for bad knees and is going home to his family in Mississippi. ''They have not found out what my side is doing yet, but they are still trying,'' Buckels said.

One month after President Bush greeted soldiers at Fort Stewart—home of the famed Third Infantry Division—as heroes on their return from Iraq, approximately 600 sick or injured members of the Army Reserves and National Guard are warehoused in rows of spare, steamy and dark cement barracks in a sandy field, waiting for doctors to treat their wounds or illnesses.

The Reserve and National Guard soldiers are on what the Army calls ''medical hold,'' while the Army decides how sick or disabled they are and what benefits—if any—they should get as a result.

Some of the soldiers said they have waited six hours a day for an appointment without seeing a doctor. Others described waiting weeks or months without getting a diagnosis or proper treatment.

The soldiers said professional active duty personnel are getting better treatment while troops who serve in the National Guard or Army reserve are left to wallow in medical hold.

''It is not an Army of One. It is the Army of two—Army and Reserves,'' said one soldier who served in Operation Iraqi Freedom, during which she developed a serious heart condition and strange skin ailment.

A half-dozen calls by UPI seeking comment from Fort Stewart public affairs officials and U.S. Forces Command in Atlanta were not returned.

Soldiers here estimate that nearly 40 percent of the personnel now in medical hold were deployed to Iraq. Of those who went, many described clusters of strange ailments, like heart and lung problems, among previously healthy troops. They said the Army has tried to refuse them benefits, claiming the injuries and illnesses were due to a ''preexisting condition,'' prior to military service.

Most soldiers in medical hold at Fort Stewart stay in rows of rectangular, gray, single-story cinder block barracks without bathrooms or air conditioning. They are dark and sweltering in the southern Georgia heat and humidity. Around 60 soldiers cram in the bunk beds in each barrack.

Soldiers make their way by walking or using crutches through the sandy dirt to a communal bathroom, where they have propped office partitions between otherwise open toilets for privacy. A row of leaky sinks sits on an opposite wall. The latrine smells of urine and is full of bugs, because many windows have no screens. Showering is in a communal, cinder block room. Soldiers say they have to buy their own toilet paper.

They said the conditions are fine for training, but not for sick people.

''I think it is disgusting,'' said one Army Reserve member who went to Iraq and asked that his name not be used.

That soldier said that after being deployed in March he suffered onset of neurological symptoms in Baghdad that has gotten steadily worse. He shakes uncontrollably.

He said the Army has told him he has Parkinson's Disease and it was a pre-existing condition, but he thinks it was something in the anthrax shots the Army gave him.

''They say I have Parkinson's but it is developing too rapidly,'' he said. ''I did not have a problem until I got those shots.''

First Sgt. Gerry Mosley crossed into Iraq from Kuwait on March 19 with the 296th

Transportation Company, hauling fuel while under fire from the Iraqis as they traveled north alongside combat vehicles. Mosley said he was healthy before the war; he could run two miles in 17 minutes at 48 years old.

But he developed a series of symptoms: lung problems and shortness of breath; vertigo; migraines; and tinnitus. He also thinks the anthrax vaccine may have hurt him. Mosley also has a torn shoulder from an injury there.

Mosley says he has never been depressed before, but found himself looking at shotguns recently and thought about suicide.

Mosley is paying $300 a month to get better housing than the cinder block barracks. He has a notice from the base that appears to show that no more doctor appointments are available for reservists from Oct. 14 until Nov. 11. He said he has never been treated like this in his 30 years in the Army Reserves.

''Now, I would not go back to war for the Army,'' Mosley said.

Many soldiers in the hot barracks said regular Army soldiers get to see doctors, while National Guard and Army Reserve troops wait.

''The active duty guys that are coming in, they get treated first and they put us on hold,'' said another soldier who returned from Iraq six weeks ago with a serious back injury. He has gotten to see a doctor only two times since he got back, he said.

Another Army Reservist with the 149th Infantry Battalion said he has had real trouble seeing doctors about his crushed foot he suffered in Iraq. ''There are not enough doctors. They are overcrowded and they can't perform the surgeries that have to be done,'' that soldier said. ''Look at these mattresses. It hurts just to sit on them,'' he said, gesturing to the bunks. ''There are people here who got back in April but did not get their surgeries until July. It is putting a lot on these families.''

The Pentagon is reportedly drawing up plans to call up more reserves.

In an Oct. 9 speech to National Guard and reserve troops in Portsmouth, New Hampshire, Bush said the soldiers had become part of the backbone of the military.

''Citizen-soldiers are serving in every front on the war on terror,'' Bush said. ''And you're making your state and your country proud.''

LET IRAQ TAKE CARE OF IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, many Americans today may not be familiar with Will Rogers. However, Will Rogers was at one time considered by many to be the most popular man in America. He once said, ''America has a great habit of always talking about protecting American interests in some foreign country.'' Then he said, ''Protect them here at home. There is more American interest right here than anywhere.''

The passage of an additional $87 billion for an operation in Iraq seems to many to be anything but fiscally conservative. The request includes, among many other things, $5.7 billion for a new electric power system; $3.7 billion to improve drinking water; $856 million to upgrade and repair three airports, rail lines, and phone service; $240,000 each for 1,500 police trainers to train Iraqi police; $1.71 per gallon for gas that they are then selling to Iraqi citizens for $4.15 per gallon, according to The New York Times.

Earlier billions have been used to build or rebuild thousands of Iraqi schools, give free health care to many Iraqi citizens, make backpayments to the Iraqi military and Iraqi retirees, and even send 60,000 soccer balls there. Our Founding Fathers could not have imagined all this in their wildest dreams.

A distinguished Member of the other body, the gentleman from Ohio, Mr. VOINOVICH, said, ''Look at the needs we have here at home, with our roads, sewers, and water projects. It is hard to tell people there isn't money for sewers and water and then send that kind of money to Iraq.'' Another distinguished Member of the other body, Mr. HAGEL, the gentleman from Nebraska, said, ''There is a great unease about all this reflected across this land. We are getting deeper and deeper into something we have never been in before in this part of the world. This is complicated, dangerous and uncertain.''

Conservatives, Mr. Speaker, have never believed in massive foreign aid, yet our occupation of Iraq has become the largest foreign aid program in the history of the world. Conservatives, Mr. Speaker, have never believed in huge deficit spending, yet we are now told that our deficits for just this year and next will reach close to an astounding $1 trillion.

Supporters of the war scoffed at the predictions that we would spend between $200 billion to $300 billion in Iraq over the next 10 years. Now, by the most conservative efforts, not counting many things that should be counted, the Iraqi operation will cost $167 billion in just the first 2 years.

□ 2030

And because we are in such a deep fiscal hole already, we will have to borrow all these billions we are spending there.

Conservatives have never believed in world government, and have been strong critics of the U.N. Yet, some prominent war supporters, while criticizing the U.N. in one breath, will say in the next we had to go to war to enforce all the U.N. resolutions Saddam Hussein had violated. Most conservatives surely do not believe it is fair to place almost the entire burden of enforcing U.N. resolutions on American taxpayers and the U.S. military. Most conservatives, while believing strongly in national defense, have never believed the U.S. should be the policeman of the world. Most conservatives believe we would not have nearly as many enemies around the world if we followed a noninterventionist foreign policy and did not get involved in so many religious, ethnic, and political disputes around the world.

Now, we are following a so-called neoconservative foreign policy that is anything but conservative. This interventionist policy is breeding resentment, creating more enemies, and putting our children and grandchildren into a financial black hole, and worst of all killing many young American military.

Fortune magazine in its November 25 issue, long before the war started, printed an article entitled, ''Iraq—We Win, What Then?'' The article said a ''military victory could turn into a strategic defeat,'' and an American occupation could turn U.S. troops into sitting ducks for Islamic terrorists. These predictions have turned out to be deadly accurate.

The columnist Georgie Ann Geyer wrote, ''Critics of the war against Iraq have said since the beginning of the conflict that Americans, still strangely complacent about overseas wars being waged by a minority in their name, will inevitably come to a point where they will see they have to have a government that provides services at home or one that seeks empire across the globe.''

Saddam Hussein was an evil man but he had a military budget only about two-tenths of 1 percent of ours and was never any real threat to us. Everyone knew we would win the war quickly and easily.

Winning the peace, everyone said, would be much more difficult. Now, we are hearing noble-sounding cliches like ''we have to get the job done'' and ''we must stay the course'' and ''the American people must be willing to sacrifice.'' Well, we should all be asking why?

Mr. Speaker, it is clear that the Iraqi people do not want us running their country, they only want our money. Any country would want all these billions. Now war supporters seem to be criticizing the media for reporting all the killing but failing to emphasize all the good that is going on there. For all of the billions we are spending there, I certainly hope some good things are going on, but these good things should be paid for by the Iraqi citizens with their own oil wealth. Let us leave Iraq to the Iraqis.

A very small minority of very powerful Neo-Cons have apparently dreamed of war with Iraq for many years. They got their wish. But what they may have thought would be their crowning achievement may instead lead to their downfall.

So many people in the United States and around the world feel that they were misled about the need to go to war in Iraq that they almost certainly will be much harder to convince the next time around.

No matter who is President, almost all the leaders of the Defense Department, the State Department, the National Security Council, and our intelligence agencies are going to advocate more and more involvement in foreign affairs, even those which should be none of our business or even when there is no threat to our vital interests.

This is because all their power and glory, and most importantly, their funding are determined in large part by our involvement in the

affairs of other nations. These people are not seen as men and women of action and world statesmen when they urge that we do more and more in other countries.

I wish more of our leaders would heed the advice of President Kennedy who said in 1962: ''We must face that fact that the United states is neither omnipotent nor omnisicient—that we are only six percent [now four percent] of the world's population—that we cannot impose our will upon the other 94 percent of mankind—that we cannot right every wrong or reverse each adversity—and that therefore there cannot be an American solution to every world problem.''

There is nothing conservative about the U.S. policy in Iraq.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BURGESS). The Chair reminds Members that remarks in debate may not include quotations of Senators except as specified in clause 1(b)(2)(B) of rule XVII.

ILL-CONCEIVED WAR IN IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, last week in a marathon time frame of probably about 48 hours this House made one of the most important decisions that we will ever have to make and that is the expenditure of $87 billion based on the premise of a continuing war in Iraq.

When I debated the question on the floor of the House, I reminded my colleagues that this was a war that was not declared under the Constitution, and it was a war that had moved from one so-called premise to the next. When the President presented it to us, he suggested that we were about to be under imminent attack, and we were about to be attacked by the existence of weapons of mass destruction.

As time went on, we heard the words ''liberating Iraq,'' then we heard the ''war against terrorism,'' but we have never been able to determine the factuality or the truth of the issue of whether or not this Nation was about to be imminently attacked that would warrant a preemptive strike against another nation.

But even so, our young men and women went on the frontlines of Iraq and offered themselves as the ultimate sacrifice for our freedom. Therefore, none of us in our support for those troops, will waver away from standing shoulder to shoulder with their families and with their needs. I know that my colleagues will be discussing accusations by Members on the other side of the aisle with respect to a so-called litmus test. They have questioned Members' patriotism because they have had a vehement opposition to an ill-conceived war.

My perspective of that is we live in a democracy and opposition is what the Federalist Papers were all about. I will continue my vehement opposition to this war, but my enthusiastic and unwavering support of the troops. I would raise the question to the majority leader as to why any such comment should even be appropriate in this democracy and in this body.

Mr. Speaker, I bring to the attention of those who call themselves patriotic by sending troops into war the number of young men and women who have committed suicide in Iraq since May 11. We have had 11. That represents a number of 34. If we had an annualized rate, it would mean 34 per 100,000 service people. What we have found is since the start of the war and after the war, after major combat operations have ended, since then, troops have had to cope with increasing paramilitary attacks with less opportunity to defend themselves.

When I met with troops from Iraq, they indicated that they are constantly going over landmines or IEDs, I believe they are called, going over the same pathways and having their tankers blow up. They do not have the same jobs. They are using carpenters and painters and others to be part of the MPs and knock down doors. It is an unusual Army suicide rate, and when I brought this to the attention of my colleagues in the debate, no one seemed to be concerned. The usual Army rate of suicide is 10 to 13 per 100,000. What we have in Iraq is like 34 out of a 100,000. I would think that Members would be concerned.

In Iraq and Afghanistan, we have hand-to-hand combat going on. We have, basically, wars going on on two fronts, and we have our troops in hand-to-hand combat and they need additional resources.

When I met with some of the leadership from the Arab region, they suggested they would welcome the opportunity for an Arab-U.S. summit to truly see how we could bring peace to the region in Iraq, and I would like to see the administration take them up on that offer to sit down and talk with our Arab leaders about how we can bring peace to Iraq, not with an aftermath, makeshift program that none of us understand, with a number of sniper shootings going on, and IEDs killing our young people.

Mr. Speaker, I would finally say this idea of privatization should be studied because the random privatization of Arabic countries should not be willy-nilly, and gifts to those that would think that this would be a gift, but we need to expand the opportunity to small and minority and women-owned businesses.

As I close, we are going to see a CR come to the floor of the House, and I do not know if we are going to see a tax cut for those with children or whether or not we are ever going to see a guaranteed prescription drug benefit, but we will have a continuing resolution that Republicans want to promote.

HONORING POPE JOHN PAUL II

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. MURPHY) is recognized for 5 minutes.

Mr. MURPHY. Mr. Speaker, earlier today the House voted on H. Res. 400 acknowledging Pope John Paul II's 25th year as the pontiff.

I wanted to take a few minutes to reflect on his remarkable life that so many can draw tremendous strength from in a world that often challenges our strength.

Some who see him now see this older man, stooped and bowed by age, trembling with his hands, now leaning on his crosier when he can stand for support, and what a different view that is from the young Karol Wojtyla who had such strength and vibrancy of character. And yet despite his age, it is remarkable how he continues to be such an example for all the world. Even though there are so many challenges around, his strength continues to shine through in a changing world.

I thought it was worth reflecting on what it is about the Holy Father that has given him his strength that adds particular interest to our resolution today in commemorating such an incredible life.

Some have said that to understand this Pope you need to go back to his roots in Poland. He was born on May 18, 1920. From early on in life, suffering was very much a part of him. Poland itself is a nation that has seen itself go from perhaps one of the leaders in medieval days to a country divided up and essentially had so many of its citizens turned into near slaves in this century and the last. Many Polish citizens continue to reflect upon their own history as a source of strength, and indeed it is with the Pope.

His father was a devout and upright man, a decorated World War I officer. His mother, apparently of delicate health, would suffer much on her own, and had a young daughter who died before Karol was born. His own mother died when he was eight, and his father when he was a young man. And his brother died, too. He said at one point, ''By the time I was 20, I had already lost all the people I loved, even those who I might have loved, like my older sister, who died 6 years before I was born.''

His suffering gave him incredible meaning in his life. As a young man, he and his father stood in line once with other refugees of World War II, and they were sprayed with machine gun fire from aircraft. He was arrested at age 21, narrowly escaping being sent to Auschwitz. He lay in the basement of his house praying with his arms outstretched in the shape of a cross while Nazi officers went through the house. He was hit by a speeding truck during the war, and probably would have died if caring citizens did not take care of him.

It was the problems he had with World War II which gave him strength

during the time when the communists took over Poland as well. Again, the suffering continued. The oppression of the Catholic Church, that he saw so much of during World War II, continued as well. And yet he used his position as a bishop and cardinal to give guidance and strength to the people of his region.

It was no wonder when he was chosen to hold the position of Holy Father some 25 years ago, the other cardinals and people in a world saw him as a source of strength in a world that was badly needed in a world that was weakened by lack of courage and moral fiber.

His struggles have shaped him and given him incredible strength. He has visited some 125 countries around the world, remained active in sports, visited many churches, and as incredible as it may seem, still could draw crowds of hundreds of thousands of youth. A million came to the World Youth Day that he had not too long ago, youth wanting to see him and get a glimpse of this man, the Holy Father whom they see as a great source of strength. He is gentle. Despite his strength, the most incredible thing that stands out is still how he would reach out to those weak, sick, poor, those who were sinners. Some fail and blame their history, some move forward despite their history, and some achieve greatness because of the suffering they have been through. We owe a great deal to this incredible man.

□ 2045

EXAMINING MINORITY LEADER'S VOTING RECORD ON DEFENSE ISSUES

The SPEAKER pro tempore (Mr. BURGESS). Under a previous order of the House, the gentleman from California (Mr. CUNNINGHAM) is recognized for 5 minutes.

Mr. CUNNINGHAM. Mr. Speaker, before I actually get into what I want to talk about, I would like to mention a couple of things that I heard on the floor tonight. I heard that going into Iraq was not against the Constitution, but I remind my colleagues that this President came to the United States Congress and asked for permission. The previous President, President Bill Clinton, did not when he went into Haiti, Somalia, Bosnia and Iraq five times. We hit an aspirin factory in the Sudan; 214 deployments. I did not hear much from the other side of the aisle during that time frame. This President came to this Congress to do that. We were told that we would be in Bosnia 1 year. We are still there. Take a look at Haiti and Somalia today. I think the popular movie, ''Black Hawk Down,'' shows how the denial of armor caused a bunch of our troops to be killed. I think that when we talk about different things, I think we need to put it in perspective.

I saw that this week President Izetbegovic passed away. President Izetbegovic in Sarajevo used Svilanovic, who was his minister who trained under Qaddafi, put Mujah Hadeen, Hamas and al Qaeda into Sarajevo. And I will tell the Speaker that many of those individuals are still there from those terrorist organizations and are under scrutiny.

The main reason I came today is I heard that my colleagues on the other side of the aisle were going to do a hit piece on Mr. DELAY. Well, I think it is unfortunate that if they cannot win with ideas, they hit our leadership and they try to do anything that they can to discredit the Republican Party. Mr. Speaker, in counter to that, I am going to go through a few things about their leadership. I challenged the gentlewoman from California (Ms. PELOSI) a while back and said that she had in 1993 and 1994 a 15 percent national security voting record. In 1995 she had a 20 percent national security voting record. In 1996, 21 percent. In 1997, 30. 1998 through 2002, 36 percent. The gentlewoman got on the floor and said the gentleman can say anything he wanted but that it was inaccurate, that I vote for every defense bill. Tonight I researched, Mr. Speaker; and I researched that information and it is just not true.

The gentlewoman voted against the defense appropriations bill in 1998. She voted against it in 1997, in 1996, in 1992, in 1991, and in 1989 against defense appropriations. I have got lists here where she voted against defense authorization bills. I would also state that that rating is not just for the bill itself but for the overall defense and how the gentlewoman from California, the minority leader, voted.

She voted to reduce military spending by $41.9 billion. That was an amendment. She voted to reduce funding for ballistic missile defense; Mr. Dellums at that time, $1.5 billion. To downsize U.S. forces. Prohibit U.S. command of U.S. forces, she voted for that. Reduce defense and technology spending. Support sharp cuts in defense spending which included pay and allowances for our troops. Of the 20 votes that year, the gentlewoman voted against defense 17 times.

The next year. Provide national defense funding, pay raises, combat readiness. The gentlewoman from California voted against that. So again the statement that the gentlewoman from California made was inaccurate and the votes are recorded here.

She voted to reduce funding for the F–22 fighter, the B–2 bomber; and we saw how efficient the B–2 was in Bosnia and in Kosovo and in Baghdad as well. The gentlewoman voted of the 20 times, 16 times against national security positions.

EXAMINING RECENT COMMENTS BY MAJORITY LEADER ON ADMINISTRATION'S POLICY IN IRAQ

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, last week during debate on the $87 billion supplemental appropriations bill to fund military and reconstruction efforts in Iraq, Majority Leader TOM DELAY said Members who had the audacity to challenge the Bush administration's foreign policy and not support the appropriations bill were not supporting our troops over in Iraq. This statement, Mr. Speaker, comes on the heels of statements that Mr. DELAY made last month after Senator EDWARD KENNEDY seriously questioned the Bush administration's reasoning for the war in Iraq and its handling of Iraq during the postwar period. The majority leader called KENNEDY's criticism ''hate speech.'' During a speech at the Heritage Foundation on September 24, Mr. DELAY said, and I quote, ''Ted Kennedy unleashed the most mean-spirited and irresponsible hate speech yet.''

One day earlier, the Associated Press quoted Mr. DELAY as saying, and I quote, that ''Kennedy's brand of hate speech has become a mainstream in the Democratic Party.''

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind the gentleman that he must refrain from improper references to Senators.

Mr. PALLONE. Mr. Speaker, the majority leader must have a short memory. If these statements are hate speech and mean-spirited, I would hate to see how Mr. DELAY would characterize his own comments about President Clinton on the eve of a successful bombing campaign that ejected Serbian troops from Kosovo and led to the uprising that ended the murderous regime of another dictator, Slobodan Milosevic.

Here are some examples of DELAY's criticism of President Clinton during that Kosovo conflict that I would like to point to this evening. This was a statement that TOM DELAY said, a floor statement opposing the resolution commending America's successful campaign in Kosovo on July 1, 1999.

He said, and I quote, ''For us to call this a victory and to commend the President of the United States as the Commander in Chief showing great leadership in Operation Allied Forces is a farce.''

On the same resolution, floor statement, Mr. DELAY said, and I quote, ''So what they are doing here is they are voting to continue an unplanned war by an administration that is incompetent of carrying it out. I hope my colleagues will vote against the resolution.''

I would like to point out to my colleagues that on one occasion, Mr. DELAY is basically questioning the President's ability as Commander in Chief, in the case of President Clinton; and in this other case, he is suggesting that the Clinton administration is incompetent of carrying out the war in

Kosovo. Again, the reality of it is that these statements by Mr. DELAY went much further than Senator KENNEDY's and than those of most of my colleagues during last week's debate on the Iraq supplemental. Of course as a Member of the House of Representatives, Mr. DELAY has a right, even a duty, to question the administration when he does not agree with its policies, just like Members of the other body have the right to speak out and Senator KENNEDY did several weeks ago.

The problem that I see, and I point this out to my Republican colleagues, it stems from the fact that whenever someone speaks out criticizing the Bush administration or its policies, there is a concerted effort on the part of the Republican side to attack those critics as unpatriotic. This is what we keep getting over and over again, that those on the Democratic side of the aisle that suggest that the administration's policy in Iraq is wrong or that it should not continue or that it should not be funded are somehow unpatriotic. I just want to remind my colleagues on the other side, and I just would like to use a quote that was made by Thomas Jefferson in 1815, because I think it says it all and the reason that I am here tonight and some of my Democratic colleagues are here tonight. Thomas Jefferson said in 1815, and I quote, that ''differences of opinion lead to inquiry and inquiry to truth and that I am sure is the ultimate and sincere object of us both. We both value too much the freedom of opinion sanctioned by our Constitution not to cherish its exercise, even where in opposition to ourselves.''

That quote, I think, from Thomas Jefferson says it all, because I think what he says is that we should feel free to criticize the administration when we do not agree with its foreign policy, when we do not agree with a war, when we do not agree with paying for the war, when we do not agree with the conduct of the war. And for anyone, particularly the majority leader on the Republican side, to question whether it is a Member of the other body or a Member of this body's patriotism or say that they do not support the troops or that they are unpatriotic or that they do not care about this country because they oppose the war in Iraq or any aspect of it, I think, is an outrage; and it is important for us to say this over and over again tonight as well as in the future.

I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. I thank my friend from New Jersey for his persistent work in bringing the truth and bringing important issues to the floor of the House of Representatives night after night. We all have heard people in the administration, highly placed people in the administration, from the Attorney General to Mr. DELAY and leaders in the House of Representatives, Republican leaders, talk about patriotism in sometimes directly, certainly by implication, sometimes directly, question the patriotism of Americans, whether they are Americans in Congress or American people generally, question the patriotism of people who disagree with them on a whole host of issues.

I remember during the trade debate, during the Trade Promotion Authority whether we should extend NAFTA to Latin America that many of us were accused of not being patriotic because we did not want to pass these trade agreements, which incidentally tend to hemorrhage lots of jobs overseas in this country that never come back, manufacturing jobs, all kinds of jobs.

But when I think about patriotism, I want to tell a story. I met 2 weeks ago in Akron at St. Paul's Episcopal Church with 25 families who had loved ones in Iraq, sons, daughters, husbands, wives, cousins, nephews, nieces, whatever. These 20 families talked about the treatment that their loved ones were getting by the United States military, by the administration, by our government. There were not enough Kevlar vests, not enough body armor for our troops, one-fourth of our troops do not have adequate body armor, even though the President of the United States knew that we were going to war well over a year ago. They are now saying, well, we will probably have enough body armor for our troops by December of this year. They talked to us about not having safe drinking water, hundreds and hundreds, thousands probably, of our troops have come down with dysentery. They talked about some shortage of antibiotics, that they actually had to go to the corner drug store and send antibiotics to their son, one in the case of a son, another in the case of a wife he had to send antibiotics to her. Many servicemen and servicewomen when coming home on leave, if they got leave, had to pay their flights home.

When you talk about patriotism, and then you look at the other side of that issue, while we simply, this administration is spending a billion dollars a week, a third of it going to private contractors, much of that money going to Halliburton and Bechtel and friends of the President and contributors to the President, when they accuse people who disagree with them, the administration, of a lack of patriotism, then I look and see we are not taking care of our troops but we are taking care of the contributors to the President? Hundreds of millions of dollars have gone to Halliburton. Much of that has been unbid contracts. Yet Halliburton still pays Vice President CHENEY $13,000 a month. Halliburton contributes thousands of dollars, its executives and its company, thousands of dollars to President Bush.

And while our troops are not being supplied with Kevlar jackets, our troops are not being supplied with body armor, our troops are not getting safe drinking water, our troops are not getting the antibiotics they should get, this administration has the gall to charge injured soldiers $8 a day for their food at Bethesda Medical Hospital, in other hospitals around the country. At the same time we are shoveling money to contributors of the President. And they call us unpatriotic? And they call people who disagree with them unpatriotic? There is just no room for that in this debate. The fact is we ought to do this right. We ought to be working together in this effort in Iraq. We ought to come up with an exit strategy. We ought to come up with a plan. We ought to bring the United Nations in. We should not be shoveling money to private contractors who are friends of the President, who are contributors to the President, who continue to pay DICK CHENEY, the Vice President of the United States, $13,000 a month. We ought to do this right.

The charges of lack of patriotism ought to stop. We ought to get down to business. We ought to do this right. We ought to make this work. There is just simply no reason for those charges to continue, whether they are from TOM DELAY, whether they are from the top people in the administration, whether they are from anybody else.

Ms. JACKSON-LEE of Texas. Mr. Speaker, will the gentleman yield?

Mr. PALLONE. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. I am going to be very brief, but I was just moved by the comments of the distinguished gentleman from Ohio, and I appreciate the fact that he has met with families, military families. So have a number of us. I would like to just add that these comments certainly are protected by the first amendment. Some of them are protected by the rules of this House.

□ 2100

But I think they need to cease and desist because they are on the brink of or on the verge of cutting a very divisive line in this body and the other body, and that is that the appropriate discourse and debate is no longer allowed.

As we moved toward the Declaration of Independence and the Revolutionary War, I know, by reading history books, that there was a vigorous divide in America as to whether or not we should stay with the British, get along to go along, live and let live, or whether or not we should follow the pathway of independence and seeking equal opportunity and become a sovereign Nation. I can imagine it was probably a deeply dividing debate, and I would hope to think that the reason why this sovereign Nation has withstood the test of time is because that debate went forward and each side managed to get through that debate without undermining the other's patriotism to a certain extent or love for this new fledgling 13-colony group of States. And one maybe wanted to stay with the British Kingdom, if you will, or the United Kingdom, and others wanted an independent land. I cannot imagine why we

have now a majority leader that, one, cannot remember his words of just a few years ago, and now wants to divide this body by suggesting who is patriotic and who is not.

And I would just like to share with my colleagues some words that are constantly found throughout the CONGRESSIONAL RECORD as President Clinton tried to direct this country in a way that would provide defense to the defenseless, whether it was Somalia, and that, of course, was not the best military operation but there was a desire there to help those who could not help themselves, whether it was Bosnia or whether it was Kosovo.

So this statement on March 11, 1999, said ''Bombing a sovereign nation for ill-defined reasons with vague objectives undermines the American stature in the world. The international respect and trust for America has diminished every time we casually let the bombs fly. We must stop giving the appearance that our foreign policy is formulated by the Unibomber.'' One could take from that that he has just called a President of the United States the Unibomber. That happened to be Kosovo, where millions of Muslims were being ethnically cleansed. People were actually dying. The world could see it, and we were asked to come in by the NATO allies.

There is no such basis in the preemptive attack against Iraq. We were told there were weapons of mass destruction. We still cannot find them. And so what is the reason for not having the right discourse and debate on issues that are confusing and where the administration has been, if you will, less than forthright on its reasons for going to war? Saddam Hussein still exists. Osama bin Laden still exists. Then I think debate is appropriate.

Let me close on this point. I, likewise, have had the opportunity to engage military families in a townhall meeting that I held in Houston. No one can experience their pain. Even though their loved ones are alive, they feel the pain of those whose families are now experiencing the continuing devastating pain of having lost a loved one in Iraq. But one has to know what it is like to know their loved ones do not have body armor, bulletproof vests, that their loved ones who are in the National Guard or Reserve cannot get their paycheck on time, or they have loved ones who are there who have not seen their newly born child and ask a simple question of Secretary Rumsfeld which is when can we go home? There is nothing wrong with that.

And I do not want to point the finger at the military because they are following orders, and the policymakers are the ones who set priorities. So when we do not have priorities that deal with 11 suicides, that represent 34 out of 100,000 when we analyze the number, 11 suicides since May 1; and we pass an $87 billion supplemental and we do not provide for paychecks on time to Reservists and the National Guard; we do not have a date certain on exit strategy; we do not deal with suicides and mental health resources in Iraq and on the bases when they return home? Then I would question the person who questions our patriotism for asking these questions on behalf of the troops. And that is what the gentleman from Texas (Mr. DELAY) has done, and I think it is unpardonable. I will certainly uphold his right to the First Amendment, but when we debate on this floor, we should not cast those kinds of ugly statements about one's patriotism because we allow free debate, when he in 1999 suggested that our President was the Unibomber. And I can assure my colleagues that we are still being thanked for what we did in Kosovo. And I thank those troops there. I thank them in Bosnia, and I thank them in Iraq. Because the troops are not the issue. It is the policies that have sent them there, and each of us have the responsibility and the obligation under this Constitution to engage in debate and discourse, certainly on behalf of our constituents.

They say that lawyers get two and three closings; so let me make this the last one, in fact, and I want to thank the gentleman from New Jersey (Mr. PALLONE) for his leadership, but I can assure him that the kind of unpatriotic actions that we are being subjected to in Texas where we are losing 50 years of congressional experience, individuals who happen to be prominently placed on the Committee on Appropriations and have been champions of veterans' rights are being drawn out because of political reasons in this politically-gerrymandered massacre of a redistricting process, I can assure the gentleman that we could probably use a lot of names to call people, but that is not appropriate. The issue is a legal issue, a political issue, a court issue or judiciary issue. And taking up and casting about and calling people names as it relates to their patriotism, which anyone could do, is not what we choose to do, and I do not believe we should choose to do it in this body.

I thank the gentleman for allowing me to participate this evening, and maybe we can bring some civility to this place and debate fairly without name calling because people passionately have a difference of opinion, and maybe someone would say ''I told you so'' after all of this is over.

Mr. PALLONE. Mr. Speaker, I appreciate the comments from the gentlewoman from Texas. And, again, I know other speakers are going to follow me, but I just want to point out, again, I find it incredible that the majority leader, who just a few years ago in the case of Kosovo, severely questioned and essentially called the President of the United States names because of the actions that he was taking in Kosovo, now gets up on the floor and essentially has the audacity to criticize Democrats for questioning this President's policies in another war.

I yield to the gentleman from Washington.

Mr. MCDERMOTT. Mr. Speaker, I thank the gentleman from New Jersey for yielding. It is a pleasure. I am pleased that he would raise this issue. The questioning of Members of Congress because they dispute with the President is not unpatriotic. And those who take that route, I think, are simply not understanding what this country is all about.

This country was formed by dissenters, people who said, We will not be taxed without representation. Now, they were speaking to the King, for heaven's sake, who could cut their head off. All we have to deal with is the gentleman from Texas (Mr. DELAY). And I think Thomas Jefferson's words in 1815 need to be repeated: ''Difference of opinion leads to inquiry and inquiry to truth, and that, I am sure, is the ultimate and sincere object of us both. We both value too much the freedom of opinion, sanctioned by our Constitution, not to cherish its exercise even where in opposition in ourselves.''

For us to be unwilling to have debates out here and categorize people who are talking here as being unpatriotic is absolutely nonsense. What is really fun, though, is to go through the RECORD and see what the gentleman from Texas (Mr. DELAY) says. I really had a great time doing this. We have already heard this quote, which I think he was talking about the President in bombing Baghdad when he said ''Bombing a sovereign nation for ill-defined reasons with vague objectives undermines the American stature in the world. The international respect and trust for America is diminished every time we casually let the bombs fly. We must stop giving the appearance that our foreign policy is being formulated by the Unibomber.''

If I did not know that came from March 11, 1999, and had to do with Kosovo, I would think that one of my colleagues had made that statement about our present President. When it was said on that day, nobody got up and said ''You are unpatriotic, Mr. DELAY. You are unpatriotic.'' We let him say it. He is wrong. History has proven him wrong, but he has a right to say it in this country.

My favorite quote of all the quotes is one that I wish that I had said. I wish that I was as smart as my distinguished colleague from Texas. He said ''I cannot support a failed foreign policy.'' I wish I had said that about 3 days ago. He said it on April 28, 1999. ''History teaches us that it is often easier to make war than peace.'' I thank the gentleman from Texas (Mr. DELAY) for laying that out for me. I agree with him. I agree with the gentleman from Texas (Mr. DELAY). It is very seldom that I can think of a way to agree with him. ''This administration is just learning that lesson right now.'' You had better believe it. Read a newspaper. Pick it up every day. Kids are dying over there. Go out to Walter Reed and you can see kids without limbs, you can see all kinds of horrible

things that have happened to our troops. It is easy to make war, hard to make the peace, and they are learning over in Iraq day by day that when you treat people that way, hey, they are going to maybe fight back. I do not know why people think that only Americans would fight back. Why would the other side not fight back? It should not be any surprise. But they did not plan for that. They thought these people were going to come out with flowers and put them in the ends of their rifles. What nonsense could have been going on in the Pentagon I have no idea, but it certainly was a failed foreign policy.

''The President began this mission with very vague objectives and lots of unanswered questions.'' He must have been talking about Mr. Bush. Who else could he mean?

''A month later these questions are still unanswered.'' No, I say to the gentleman from Texas (Mr. DELAY, 6 months later these questions are still unanswered. Things that were said here on the floor were inaccurate. We all know it, but the President says nothing.

''There are no clarified rules of engagement. There is no timetable.'' One of the amendments out here the other day was let us have a timetable, but the gentleman from Texas (Mr. DELAY) said no, we cannot put a timetable on our President, let him kind of fumble around until he figures it out or put the training wheels on his bike or whatever. I do not know. But no timetable was allowed. The amendment was not allowed here to say we had to have a timetable before we gave $87 billion away.

''There is no legitimate definition of victory.'' Boy, that certainly fits this situation. How are we going to declare victory and get out of there?

''There is no contingency plan for mission creep.'' He means Syria and he means Iran, and I do not know where else he means. ''There is no clear funding program.'' Oh, yes, there is. Borrow. Borrow from the Social Security and Medicare funds; put us deeper in debt. That is what the gentleman from Texas (Mr. DELAY) wants. That is what he came out here and did. He took $87 billion out of thin air and gave it to the President and said, Hey, go over there and do whatever you have to.

''There is no agenda to bolster our overextended military.'' That is exactly what we are hearing. The Reservists are being kept away from their jobs. Everybody is in trouble. The troops are worn out. The equipment is worn out. Things that were supposed to go 80 hours have gone 500 hours, and so things are breaking down. Gee, he was prescient about what Mr. Bush was going to do.

''There is no explanation defining what vital national interests are at stake.'' Well, we are still looking, boy. It must be they are connected to al Qaeda. No, that is not true. It must be because of weapons of mass destruction. No, it is not that. What is it? What was our national interest? Oil, or something else? I do not know.

I can hardly wait for our President to come here next year and stand in the well and tell us what our national interests have been saved from, because it is not clear what happened before.

''There was no strategic plan for war when the President started this thing, and there is still no plan today.''

I watched with amazement and amusement in a certain sad sort of way when we had this hurricane out here, Isabel, and they had all these generators lined up and all these water purification units lined up. They saw that coming out a week before, and they said, hey, we are going to need electricity, we are going to need water. They planned for 3 years for going into Iraq, at least for a year, fully planning, all the time. From October right after 9/11, they started planning, and they did not think they would need an electrical generator. They did not think they would need purification of water. Did they think they were just going to kind of march in and it would all come back up out of the dust after they had bombed it? They bombed them for how many days, until there was nothing hardly standing, and they could not figure out that if they bomb something, they are going to have to build it back up. They should have had all that planning done. They prepositioned every weapon imaginable to man and woman on the border with Kuwait. It was right there ready to go, but they had nothing behind it in the way of planning for how they were going to deal with the aftermath.

The gentleman from Texas (Mr. DELAY) wants to come out here and say we are unpatriotic for raising these questions. This is what he said to President Clinton. It was not unpatriotic, I guess, when the gentleman from Texas (Mr. DELAY) does it, but if the gentleman from New Jersey (Mr. PALLONE) or I do it or the gentlewoman from Texas (Ms. JACKSON-LEE) or anybody else comes out here and does it, the gentleman from Texas (Mr. SANDLIN), I mean suddenly we are unpatriotic. No way.

I say to the gentleman from Texas (Mr. DELAY) answer these questions. Answer your own questions. You put those questions to a President. Why do you not put them to your fellow Texan and ask him?

□ 2115

What is the answer? What do I say to these guys? Because they are tearing us apart. We intend to keep it up until we see a way out. There is no plan, there is no timetable, and our troops are dying day by day.

The worst thing about it, you pick up the New York Times today, the young man who was killed yesterday, he is not on page 1, he is not on page 2, or, 3, or 4, or 5, or 6, or 7; he is on page 8. Like, you know, just a kid, right? Those are our young men and women. We asked them to go over there. They ought to be on the front page, every day. They ought to be in the President's mind every day.

I really thank the gentleman for giving us an opportunity to come and raise these questions and make it very clear to the American people.

I wear this little button. I started wearing it. I am not one who goes around, but I got that because I served during the Vietnam War. Now, in the war, I spent 2 years in Long Beach, California, dealing with casualties coming back. The gentleman from Texas (Mr. DELAY) did not serve. I do not know where he was. I know he loves his country; I would not even question that. But the question ought to be, how do we get out of this, not is somebody patriotic or not.

I thank the gentleman for the opportunity to speak.

Mr. PALLONE. Mr. Speaker, I appreciate the gentleman's comments.

I would like to yield to the gentleman from Texas.

Mr. SANDLIN. Mr. Speaker, I thank my colleague from New Jersey for yielding.

Mr. Speaker, one time the House majority leader said, ''American foreign policy is now one huge big mystery.'' I think I would have to agree with that.

I enjoyed listening to my colleague from Washington as he gave the quote, and I have a copy of that quote, and I began reading it. Without going through that long quote again, it does have a lot of relevance to the situation our country finds itself in today and to our debate tonight, where the leader says, ''I cannot support a failed foreign policy. The President began the mission with vague objectives and lots of unanswered questions. There is no timetable, no legitimate definition of victory, no contingency plan for mission creep, no clear funding program.''

Those are the very issues that we debate today, and those are legitimate questions raised by the majority leader. Those are legitimate issues. That is a legitimate debate.

Those comments were about, of course, the war in Kosovo. And while I may not agree with all of those points, I certainly do not see it as unpatriotic to raise those issues, just as it is not unpatriotic to raise those same issues today.

Just last week, Mr. Speaker, as we engaged in one of the most important debates of this Congress on the $87 billion supplemental appropriations bill to fund the military reconstruction efforts in Iraq, not Kosovo, the majority leader denigrated the Members of the House who had the audacity to question the administration's Iraq policy or to ask for an accounting or to ask for a justification for the spending of taxpayer money.

Those, just like in the Kosovo effort, were legitimate questions, it raised legitimate issues, it was a part of legitimate debate. It was a different war; it was a different political situation, different politics. Legitimate debate, different politics. And yet, once again,

our majority leader equated a failure to blindly go along with the administration policy to be unpatriotic, while in actuality many on this side of the aisle wanted to make sure that the funds went directly to our servicemen and servicewomen and to their protection, and not just to the beneficiaries of no-bid contracts.

Recently, the majority leader said this ''isn't about patriotism. It is about judgment.''

Certainly, Mr. Speaker, judgment requires a presentation of the facts, and judgment is important. But, speaking of judgment, in a press release the majority leader complained about what he called the ''vociferous Democratic critics,'' from KERRY to Dean, and DASCHLE to PELOSI, claiming they used ''hateful rhetoric.'' Now, what sort of judgment is that, when we are talking about legitimate debate, legitimate issues, about funding, about how we make sure our servicemen and servicewomen are protected in the field, and to call that hateful rhetoric?

We may not agree in this House on all the points of the war effort. We do not even agree completely within the confines of each party, Mr. Speaker. That is clear. But it is our duty to examine these issues closely and to account for the American taxpayer dollar. It is our duty to exercise the judgment that the majority leader was speaking about.

But I am sad to say he seems to be suffering from a crippling short memory. In questioning the administration's policy in Iraq, the manner in which it is handling operations in Iraq and the examining of the accounting, I would be interested to know how the majority leader would now characterize his own comments on the eve of the war in Kosovo.

Many of them have been set forth tonight, but in case some of us have forgotten the rhetoric that was ''spewed,'' to use that term at that time, he said in April that ''this is the President's war.'' These are the comments made while we are in war, comments made about our Commander in Chief: ''This is the President's war.''

Next he said, ''There is no national interest of the United States in Kosovo. It is flawed policy. It was flawed to go in. I think this President is one of the least effective Presidents in my lifetime. He has hollowed our forces while running around the world with these adventures.''

That is what he said in 1999 about Kosovo, in the middle of a military action.

He said, ''American foreign policy is now one huge big mystery.'' That is what he said. He said, ''Bombing a sovereign nation for ill-defined reasons with vague objectives undermines the American stature in the world.'' That is what was said by the majority leader in the middle of a conflict.

He said, ''Mr. Chairman, I rise today to voice my complete opposition to sending American troops to Kosovo. There is simply no vision to this mission.''

Later he said, ''It is clear that any deployment in Kosovo will simply drag on and go enormously over budget,'' some of the same comments being made today.

Later he said, ''So what they are doing here is they are voting to continue an unplanned war by an administration that is incompetent of carrying it out.''

In April he said, ''It is very simple: the President is not supported by the House and the military is supported by the House.''

The quotes go on and on. I do not want to bore this House with quote after quote after quote after quote, but the point is made. Those were legitimate issues, legitimate questions, legitimate things to debate in the House of Representatives. And while I do not agree with many of those points, I agree that it is legitimate to talk about these things in the greatest deliberative body that the world has ever known. And no one at the time questioned the patriotism of the leader or anyone setting forth those positions.

He had no problem in questioning the legitimate action of American policy when it suited his political fancy, but now there are problems for those that question the actions we are taking today. When anyone speaks out criticizing the lack of accounting, the lack of justification for spending money, the lack of a plan, those folks are attacked as unpatriotic.

I think it is important, Mr. Speaker, that we look at what was said recently, on March 27 of this year, by the leader when he said, ''Now is not the time to question the carrying out of the present war.'' A week earlier he said, ''Rhetoric does nothing more than demoralize the troops.''

Well, Mr. Speaker, if rhetoric demoralizes the troops, I wonder what a lack of planning does. I wonder what a lack of equipment does. I wonder what a lack of preparation does. I wonder what a lack of an exit plan does. I wonder what those sorts of things do.

Those are legitimate questions. The point being, it is hypocritical to raise them in one war, and it is then later unpatriotic to talk about it in the other. Either our majority leader was not supporting the troops in 1999, or he is the one that is spewing hypocrisy today.

We are obligated, obliged in this body, to have an honest and full-throated debate about all the issues that are being brought up and about the accounting of the public's money for the support of this war effort.

Mr. Speaker, I think it is important to remember what Mahatma Gandhi said one time. He said, ''Honest disagreement is often a good sign of progress,'' and Mark Shields said, ''Debate and dissent are the very oxygen of democracy.''

Mr. Speaker, our country faces many challenges today, both from within and from without. From within we face challenges of addressing a budget with record deficits, record debt, and reckless budgeting. We face a challenge of making prescription drugs available to our seniors. We have the challenge of educating our children and giving them access to quality health care at affordable prices.

From without we face the threat from nameless, faceless, hateful terrorists who are bent on destroying the freedoms that we believe in this country are unalienable, granted to us by the Creator and protected by our Constitution and our Armed Forces.

All of these issues deserve and demand a full debate and a complete examination. To turn this debate, this effort, this war effort into a political platform, to criticize or to call names or to point at one side or the other and say you are unpatriotic for asking for an accounting, for a justification, for asking that we air out the issues in this war is beneath this House.

Our troops and our country deserve a full and complete debate on these issues. Our country supports knowing what our plan is, what we hope to accomplish, how we are going to get out, and how much it is going to cost. That is a complete support of the troops and our efforts, and our House needs to support the will of the American public in those areas. Calling one side or the other unpatriotic is simply improper.

Mr. PALLONE. Mr. Speaker, I want to thank my colleague from Texas for what he said and for pointing out to us those many statements made by the majority leader, because, again, I think that it is very simple, the point we are trying to make tonight, which is the majority leader, the Republican majority leader many times during the war in Kosovo questioned President Clinton about the conduct of the war and the paying for the war, and did so in ways that were, to say the least, very unflattering. Now, when Democrats question the conduct of the Iraq war, we are accused of being unpatriotic. So he cannot have it both ways. Obviously, he is trying to have it both ways.

□ 2130

I yield to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, I thank the gentleman from New Jersey (Mr. PALLONE) for gathering us together to call for some accountability, some of the remarks of the majority leader of the House, but actually to make an even more important point, I think. When I was elected to this great body in 1998 and came to the U.S. House of Representatives in 1999, I was under no illusion that the elected Members would agree on every issue. I looked forward to the vigorous debate that would take place between Republicans and Democrats and even among Members of my own party and would expect that since free and open debate is not only a tradition of this Congress, it is, perhaps, the most highly-valued principle of our great democracy.

The very first amendment to our Constitution is freedom of speech, our precious right to say exactly what we believe, even when those words challenge those who are in power. Maybe I should say particularly when those words challenge people that are in power.

Voltaire's words, quote, ''I disapprove of what you say, but I will defend to the death your right to say it,'' is the spirit of the first amendment. And all of our great Presidents have defended that right to speak one's mind in this great country. And one of those eloquent statements was made by a Republican President, Theodore Roosevelt, who said, ''To announce that there must be no criticism of the President or that we are to stand by the President right or wrong is not only unpatriotic and servile, but is morally treasonable to the American public.'' Very strong words.

But now in an environment in which one party dominates the U.S. House, the U.S. Senate, the Presidency, and even the Supreme Court, those who challenge the policy decisions of the Republicans are being accused of being unpatriotic, of aiding and abetting terrorists, disloyalty to the Commander in Chief, of needing to apologize for voicing their views. And leading that effort has been the majority leader, the gentleman from Texas (Mr. DELAY). And I think it is time to call him to account for his hypocritical comments and his effort to stifle important and legitimate debate.

We are now engaged in war, in a war in Iraq. And our young men and women as well as innocent Iraqis are dying every day. There is nothing more serious than this. Many of us have been critical of the decision to engage in a preemptive war of choice, not necessity, of the poor planning, of the lack of proper equipment provided to our troops, of the lack of accountability of the billions of dollars being spent, more than a billion per week, much of which has gone to friends of this administration and not to provide things like clean water and modern body armor to our troops. There are legitimate issues to raise whether one agrees or not.

But rather than deal with the substance, the gentleman from Texas (Mr. DELAY) has, to put it bluntly, slimed the questioners. On March 20 of this year, Mr. DELAY said, quote, ''This destructive rhetoric does nothing more than demoralize our troops and second-guess our Commander in Chief,'' unquote. But in May of 1999 while our troops were there fighting against genocide and ethnic cleansing in Kosovo, that same gentleman from Texas (Mr. DELAY) said, quote, ''It is a flawed policy, and it was flawed to go in. I think this President is one of the least effective Presidents of my lifetime. He has hollowed out our forces while running around the world with these adventures.''

It was perfectly fine then for him to make this critical and, I would argue, somewhat intemperate comment about his Commander in Chief in 1999 while our troops were engaged in conflict. But not now. Oh, no.

Last week during the debate on handing another $87 billion to this administration that cannot seem to provide enough fresh water or sunscreen to our troops, the gentleman from Texas (Mr. DELAY) said, ''Let me just say that the old debating tactics of 'I support the troops but' is just not going to cut it this time. If you support the war, and you support the troops, you must, you must vote for this bill.''

Well, that is a very, very different story, again, from what he said in 1999. Our leader, the Republican majority leader, came to the floor of this house, stood probably over there, and said to this body, quote, ''This is a very difficult speech for me to make because I normally, and I still do, support our military and the fine work that they are doing, but, I cannot support a failed foreign policy.''

Now last week, he is saying ''no buts,'' and in 1999 he was all about ''but he could not support a failed foreign policy.''

Mr. DELAY can say what he wants because that is his right, not only as the majority leader or an elected Representative, but because that is the right of every American. But I have the right and we have the right, and I think an obligation, to demand that he act in the spirit of the oath that he took to uphold the Constitution, to take responsibility for the hypocritical and, I would say, unpatriotic remarks he has made for the purpose of demeaning and defeating his critics and critics of the failed policies of the Republican administration and Republican Congressional leaders.

I urge him, once again, to heed the wise words of the President from his own party, Teddy Roosevelt and let me repeat that quote, he said, Teddy Roosevelt, ''To announce that there must be no criticism of the President or that we are to stand by the President right or wrong, is not only unpatriotic and servile, but is morally treasonable to the American public.''

Mr. PALLONE. Mr. Speaker, I want to thank the gentlewoman from Illinois (Ms. SCHAKOWSKY) for her comments, and I may ask that we leave up that quote, if we could, from Teddy Roosevelt, because I think it says it all about what this special order is tonight and why so many of my colleagues have gotten up here and spoken out about the statements that have been made by the majority leader.

And if I could conclude tonight, I would like to conclude with a couple of quotes comparing what the majority leader said this year, in regard to the war in Iraq, and what he said a few years ago, with regard to the war on Kosovo, because I think that one of the greatest concerns I have is this notion that he has tried to spread that somehow if you do not support the war in Iraq or if you criticize this different aspects of the war or if you do not vote for the funding for the war in various ways, that you do not support the troops. Nothing could be further from the truth.

Everybody in this House of Representatives on the Democratic side, and I know on the Republican side as well, support the troops and want to do whatever we can to support the troops. And much of the controversy and much of the debate last week on the supplemental was about how best to support the troops. But at no point was anybody suggesting that we not support them, just how best to support them.

And the thing that is amazing about it is if you look up one of the quotes that the gentleman from Texas (Mr. DELAY) made this year with regard to the Iraq war, and this is the gentleman from Texas (Mr. DELAY) on March 20 of this year, a quote from the Washington Times where he said, ''I think it is hypocritical to say on the one hand that you support the troops, while on the other hand you say the reason they are risking their lives was wrong. I think it undermines the effort and the unity this country ought to be showing right now.'' Yet just a few years earlier, talking about the Kosovo war, as quoted in the USA Today regarding floor votes on Kosovo, the majority leader, the gentleman from Texas (Mr. DELAY), then said, ''It is very simple: The President is not supported by the House and the military is supported by the House.'' What he essentially was saying that you do not have to support the President in the war in order to support the troops.

And that is the bottom line. Everyone here on the Democratic side and the Republican side wants to do whatever is necessary to support the troops and to make sure that they are not unnecessarily in harm's way. But the bottom line is that you can support the troops and not support the President's foreign policy, either collectively in Iraq, or separately on different votes.

And I think it is very, very important for us as Democrats to continue to make that point. And we will continue to make it unless the majority leader stops his criticism and his comments relative to the patriotism of the Democrats.

The SPEAKER pro tempore (Mr. OSE). Under a previous order of the House, the gentleman from Colorado (Mr. BEAUPREZ) is recognized for 5 minutes.

(Mr. BEAUPREZ 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 Minnesota (Mr. GUTKNECHT) is recognized for 5 minutes.

(Mr. GUTKNECHT 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 gentlewoman from Tennessee (Mrs. BLACKBURN) is recognized for 5 minutes.

(Mrs. BLACKBURN 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 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.)

SUPPORTING OUR PRESIDENT AND MAJORITY LEADER

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Florida (Mr. FEENEY) is recognized for 60 minutes as the designee of the majority leader.

Mr. FEENEY. Mr. Speaker, I just sat through a fairly extraordinary hour with a lot of criticism of the majority leader of the United States. And first thing I want to make clear that I am not here to question anybody's patriotism. I think we have 435 patriotic Members of this wonderful body, and we have got some delegates in addition to that that are patriotic.

What I would say is that Lord Chamberlain, Prime Minister of Britain right before World War II, was a very patriotic Brit, but his policies were very foolish. And they took the free world into some very dangerous times, and we could have lost our freedom throughout the globe.

Lady Thatcher said, as early as 1986, that terrorism thrives on appeasement, much like the problem with Lord Chamberlain's policy, not that he was unpatriotic, but his foolish policies actually encouraged and empowered the Nazis. The same is true, according to Lady Thatcher. And I would submit that the gentleman from Texas (Mr. DELAY) and George W. Bush, our President, are the Churchills of our time when it comes to fighting the war on terror.

Churchill took a lot of criticism leading up to World War II. Our President and our majority leader are the ones that have the courage to lay out a policy to stick to it and make sure that we do what is necessary to win the war on terror just like we won the war against the Nazis in World War II, just as, as Lady Thatcher said, Ronald Reagan won the Cold War without firing a single shot.

The question here is not whether the Republicans or Democrats are patriotic. We are all patriots in this room. The question is who is better prepared to win the war on terror. Because if we lose this war, we will lose our way of life and probably our very lives themselves. The principle is that partisan politics ought, when we have men and women overseas, ought to stop at the water's edge.

And that does not mean nobody is arguing that the debate has to stop about what is best in terms of prosecuting the war. It does not mean that one cannot ask questions, and it does not mean that one cannot vote your conscience. But when one exploits partisan politics while there are men and women fighting for our freedom and our survival and fighting for our way of life against this threat, the international terrorist threat, then there is something fundamentally wrong.

We ought to engage in civilized debate, but what we ought not to do is to let partisan politics dominate our judgment.

Mr. Speaker, I have got a number of Members that want to say a few words about some of the partisan aspects of this debate which are very disappointing. For those of us that are supporting the President, supporting our troops, are certainly supporting our majority leader who has done a wonderful job leading the House through these days, our big question is where the vision of the other party is.

Now, I recognize in parliamentary governments around the world you often have a minority party that stands up and lays out their vision. We actually are going through a conflict where the President has laid out a plan, the majority leader has laid out a plan, we are following that plan, we have won the first part of the war, and we are doing our level best to win the peace as rapidly as possible, secure freedom for the Iraqi people, and bring our men and women home. That is the game plan. And there are lots of details to it, but that is the general game plan.

But the problem we have is that there is nothing united about the Democratic side of this debate in terms of whether or not the war on terror is critical, in terms of whether or not we should have gone into Iraq, in terms of whether or not Saddam is an evil tyrant and dictator that we should have taken down. The only thing the Democrats seem united on is that the enemy is in the White House and majority leader's office of the United States House of Representatives.

That is not the kind of leadership that I think the American people expect from the minority party. Thank goodness it is not the type of leadership that the President and the majority leader are giving.

I want to tell my colleagues as we start the opportunity for some of the other Members to express their views about the partisan nature of a lot of attacks on our President and our majority leader, I want to tell you about a great speech that Ronald Reagan gave known as the Westminster Speech, when he went to the British Parliament June 8, 1982.

□ 2145

He was referring back to World War II when he said that the island was really struck with terror and the potential for being taken over. Ronald Reagan said Winston Churchill exclaimed about British adversaries, ''What kind of a people do they think we are?''

That is a great question to ask about the international terrorists. What kind of people do they think we are? Well, Britain's adversaries found out what extraordinary people the British are, but all the democracies paid a terrible price for allowing the dictators to underestimate us. We dare not make that same mistake again.

So let us ask ourselves as Churchill, and then later Reagan said, What kind of people do we think we are? That is the message that we are trying to send international terrorists. What kind of people do the American people think we are? And are you more comfortable, ultimately, with the plans and the policies, the determination, the extraordinary courage of President Bush and the gentleman from Texas (Mr. DELAY), or are you more comfortable turning it over to a disarrayed party that has no policy other than to attack the White House and the majority leader's office.

What kind of people do Americans think we are? That is what the international terrorists want to know.

Osama bin Laden said several years ago that as soon as the blood starts flowing, the Americans would pull out; and yet appeasement in the Lord Chamberlain style seems to be the policy of many of our Democratic colleagues and friends, not all but many. And I would state that we have got to stand up and we have got to insist that our majority leader not come under attack here on the House floor for the great things that he has done, for standing by our President, for standing by our troops, and for leading the effort to make sure that the wherewithal is there in Iraq to complete the war and to continue going after international terrorists elsewhere around the globe.

Mr. Speaker, I yield to the gentleman from South Carolina (Mr. WILSON).

Mr. WILSON of South Carolina. Mr. Speaker, I thank the gentleman for his comments. I want to thank him for really bringing to the attention of the American people that, indeed, at a time of war, at a time of conflict, we should be considering working together in a bipartisan manner.

It was distressing to me as I learned last week that there was going to be the presentation by the minority party here to attack the majority leader of the Republican Party, the gentleman from Texas (Mr. DELAY).

I am fairly new to Congress. A little bit more senior than the gentleman from Florida (Mr. FEENEY) but just a little bit; and it has just been an extraordinary opportunity for me to be able to serve with somebody of the great integrity, the competence, the dedication of the gentleman from Texas (TOM DELAY).

I can give a personal statement as recent as last Thursday. I was very pleased that I had the opportunity in a bipartisan way to welcome Ognian Gerdjikov, who is the Speaker of the National Assembly of Bulgaria, and he is a democratically elected speaker in a country that has emerged from totalitarianism, which is now one of the dynamic Balkan democratic nations. And it was really exciting to meet with Speaker Gerdjikov. And I had contacted the gentleman from Texas (Mr. DELAY) a couple of weeks ago and told him that he would be coming, and if he could meet with him it would mean so much to the people of Bulgaria who, again, have emerged from totalitarian Communism and into democracy.

The gentleman from Texas (Mr. DELAY) recognized immediately how important this was. It was a wonderful meeting we had at his office with members of the National Assembly, with Ambassador Elena Poptodorova of Bulgaria. He was so positive. He was so enthusiastic, thanking the people of Bulgaria for their support of the United States in the United Nations. They are on the Security Council. Thanking the National Assembly for their strong vote to provide for an American military base to be located in Bulgaria to defend southeastern Europe and to defend the people of Bulgaria and, ultimately, to become part of NATO, and also to thank the people of Bulgaria for providing 500 troops to be currently in Iraq to provide for security and to promote the development of democracy in Iraq, which we know is mutually beneficial to the people of Iraq and the United States. Because as we work to redevelop Iraq, we are denying the terrorists a breeding ground for more terrorists, and the same standard that we used after World War II where we helped redevelop Germany so that would not be a breeding ground for communists. We defeated Communism. We will defeat terrorism, but we need to have strong leaders as we have with the gentleman from Texas (Mr. DELAY).

So that is my testimonial to a very fine gentleman that I am just so honored, as is the gentleman, to be serving with. And when he has made statements concerning the members of the minority, particularly their leader, the gentlewoman from California (Ms. PELOSI), there has been substance. It is not to question her patriotism, but it is to certainly question her judgment. And I know that in my service, 17 years in the State Senate of South Carolina and now my almost 2 years of service here, what I look at are the statements that I have made and the votes that I have made.

And I really want to bring to everyone's attention that the gentlewoman from California (Ms. PELOSI) made this statement on December 17, 1998: ''Saddam Hussein has been engaged in the development of weapons of mass destruction technology which is a threat to the countries in the region and he has made a mockery of the weapons inspection process. The responsibility of the United States in this conflict is to eliminate weapons of mass destruction, to minimize the danger to our troops and to diminish the suffering of the Iraqi people.''

What the gentlewoman said then was accurate, but the difference is that, of course, there was a different President in 1998. Of course, Mr. Clinton was in office at that time. And this was the defense of what many of us would actually give him credit for and that is recognizing the threat of Saddam Hussein to world peace.

Mr. FEENEY. Mr. Speaker, if I may, I want to show Americans the quote that the gentleman just referred to. This is from our minority leader, who is a wonderful woman. She is a great leader from California, but we sometimes usually disagree with her policies when it comes to big issues in American politics. This is what she said and I think it is important:

''Saddam Hussein has been engaged in the development of weapons of mass destruction technology which is a threat to countries in the region and has made a mockery of the weapons inspection process.''

All over America there are candidates running for President on the other ticket claiming that President Bush lied about weapons of mass destruction in 2002 in Iraq. Here, 4 years earlier, our current minority leader is telling the American people her assessment of the situation.

The question is whether George W. Bush, having spent a year or two in the White House, should have known more than leading Congress members 6 years into the process. So if the gentleman will continue, we have got some other speakers, if we can get to them.

Mr. WILSON of South Carolina. Mr. Speaker, indeed, I want to reiterate the difference between 1998 and 2002, 2003 is that we have a new President. And I regret, I feel that the reason that the change in judgment, not patriotism is politics.

When we consider how persons are to be judged, I believe what we need to look at is how people vote. Their statements are very significant, but we see statements can be shifted and can have different meaning according to who the President is. I will state that going back on votes, and I want to cite from the Center for Security Policy, which is an organization that was created in 1988. It is nonprofit, nonpartisan, committed to stimulating and informing the national and international debates about all aspects of security policy, notably those policies bearing on foreign defense, economic, financial and technology interest in the United States. According to the Center for National Policy, national security score card, I want to bring up votes and I will go back to 1993.

This is the 103rd Congress. The gentleman and I were back in Florida and back in South Carolina. But the gentlewoman from California (Ms. PELOSI) was right here voting.

The significance of 1993 is that when the first significant attack occurred on the United States, that was the first attack on the World Trade Center, we know later that the al Qaeda and the terrorists attacked our country in 1998 by blowing up embassies across Africa killing dozens of innocent people. And then, of course, in 2000 there was the attack on the USS *Cole* and, finally, the attack of September 11, 2001.

This was a war brought upon the United States. This was not one, as has been indicated by some people, that was contrived. We did not start this war. We are acting, I believe, in self-defense. But I want to raise some votes that the gentlewoman from California (Ms. PELOSI) made in 1993, which I think show her judgment as not being in the interest of national security.

First of all, there was a vote on March 18, 1993, which would have reduced defense spending by $41.9 billion. What an extraordinary time. Can you imagine, $41.9 billion of 1993 dollars, what that would have done to the defense in the United States. Fortunately, it was rejected, overwhelmingly rejected.

Next there was a vote to reduce funding for the ballistic missile defense system. Again, the gentlewoman from California (Ms. PELOSI) voted incorrectly. She voted to reduce the spending for the ballistic missile defense system. And of course we all knew my predecessor, the late Congressman Floyd Spence, chairman of the Committee on National Security, warned that there was the great prospect of North Korea, where I was a couple of months ago, of being able to develop a ballistic missile capability to attack the west coast, including California, of course. And at that time, the gentlewoman voted against the funding for the ballistic missile defense system.

Additionally, there was another vote which provided for increasing funding for ballistic missile defense and she was consistent. She voted against that. Then there was a vote to downsize U.S. forces in Europe. And this would have been a vote to reduce the funding for U.S. forces in Europe, a very critical part of our defense of the United States. And it was a billion dollar reduction, and she voted to reduce that which would have crippled our ability to promote the development of democracy in Central and Eastern Europe at a very crucial time, and in addition to protect the people of the United States.

Additionally, there was another vote and this was an amendment by the late Congressman Floyd Spence of South Carolina which would have limited the control exerted by a foreign national in U.N. operations which meant that the United States would maintain control of our forces. Again, the gentlewoman from California (Ms. PELOSI) voted incorrectly.

Another vote in 1993 was to reduce defense and technology spending. This

would have reduced the Federal spending for defense at a crucial time of $51.5 billion over 5 years. That would have been just further crippling.

In the same session of Congress I have three more votes I want to go over and then let other people speak because the gentleman has some really talented people here tonight. I want to congratulate the gentleman on recruiting fine persons to come and address our colleagues as to the issue before us.

There was a further vote in 1994 by Congressman Bob Michel of Illinois and this would have provided prohibition of U.N. troops being under U.N. command. And again the gentlewoman from California (Ms. PELOSI) voted incorrectly. Can you imagine placing U.S. troops under the command which could possibly be under the command of someone as far out at that time as Saddam Hussein but also as Kaddafi of Libya. Just, I think, incredibly irresponsible in terms of our national security and defense.

Then again in another vote in 1994 by the gentlewoman from California (Ms. PELOSI), and that was to reduce the Defense Authorization Act. There was a provision to significantly cut defense spending to a level far below that which was being proposed, at a time in 1993, 1994, the beginning of the war on terrorism, where we were trying to maintain defenses as strong as we could provide, and I just want to reiterate that it is not a question of patriotism at all. Our leader, the gentleman from Texas (Tom DeLay), has never questioned a person's patriotism. It is judgment on votes. And those of us who have the privilege of serving the people of the United States need to be judged on our votes.

Mr. FEENEY. Mr. Speaker, I thank the gentleman from South Carolina (Mr. WILSON). I want to reiterate what he said because the whole last hour was a lot of our Democratic colleagues just terrified and enormously angry at our majority leader because he thinks that somehow he called them unpatriotic. This is not about whether you are patriotic or not. Actually, our majority leader, to quote him accurately, and none of them quoted our leader, but on July 25 of this year what he said was: ''When criticized for these comments, the Democrats said we were questioning their patriotism. Not so. The Democrats' problem is not a lack of patriotism. It is a lack of seriousness. They do not hate their country. They just refuse to lead it.''

□ 2200

I will never call the Democratic party unpatriotic, but I will call their current leadership unfit to face the serious challenge of the 21st century. This is not about who is patriotic. We have got 435 voting patriotic Members of this body. This is about whether the American people trust a Churchill or a Chamberlain to lead this fight, a Reagan or a McGovern during the Cold War. This is about whether they trust George W. Bush or the appeasement wing of the Democratic party. That is what the debate is about.

With that, I would like to very quickly have one more quote if I can and then recognize our friend from Florida. I want to point out the difference between the last minority leader, who, again, we often did not agree with, and the current minority leader.

The gentleman from Missouri (Mr. GEPHARDT), when he was minority leader, said on September 17, right after the terrorist attacks, the following: ''The terrorists who did this want us to break up and fight with one another and that is the last thing we are going to do. We are going to fight together with the President and the people who have been heroic and courageous and wonderful, and we are going to win this.'' That is former Leader GEPHARDT.

One more thing he said. ''It is the American political tradition that politics ought to stop at the water's edge.'' What our current minority leader says, and again we respect her, we just disagree with her judgment, ''I am devastated,'' the gentlewoman from California (Ms. PELOSI) recalls saying on the morning after the bombing began in Baghdad, ''by the fact that we are going to war.'' In other words, actually prosecuting the war on terrorism in Iraq was terribly offensive to her.

With that, I would like to yield to the gentleman from Florida (Mr. MARIO DIAZ-BALART), my friend.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I could not agree with my colleague more. He just quoted our leader the gentleman from Texas (Mr. DELAY), and yet we have just heard for an hour our good friends on the Democrat side wailing into the gentleman from Texas (Mr. DELAY), saying that he said things, and again, they did not bring out quotes because they do not have them, saying that he said something that he did not say. He said exactly what the gentleman just quoted.

Let me quote, and I am going to read part of the quote that my colleague had up here a little while ago when he had the distinguished minority leader, the gentlewoman from California (Ms. PELOSI), when she says ''Saddam Hussein has been engaged in the development of weapons of mass destruction technology which is a threat to countries in the region, and he has made a mockery of the weapons inspections process.''

Mr. Speaker, I think this is important. She also said, and these are her words, ''The responsibility of the United States in this conflict is to eliminate weapons of mass destruction, to minimize the danger to our troops and to diminish the suffering of the Iraqi people.''

To me, it is kind of almost overwhelming when our good friends in the other party just from one day to another totally do a 180 to what they said. Of course, they try to put words in our mouths, in the President's mouth that he did not say, that the majority leader did not say, and that is why we did not hear a quote on the floor from the Democrats stating what the gentleman from Texas (Mr. DELAY) said.

The gentleman from Texas (Mr. DELAY) has been very clear. He is not questioning the Democrats' motives. He is questioning their policies, but here the gentlewoman from California (Ms. PELOSI) said what the United States responsibility is, and yet with her own votes, she has not done anything. She has done absolutely nothing to eliminate the weapons of mass destruction which she said the United States had a responsibility to do, or to minimize the danger of our troops which she said the United States had a responsibility to do, or to diminish the suffering of the Iraqi people. No. She voted against authorizing President Bush to use military force against Iraq.

On the floor a little while ago from our friends in the minority party, we heard them say, well, some of our troops do not have sufficient body armor. It is a serious wording. We need to make sure they are prepared, but then they vote against the $60 billion to give our troops the necessary equipment to wage this war against terrorism.

That is what we are talking about here. I have heard of people speaking through two sides of their mouth, but two sides are not enough. There are more sides of a mouth on that side of the aisle than there are seats on that side of the aisle, Mr. Speaker, and again, what we are talking about here is the policy, the policy.

What we then heard also was an hour of personal attacks, yes, personal attacks with innuendos and saying things because they could not quote them, saying that the gentleman from Texas (Mr. DELAY) said things he did not say. That should not surprise us, Mr. Speaker.

Mr. Speaker, the Chair is from the wonderful State of California, and just in his wonderful State, they had an election, and I could not help but notice the smear campaign that the new Governor-elect had to endure. I heard him say that it was the puke politics, the smear politics. He said, ''This is puke politics.'' It seems to be the modus operandi. It seems to be the way that our good friends in the Democratic party get taught when they go to campaign school, and again, what is important is that we cut through the rhetoric and look at the policy, not the puke politics, the policy.

The gentleman from Florida (Mr. FEENEY) mentioned how this President is leading this country in this war against terrorism. The gentleman from South Carolina said it very eloquently. We did not pick this war; we were bombed. Our people were assassinated in cold blood. We did not pick this war, and we did not have an option but to now defend ourselves, and we do not

have an option but to win this war. And yes, those that want to have the politics of appeasement, I will throw out another Winston Churchill quote. He said that appeasement was like feeding an alligator, hoping that you last. You know something, that alligator has already struck. Thank God we have a leader in the White House that understands we are at war.

I want to quote another thing that the distinguished gentlewoman from the State of California, the minority leader, said about the war. She said, ''I don't really consider ourselves at war,'' May 6, 2002. She has the right to not consider ourselves at war, but I for one, Mr. Speaker, will not forget the Americans who have died in the embassies abroad, in the USS *Cole*, in Somalia and in 9/11. This country is at war. We will not forget.

The gentleman from Missouri (Mr. GEPHARDT) said that we will not be divided, and that we are at war, and that we will not be fighting among ourselves. Frankly, I am a little bit upset of what I just heard over the last hour which were personal attacks. Personal attacks were leveled at the majority leader in that puke politics that we saw so evident in California.

Having heard all that, Mr. Speaker, I know and I am confident that because we have the gentleman from Texas (Mr. DELAY) as our leader and because we have George W. Bush in the White House, know, we do realize that we are at war. We do realize that there is a lot at stake, and those that want to hide their heads in the sand like an ostrich, including in violation of their own words, when the gentlewoman from California (Ms. PELOSI) said, ''The responsibility of the United States in this conflict is to eliminate weapons of mass destruction, to minimize the danger to our troops and to diminish the suffering of the Iraqi people,'' despite having to not argue, despite the fact that she is not arguing these are her words, I am confident because of the leadership of the gentleman from Texas (Mr. DELAY) and the White House we are going to win this war that the gentlewoman from California (Ms. PELOSI) does not think we are in.

We are going to win it because this country has stood up to every single challenge. This country will not stand by and let its children die with impunity, be murdered with impunity. We are at war. The President understands it. The American people understand it. If the minority leader does not understand, it is her right and our right to disagree.

Mr. FEENEY. Mr. Speaker, I thank my friend from Florida, and I want everybody to be able to see exactly what the minority leader the gentlewoman from California (Ms. PELOSI) actually said. She said it on May 6, 2002, on the Democratic show, Miles Benson. ''I don't really consider ourselves at war,'' Pelosi said.

Now, Americans can decide whether they think we are at war or not, but I will tell my colleagues this points out an interesting distinction to me because forever when we really have a war going on, and most of us know when we are at war, it is not hard to tell, most of us are divided between one extreme of hawks and one extreme of doves on the war.

It seems like most of the Democratic party are people running for President, the people that come down here and speak on Iraq every day, they are divided, too, between doves and ostriches, but the fact of the matter is, like a dove, you cannot fly away from terrorist attacks, and like an ostrich, putting your head in the sand will not protect you from the terrorist activity.

Why do terrorists hate us so bad? This is one of the things all of us Americans have so much trouble understanding, and I will tell my colleagues that just like the Nazis hated us, just like the Communists hated us, the fact of the matter is they are very jealous, because, after all, as they see it, we are rich, they are poor. Our people are well-fed, while their people are often hungry. We are technologically advanced, while they are mired in unsophisticated ways. We are strong, while they are weak. Our wives and daughters are free to pursue diverse careers or home making as they choose, while theirs are treated as chattel. We have individual freedoms secured by a Constitution; they are enslaved by dictators and violent religious zealots. They hate us.

Terrorists throughout the world hate us. We have to get used to it. We are at war, despite the minority leader's judgment.

With that, I yield to the gentleman from Texas (Mr. HENSARLING).

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

Mr. Speaker, as a member of the House Committee on the Budget, I have heard hours and hours of testimony from Democrats about funding Federal programs.

They claim that if we do not vote for an increase in the budget of welfare, then we do not care about the needy; if we do not vote for an increase of the budget of the National Institutes of Health, we do not care about cancer patients; if we do not favor major increases for the Department of Education, we must not care about our children learning their A, B, C's. In other words, in their world, support can only be measured by money.

I have heard this line of reasoning over and over again in countless speeches by my Democrat colleagues, but when it comes to protecting the American homeland, all of the sudden the Democrats throw that reasoning out the window because now, Mr. Speaker, we are being told by the leader of the Democrats that they support our troops, they just do not support funding them. Which is it?

If they support our troops but they do not want to fund them, what are we to do? Are we to pass around collection boxes at sporting good stores asking for donations of ammunition for our troops? Are we to start food drives at churches and synagogues and mosques in order to feed our soldiers who are in harm's way in Iraq and Afghanistan? Are we to shop at Goodwill for the uniforms that they need? I think not.

Mr. Speaker, almost a year after 9/11, the leader of the Democrats in the House said she really did not consider that we were at war. I hope she has now come to a realization that we very much are. This is the same Democrat leader that described our simple resolution to support our troops in the field as a bitter pill to swallow. The real bitter pill to swallow is the realization that so many Democrats claim to support our troops, but they will not vote to arm and equip them.

But the Democrat leader in the House is not the lone Democrat making outrageous political statements at this time in our Nation's political history. A Democrat leader in the other body stated that the war on terror is a fraud, made up in Texas.

Let us ask 68-year-old mother Zahra Khafi if this war is a fraud. After her 28-year-old son was summarily executed 2 years ago by Saddam Hussein's regime for merely practicing his religion, she said, ''Should I be afraid? Is Saddam coming back?''

Let us ask Ali Khemy if this war is a fraud. After the 1st Marine Expeditionary Unit liberated his village, he said, ''Americans very good, Iraq wants to be free.''

Let us ask one of their religious leaders if this war is a fraud. When his country was being liberated by our troops, he said ''We need freedom more than we needed air.''

A recent survey showed that 70 percent of the Iraqis are clear they want our help. Clearly, the people of Iraq know that this war is about something real and tangible: freedom, democracy, security, not just theirs but, more importantly, ours.

For any Democrat who still believes that there is no war, no threat from the forces of terrorism, let us ask the families of the nearly 3,000 innocent Americans who lost their lives in the terrorist attacks after September 11. Let us ask the family members of those who recently lost their lives in terrorist attacks against the U.N. headquarters, those who lost their lives in Baghdad's Jordanian embassy or against the Shrine of Ali Mosque. Let us see if they believe that there is no war with terrorists.

There is an old adage, Mr. Speaker, that those who fail to learn the lessons of history are condemned to repeat them. Today, those who do not consider our Nation at war or consider it a fraud, clearly have not learned the lessons of history.

During 8 years under President Clinton when he deployed our troops 37 different times, Republicans came to the floor of the House and voted to support our men and women in uniform. In

those 37 deployments, Republicans gave President Clinton the funding he needed.

□ 2215

Now, if Republicans can support a Democrat President during time of war, why do so many Democrats refuse to support a Republican President during time of war? If Democrats are unwilling to recognize the war that we must confront, if they are unwilling to support our troops against these threats, then what do they propose that we do to avoid another attack against Americans on American soil? What is their solution to avoiding another potential attack with chemical, biological or a nuclear weapon that can make 9–11 pale in comparison?

Under this President, with the support of Republicans and some Democrats in Congress, we are winning and fighting the war on terror. We are restoring stability and order. Just this month, the United States military and Iraqi police conducted joint raids, arresting more than 50 terrorists and criminals. Approximately 50,000 Iraqi police officers are back to work, Coalition forces are working with 36,000 local Iraqi workers to refurbish 1,600 schoolhouses across Iraq, and last week Iraqis started a new path towards economic stabilization by introducing a new currency.

Mr. Speaker, I hope my Democrat colleagues will move beyond the political rhetoric of their party's leadership and their Presidential candidates. We must continue the hard and expensive work of seeing freedom and democracy take root in Iraq and Afghanistan. For as they do, those countries will cease to offer safe haven to terrorists and the safer America will be.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. NUNES). The gentleman from Florida will suspend.

The Chair must remind Members that remarks in debate may not include quotations of Senators, except as specified in clause 1(b)(2)(B) of rule XVII.

The gentleman from Florida may continue.

Mr. FEENEY. Mr. Speaker, I would like to yield to another gentleman from Texas (Mr. BURGESS). We have several great gentlemen from Texas here tonight.

Mr. BURGESS. Mr. Speaker, I thank the gentleman from Florida for putting this together this evening, and I certainly thank him for yielding to me.

Mr. Speaker, I was fortunate enough to be in Iraq at the end of the summer, the last week in August. And during that trip, we talked with General Ricardo Sanchez, who talked to us about the accomplishments that had happened since the end of the major combat phase of Operation Iraqi Freedom, essentially 3 months later, the 90 days of progress.

During that 90 days, schools had completed their academic year and conducted testing. Ninety percent of the major cities and towns had functioning town councils. At that point, over 50,000 Iraqis were contributing to their own security under uniform, that is either in the Iraqi Army or as border patrols. The prisons were on the verge of reopening. The judicial system was up and functioning. Food distribution was going on without much in the way of any hindrance. In fact, no humanitarian crisis grew as a result of the major combat phase of Operation Iraqi Freedom. The hospitals, although substandard, remained open and functional. And four and a quarter million children were immunized during those 3 months in the summer.

Well, Mr. Speaker, we sat here for a good deal of time this evening and listened as our leadership, the leadership of the administration, the leadership of this House was criticized for the lack of a plan. I would just ask you: Does this litany of accomplishments that occurred during those 90 days sound to you like the lack of a plan? And just to put it in some perspective for our friends on the other side of the aisle, all of these things that I just mentioned that were pointed out by General Ricardo Sanchez, all of these things occurred within 90 days. None of those things had happened a year after the end of combat in Kosovo. I ask you: Does it sound like there was a lack of a plan, a post-war plan in Iraq? I think not.

And let us just talk for a minute about humanitarian crisis. Let us try to put that in some perspective. What would we have been hearing from the other side of the aisle tonight if there had been 15,000 heat-related deaths in Baghdad this summer? Well, I will tell you what we would have been hearing. We would not have wanted to hear the words that would have been coming from the other side tonight. But the reality was there were not 15,000 heat-related deaths in Iraq this summer. Was the summer harsh enough to cause 15,000 deaths? Well, how about in France, where the average high temperature was 25 degrees cooler and where they had 15,000 heat-related deaths this summer. There is your humanitarian crisis. It did not occur in Iraq; it occurred in France.

Mr. Speaker, one of the reasons we are here this evening is because of the criticism leveled at our majority leader, the gentleman from Texas (Mr. DELAY). The gentleman from Texas (Mr. DELAY) is the duly-elected majority leader of the House of Representatives. He has a duty not just to be a leader but to maintain his majority in the House of Representatives, and it is the fact that he is so successful in doing that, and the recent redistricting in Texas points to just how successful he is in that job, that that is what leads to his criticism.

The gentleman from Florida is quite correct when he talks about people who are critical. It is largely not what we do wrong but what we are doing right that makes others so critical. Well, I, for one, am very glad that we have the type of leader we have in Leader DELAY. It is a privilege to serve in this House with him, and I look forward to serving with him for a great many more years to come.

Mr. FEENEY. Well, I thank the gentleman for those comments.

Mr. Speaker, we have been reminding some of our Democrat colleagues of the irresponsible positions that they have taken on the war on terror and the war on Iraq. But, in fairness, not all of the Democrats in this country have been totally irresponsible. For example, the former minority leader, before the gentlewoman from California (Ms. PELOSI), Congressman GEPHARDT, on September 13 in the year 2001, 2 days after the bombing, said the following: ''There was no air and no light between the President and Congress and the two parties.'' In other words, we were together at that point on the war on terror.

And just recently our colleague, the gentleman from Georgia (Mr. MARSHALL), said, and I quote, ''Responsible Democrats should carefully avoid using the language of failure. It is false. It can be unforgivably self-fulfilling.'' So there are responsible things being said, but they are in the minority and they are being drowned out.

Before I turn to my colleague from Tennessee, I want to say that more like the gentlewoman from California (Ms. PELOSI), the minority leader, is the position of the last Secretary of State under President Clinton. And let me first state that the National Democratic Institute for International Affairs is headed by Madeleine Albright, who recently returned from a fact-finding tour in Iraq, and what they found was that throughout the north, the south, and in Baghdad, secular religious Sunni, Shiite, and Kurdish groups in both urban and rural areas there were what they called a newly formed umbrella movement. The Iraqi Coalition for Democracy said, ''We already see the positive results that the Americans have brought. We are free to talk to you, to organize a movement and party, free to meet and demonstrate. And all this was made possible by the Americans.''

And almost at the same time, Secretary Albright, violating the old rule of not playing partisan politics against your own country while men and women are in the fields while you are overseas, said the following, and she said it on French radio and she spoke in French. Here is what she said, translated into English: ''It is difficult to be in France and criticize my government, but I am doing so because Bush and the people working for him have a foreign policy that is not good for America, not good for the world.''

Thank you, Secretary Albright, for traveling the world and basically encouraging people that wish us no good.

And I would note finally that one of the other great terror threats on the

planet is North Korea, and Secretary Albright's great contribution in North Korea during her administration was to actually help facilitate the use of nuclear capabilities for power generation in North Korea. Not the kind of thing that has really been productive.

With that, Mr. Speaker, I would like to yield to a friend and colleague and marvelous spokesperson for the conservative and Republican-principled cause, the gentlewoman from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Mr. Speaker, I thank the gentleman so much. You know, the gentleman just used the quote from former Secretary Madeleine Albright, and I heard some about this this weekend while I was back in Tennessee, people who were disappointed, Democrats who were disappointed that she had chosen to make that remark of saying that our policy and our President's policy was not good for America and not good for the world.

This past weekend, I was literally all over the State in Tennessee. We were over in Memphis, in Shelby County, which is part of my district, the seventh district of Tennessee. Also part of the ninth and eighth districts of Tennessee. And then I was over with our good colleague, the gentleman from Tennessee (Mr. WAMP), in his district, the fourth district, and up in Knox County, with our colleague, the gentleman from Tennessee (Mr. DUNCAN), in his district. And I can tell my colleague that I was very encouraged with the way Tennesseeans support our President, the way they support our troops, they way they support our leadership in fighting this war on terrorism, the way they recognize that this is a global effort to destroy terrorism.

And, Mr. Speaker, the people back home are really watching this. They are listening to the news, they are getting their information on the Internet, they are paying attention. They know that there are numerous links between Iraq and terrorism, and they understand the importance that it is. They know that it is vital that we secure an ally with Iraq; that we help them build a free and open society; that we help them get the underpinnings and the foundation so that they have a productive and aggressive economy. And they are committed to working with us as we get through the war on terrorism. I even had one of my constituents this weekend say that they thought that it was only in this stratified Potomac fevered air of Washington that people did not have the courage and the commitment to see this war through.

Mr. Speaker, I was today reading some e-mails that had come to me, and one of them I thought was just terrific. It came from a gentleman who is a Vietnam veteran who said some things so very well, talking about how when he was serving in Vietnam that the liberal news media flamed the sparks of unrest and how that played on Congress and how Congress' decisions during that time affected him as a soldier.

It was interesting to sit here and to read all of this. He went on in his e-mail and he used the Patrick Henry quote that I absolutely love: ''Give me liberty or give me death.'' And as he has watched the war in Iraq, he said this had come back to him so many times and how he thought that that is so true, that without that personal freedom, which is the foundation of our constitution and of our society, then nothing else means as much, and how important it is that we recognize what a threat terrorism is; how important it is to win this war in Iraq; how important it is to build an ally with Iraq.

And, of course, we have talked much tonight about the gentlewoman from California, the minority leader, and her comments in December of 1998 when she gave her floor speech characterizing Saddam Hussein as a tyrant, which we all believe he is; and a threat to international security, which we all agree that he is. We have been through that quote tonight, but I want to go back into it. There is plenty of proof he had engaged in the development of weapons of mass destruction. I agree with what the minority leader said at that time; we all do.

We need to realize that in 1998 Bill Clinton was the President. Today, we do have a different President. And President George Bush is leading us in this war on terror. Our colleague from Texas just talked about the great work that the men and women are doing over in Iraq and the difference that they are making. I look forward to going and seeing this firsthand.

Now the minority leader is coming along and she is questioning what we are doing in Iraq, and she is charging the administration with having a failed plan. The only thing this administration has failed to do, I believe, is to foresee how quickly Saddam Hussein's regime was going to collapse. To some extent, I think they have been victims of their own success. Because as our colleague from Texas pointed out, things have moved rather quickly. No one expected Baghdad to fall that quickly. They thought it was going to take months instead of weeks.

I would like to quote from another Member of the minority party, who, unlike Minority Leader PELOSI, is considering the big picture. This is a quote from the gentleman from Missouri (Mr. SKELTON), he is a Democrat, and he is considering the big picture. This is what the gentleman from Missouri (Mr. SKELTON) had to say in September of 2003, this year, in the publication ''The Hill,'' and I quote.

□ 2230

''The media stresses the wounds, the injuries, and the deaths, as they should, but for instance in Northern Iraq, General David Petraeus,'' and I will pause here and say General Petraeus commands the 101st Airborne from my district, ''has 3,100 projects, from soccer fields to schools to refineries, all good stuff and that is not being reported. Failure is not an option. Should the reconstruction effort fail, Iraq would become a snake pit, a haven for terrorists.''

Mr. Speaker, we have learned the lessons of World War I. We learned from the successes of World War II. We know it is incredibly important that we see Iraq through to being firmly planted and seated on a firm foundation so they can be a success. I do not think it is patriotic for us to sit back and let terrorism take hold there or come over here and take ahold on our shores. I do not think it is patriotic to let tyrants kick dirt in our faces for a decade. I know the people in my district are tired of America choosing rhetoric over action, and they are pleased with the action that they are seeing. September 11 gave us cause for action.

There is a great song that one of my friends and songwriter, David Worley has written. The song is Have You Forgotten, and that song is a reminder to each and every one of us that September 11 occurred, that men and women lost their lives, that terrorism brought its war to our shores, and it is important that we support the reconstruction in Iraq and support our leadership as they lead through this.

Mr. FEENEY. Mr. Speaker, I thank the gentlewoman for her leadership on this.

Again, to point out, the two big debates tonight are not whether or not you are patriotic, the question is whether you are fit and responsible in the fight against the war on terror. The sad thing for a lot of us that enjoy working with our Democratic colleagues is that traditionally when there is an international war going on and America is heavily involved, and our security and lives are potentially at stake, are you a hawk and tend towards the hawkish side, or are you a dove and tend towards the dovish side, but in much of the Democratic caucus, the debate is between whether or not you are a dove or an ostrich.

The terrorists came and found us on September 11, and they will do it again. Fortunately, there are some responsible Democrats that say responsible things. Unfortunately, we have not seen a lot of leadership out of the minority leader's office. I want to share a quote that talks about the fight to water down the resolution to fight the war on terror in Iraq. Minority leader, the gentlewoman from California (Ms. PELOSI), fought to tone down support for Bush and delete other passages opposed by antiwar Democrats.

But at the same time, you have the second ranking person in the Democratic caucus, the gentleman from Maryland (Mr. HOYER) who basically said he would vote for the bill that his leader opposed. I am glad there are Members who put partisan politics aside and support our President, even though all of us have questions how we can do things better. That ultimately is not the question.

I want to go back to the question whether or not we are at war with terrorism, and again the gentlewoman from California (Ms. PELOSI) suggested we are not at war, and that while the war has not been officially declared by the United States Congress, we have not had one since I believe the Korean War, in over 50 years, this war is a declared war. The terrorists declared this war on the United States, and they did it in a resounding, ugly, atrocious way on September 11.

But this threat is not new. In 1986 during the great Libya debate in the House of Commons, Lady Thatcher defended American's strike against Libya as she said, ''Terrorism thrives on a free society. The terrorist uses the feelings in a free society to sap the will of a civilization to resist. If the terrorist succeeds, he has won and the whole of free society has lost.'' Like Lord Churchill, Lady Thatcher is prescient, and she issued warnings a decade before the war was launched on America, much like Prime Minister Netanyahu in his book Fighting the War on Terrorism warned that ultimately the target of international religious zealot terrorism is not Israel, they are the temporary target. Ultimately, the great Satan is the United States.

We were told in 1995 by Prime Minister Netanyahu that we would, in fact, be the target. But we do not have to believe our friends and allies on the topic of terrorism being a threat to our children, our grandchildren and our very civilization, if fact, it was over a decade ago that Osama bin Laden declared, ''We with God's help call on every Muslim who believes in God and wishes to be rewarded to comply with God's order to kill the Americans, and plunder their money whenever and wherever they find it. We also call on Muslim leaders, youths, and soldiers to launch the raid on Satan's U.S. troops and the devil supporters aligned with them, and to displace those who are behind them so they may learn a lesson.''

We have been warned over and over again that they are coming to do us evil. We know it, and yet putting our heads in the sand is not an effective response, and hope is not a strategy.

Winston Churchill said in the 1930s, warning about Hitler's Germany, if you give into aggression, there will be end to humiliation you have to suffer.

Remember, it was Abraham Lincoln who basically said in terms of having to complete the war to put the Union back together, let us strive on to finish the work we are in.

But again, we have great leadership from our President in very difficult, very challenging times. We have wonderful support and leadership from our majority leader who came under intense attack tonight, and where is the plan of the opponents of the President, where is the plan of the opponents of our majority leader, where is the plan of the opponents of the people who want to prosecute, fight and win the war on terror and to establish a free constitutional democracy in Iraq that is not a threat?

Well, candidly, the Democratic party is very divided. The gentleman from Rhode Island (Mr. KENNEDY) split from his own father in criticism his father leveled against President Bush for attacking Iraq. The gentleman from Rhode Island (Mr. KENNEDY) said the country is better off without Saddam Hussein. His quotes are, ''I do not agree with his stance,'' speaking about his father. ''I believe that the United Nations needs to be a viable international organization, and the only way it is viable is if its proclamations and resolutions are enforced.''

Despite all that warning about the fact that we cannot wait on permission from people in the U.N. to protect ourselves, there are still people attacking the President for the preemptive war on terrorists. This is a responsive war given the fact that Saddam Hussein has tried to export terrorism at every opportunity.

It is not just the Democrats fight amongst themselves, sometimes the same Democrat is on both sides of the issue, like General Wesley Clark, depending on what day it was. Early in the campaign, he could not decide whether he was fully supportive of the President and our troops, or whether he would have voted against the resolution. It just depends on which version of General Clark's statements that we hear, now as he is running for President, and again using partisan rhetoric in trying to undermine the President in a time of war.

Governor Dean has no such problem. He has been very consistent. In that old battle of hawks versus doves, the fact of the matter is that I think it is pretty clear that Mr. Dean is in fact on the ostrich side of that debate. He opposes the war, he opposes the doctrine of preemptive war, which means we have to wait, according to the doctrine of Mr. Dean, who is apparently one of the frontrunners for nomination for President, we have to wait until the next set of bombs, perhaps filled with nuclear weapons, hits an urban center in New York or Detroit. Maybe we have to wait until poison water in Los Angeles or in Miami poisons millions of our citizens. Terrorists maybe will have to drop nerve gas on population centers in Atlanta or Seattle before we can defend ourselves, and even at that point Governor Dean regularly suggests that we need to ask the United Nations before we defend ourselves.

Let me remind Members that means that Libya, led by Colonel Quadafi, who declared basically a terrorist war on America 15 years ago, Libya controls the chairmanship of the Human Rights Commission of the United Nations. Maybe we should have to ask Syria, a state that sponsors terrorism on a regular basis and that serves on the Security Council of the United Nations, one of the top 15 votes in the United Nations. We should not have to ask for permission to defend ourselves.

Mr. Speaker, I want to say, hopefully, this debate can return to not who said what when, but who believes we need to stand up and fight to do the right thing to protect Americans to secure our interests and to ultimately bring our men and women from Iraq home as we continue to prosecute this war on terror.

I will go back to what I started with tonight, in a great speech President Reagan gave to the British Parliament in 1982 called the Westminster Speech, he said, ''During the dark days of the Second World War, when this island was incandescent with courage, Winston Churchill exclaimed about Britain's adversaries, 'What kind of a people do they think we are?' ''

Mr. Speaker, all over the world, terrorists are watching to see what kind of people we think we are. Ultimately, it is the President of the United States, sometimes imperfectly, ultimately it is the majority leader and it is the leadership of the Republican Party in the United States House that the terrorists fear and know can defeat them, and the whole world is watching to see whether we back down to this terrorist threat.

Mr. Speaker, I know what kind of people I think Americans think we are. We are ready for this challenge, and it is not easy; but the gentleman from Texas (Mr. DELAY) and President Bush are our leaders.

SOCIAL ILLS SEEN AS RUIN OF NATIONS

The SPEAKER pro tempore (Mr. NUNES). Under the Speaker's announced policy of January 7, 2003, the gentleman from Nebraska (Mr. OSBORNE) is recognized for 60 minutes.

Mr. OSBORNE. Mr. Speaker, I was privileged to hear British Prime Minister Tony Blair speak in this Chamber a few months ago, and one comment he made particularly caught my attention. He said, ''As Britain knows, all predominant power seems for a time invincible, but in fact, it is transitory.'' I think what he was saying is that essentially nothing lasts forever, including great nations.

History teaches us that, most of the world's great powers are not overcome by external force, but rather disintegrate internally. And let us take a quick study of three such examples.

Rome, of course, 2,000 odd years ago, stood astride the then-civilized world and appeared to be invincible. Yet it fell from preeminence, and the reasons historians have given us, there was a general decline in morality, increasing corruption and instability in leadership, an increasing public addiction to ever more violent public spectacles, an increase in crime and prostitution, and a populace that had become more self-absorbed, apathetic, and unwilling to sacrifice for the common good.

Then, of course, the country that Tony Blair was referring to, Great Britain, had a colonial empire that dominated much of the world through

much of the 1800s, and, of course, that empire slowly began to crumble. The reasons that some have given for this demise was that Great Britain had lost the national resolve to maintain its territory, values that led to ascendancy were eroded, spiritual underpinnings were shifted at some point.

The third example would be the Soviet Union, one of two great super powers as recently as 20 years ago, and in a matter of months, Russian disintegrated before our eyes. Alexander Solzhenitsyn reflected on this fall when he observed that, ''Over a half century ago, while I was still a child, I recall a number of older people offering the following explanation for the great disasters that had befallen Russia, men have forgotten God, that is why all of this has happened.''

And so, Marx and Lenin dismantled Russia's heritage and value system. Russia's foundation was broken, and it collapsed like a house of cards with nothing to sustain it.

□ 2245

These are just three examples. I think there are many others that history is replete with that show the declines of some great nations, again without any outside military intervention. I think some of the common themes that we begin to see are that in cases like these, citizens are less willing to sacrifice for others and for country, citizens become more self-absorbed, a greater desire for comfort, for the state to provide for their welfare, a weakening of commonly held values and a decline of spiritual commitment in those countries.

What does all this have to do with the United States and our present situation? I hope I am not overdrawing the case here, but I would have to say that right now we are certainly on top, we have the most powerful military, the strongest economy, the most stable government of any nation in the world and so it is easy to think, as Tony Blair mentioned, that we are invincible but also as he said, as Britain knows, all predominant power for a time seems invincible, but in fact it is transitory. I think that was a well-taken word of warning.

Over 36 years of coaching and dealing with young people, I saw some very disturbing signs. I am going to take some time this evening to develop the theme that I saw occurring before my very eyes over that 36-year period that I think certainly bode a sense of warning, at least as far as I am concerned. The young men that I worked with were more talented with each year, yet they showed more signs of stress, they had more personal struggles, and they had less moral clarity as the years went by.

This chart here to my left reflects at least one alarming trend. In 1960, which was about the time that I started working with young people, we had roughly 400,000 cases that were referred to the juvenile courts. In 1999, that figure was well over 1.6 million. I would say today in 2003, this is the most recent figures that we have, but I would imagine that by 2002, 2003, the caseload is much higher. That represents a 400 percent increase. I really do not care what figure you look at; you will find that the chart looks about like this for issues such as teen pregnancy, teenage murder, violence, drug and alcohol abuse involving teenagers and, of course, the divorce rate for seniors and all the other social pathology that we are so familiar with. I think there are several factors that contributed to these changes that we see here. I would say the first major factor is simply some of the things that have happened to our family structure in the United States. In 1960, the out-of-wedlock birthrate was 5 percent. Today it is right at 33 percent, a 600 percent increase. So roughly one out of three children coming into our Nation today have basically two strikes against them and in most cases will not have both a father and mother to care for them. Some will, but most will not.

In 1960, the great majority of children lived with both biological parents. Today nearly one-half grow up without both biological parents. Only 7 percent of today's families are traditional families as we would normally define it, with usually a father working full-time, a mother at home full-time or vice versa, but at least one parent being at home and one parent being the primary provider. This is according to the Fatherhood Initiative statistics.

So actually in many cases, and as a matter of fact in some cases, in most cases with our children, nobody is home after 3 p.m., and between 3 and 6 p.m. we find the greatest source of problems, of criminal activity and so on with our children, because no one is home. Parents today spend 40 percent less time with their children than they did a generation ago. The divorce rate, of course, has increased 300 percent since 1960 and 24 million children today live without their biological father. Fatherless children are more likely to be abused, have mental and emotional problems, abuse drugs and alcohol, commit suicide, commit a crime and be promiscuous.

I think this is graphically driven home when we realize what a greeting card company did a few years ago when they approached the prisoners in one of our Federal prisons. It was Mother's Day. They said, we'll give you prisoners a Mother's Day card free if you'll just simply send your mother a card and they had almost 100 percent participation. And so they thought that this was somewhat gratifying. They thought, well, when Father's Day comes around, we will do the same thing. They made the same offer with Father's Day cards and as you may suppose, maybe you would not suppose, there were no takers. That shows you the devastation, particularly in some of our disaffected population, that fatherlessness has caused and I think really is at the root of most of the social pathology that we see in front of us.

The foundation of our culture, the family, is certainly under assault and we have seen great changes over the last 30 to 40 years. Another major issue that has contributed to some of the problems that our young people are dealing with today is that the environment has changed. The environment that they live and move and have their being in is not the same as it was back in the 1940s and the 1950s and even the early part of the 1960s. In 1960, drug abuse was almost unheard of. I know in the area of the country that I lived in, I had heard the word marijuana, I had never seen any instances of it, had never heard of cocaine, methamphetamines, ecstacy and so on; and of course today those drugs are of somewhat epidemic proportion. Alcohol abuse involving underage drinking has exploded.

I would like to take a little time right now, Mr. Speaker, to develop this particular theme because so often we feel in the United States that the drug problem has to do with hard drugs, but by far the biggest drug problem that we are facing today with our young people is that of alcohol. A recent National Academy of Science study that was released, I believe 2 weeks ago, showed that alcohol kills 6.5 times more children than all other drugs combined. More than cocaine, methamphetamine, ecstasy and all of those drugs put together, alcohol kills 6.5 times more.

Underage drinking costs the U.S. $53 billion annually, 2½ times what it is going to cost us to rebuild Iraq. There are more than 3 million teenage alcoholics estimated in our country today. This is by far the biggest drug problem. The average age of first drink in our country is currently 12.8 years of age, less than 13 years of age; and the discouraging thing is that when young people drink, on the average they will consume almost twice as much alcohol per occurrence as an adult will. So young people on average tend to drink to get drunk and they often do. Twenty percent of our eighth graders drink regularly. Children who drink before age 15 are four times more likely to become alcoholics because of psychological and physiological immaturity. Alcohol impacts them much differently when they are 12 and 13 and 14 and 15 years old than it impacts them when they are 24, 25, or 26. And so there is a great increase in addiction.

The thing that I would really like to emphasize, Mr. Speaker, is this, that young people for the most part do not start their experimentation with illegal drugs by using marijuana, they do not start with cocaine, they do not start with methamphetamine. They start with alcohol. Therefore, if you really want to stop the abuse of hard drugs, the important thing to do is start with stopping the abuse of alcohol with underage drinkers.

Yet we have really pretty much ignored this whole problem because we spend more than 25 times as much money on curbing illegal hard drugs as we do on underage drinking. We spend a minimal amount discouraging young people from drinking as underaged young people. We spend hundreds of millions to fight drug production in Afghanistan and Colombia and around the world and a fraction of that money spent on curbing underage drinking would be more cost effective. It would dry up the demand. I think some type of a national advertising program, a national education program with a fairly large infusion of dollars at the Federal level is warranted. It would probably help us cure and clear up the drug problem more than anything else that we could do in this country.

Another issue that is certainly affecting our young people as they try to weave their way through the environment that they are placed in is the violence factor. As many people know, the United States is currently the most violent Nation in the world for young people ages 14 through 23, 24. The second-place country is not even close to us. We lead the world in homicide rates and suicide rates for young people.

Pornography has exploded. We have over 1 million porn sites on the Internet. Not 1,000. Not 100,000. We have 1 million porn sites currently on the Internet. That is unthinkable. I think when the Internet first began many years ago, no one would have assumed that this was even possible or probable. And here it is and so nine out of 10 children ages 9 through 16 have viewed pornography on the Internet. Again, that is nine out of 10 children who are ages 9 through 16 have viewed pornography. Much of that is hard core pornography, which really sears an impression into your mind that sometimes you really cannot get out of it and most of that viewing has been unintentional. It has been by accident.

We have corporations such as AT&T that have been involved in hard core pornography. At one time AT&T I think was the gold standard as far as how a large corporation should be run. Yet we find some of our most reputable companies involved in this industry which yields profits of 10 to $15 billion a year. And so the profit motive certainly supersedes any national interest that they might perceive. Such words as Barbie, Disney, ESPN, at one time my name, would pull up a porn site. And so a child who innocently wants to do research or look at some information regarding their hobby will oftimes pull up a porn site, and we do not seem to be able to do anything about it.

Many of us are dismayed by the way the FCC is regulating obscenity on the Nation's airwaves. They are the primary arbiter. They are the ones who are supposed to be the watchdog in this area. According to the Parents Television Council as of July 23, 2003, the FCC had not fined a single broadcast station in the United States for airing indecent material. Also they had not suspended a single license in the United States for airing indecent material. Not in the entire history of the FCC have they done anything like this, despite thousands of complaints. This is something, Mr. Speaker, that absolutely needs to change. Many of us in this body are attempting to cause the FCC to begin to take their responsibility seriously.

The Department of Justice has been focusing on eliminating child pornography but has done relatively little to enforce hard core Internet obscenity laws. Of course the Department of Justice has had their hands full, particularly since 9/11. We realize that they have a very heavy caseload. But we have really petitioned the Department of Justice to get more active. In the preceding 8 years prior to 2000, practically nothing was done to enforce obscenity laws in the Department of Justice, and we feel that we have not seen a whole lot of action in the last couple of years as well.

Another issue that has been a concern is that of the video game industry, eight- to 18-year-old children average spending 40 minutes per day playing video games. Again, 40 minutes a day on the average, ages 8 through 18. And video games, as most people know, have become increasingly violent. A recent video game that was displayed to Members of Congress showed stalking and killing activities that are used on training films in the military to teach people how to kill people. In this particular video game, if you were a good shot and you hit somebody in a vital spot, such as the head, blood spurted and everything happened; the reward was several frames of pornographic material.

This is, as far as I am concerned, off the charts. I do not think the average adult can even conceive of some of the things that our children are seeing in terms of video games. The average player of video games is 12 years of age. The Kentucky school shooter who was very effective and killed several of his classmates had never fired a gun prior to the day that he took a gun to school, but he had been very proficient in playing video games, and he had done a lot of firing and shooting in video games which translated apparently quite well into his activities on the school ground that day.

Of course much music, some television, many movies are graphic. The current content would have been impossible to present for public consumption 30 years ago or even 20 years ago. This is particularly disturbing to me because I have grandchildren ages 4 through 11. I am very concerned about the environment that they are moving into and the things that they are either advertently or inadvertently exposed to because it certainly has an impact on the way they see the world.

□ 2300

In addition to some of these issues, I would have to say that our value system has shifted considerably. Stephen Covey wrote the book ''Seven Habits of Highly Effective People'' several years ago, and the thing that he noted was this: he said that in the first 150 years of our country's history, success was primarily defined in terms of character traits. A successful person was honest, a successful person was loyal, a successful person was hard working, kind, et cetera, generous. And then he said something happened about 50, 60 years ago as he began to survey the literature of our Nation as it had to do with the issue of success, he noticed that success began to be defined more and more in terms of material possessions. A successful person was no longer one who had good character; a successful person was one who had money; a successful person was one who had power; a successful person was one who had celebrity. And so today we find that many people who are labeled successful are really not people of character. They are people who have material wealth, celebrity, publicity, and so on. So certainly our value system has switched a great deal. And we have seen this affect the business world, WorldCom, Enron. We have seen it in the press. We have seen it in athletics, in the church, and in politics; and so it is quite concerning as to what effect this has on our culture at the present time.

The predominant world view that I noticed today, Mr. Speaker, is something called post-modernism, and what this states, the view of the world being post-modernism, is that there are no moral absolutes. So murder is not absolutely wrong. It depends on the circumstance. There may be cases when this is justified. Adultery is not absolutely wrong. There may be circumstances in which it is okay. Everything is relative. It may be okay to dishonor one's father and one's mother. It may be okay to steal or to lie or to do all of the things that have been taboo in societies throughout history.

So we have a system of relativism that leaves our young people with nothing firm to hold on to at the present time; and particularly on the college campus we will find that post-modernism is currently almost 100 percent holding sway in terms of the minds of our young people.

So, Mr. Speaker, in view of the family breakdown, the decline in our culture and shifting values, it is an extremely difficult time for our children. We are asking them to weave their way through a minefield littered with alcohol and drug abuse, harmful video games, music, TV, movies, promiscuity games, violent behavior, and broken homes; and we are asking them to do this with little or no parental guidance in an ever-shifting value system.

So it is a very difficult time, and I think we need to pay very close attention to these changes in our family, to these changes in our environment. And as de Toqueville said, he made an observation that I thought was rather astute a couple hundred years ago. He

said: ''America is great because America is good,'' and what he was doing was he was referring to the large number of churches, civic clubs, youth groups, and individuals who reach out and help others. This was somewhat unique to the United States at that time that we would help those who were less able to help themselves, and we had all of the different groups who were reaching out, and he had not noticed that in Europe. He said this is really the key to America's greatness. So he was referring to the inherent decency of the American people. He was referring to the strong moral and spiritual underpinning of the Nation. He was referring to the basic American ethic: ''Do unto to others as you would have them do unto you.'' So I think the important thing to remember, that these observations were made 200 years ago, and I suppose the corollary to his observation would be this: if America is no longer good, then America may no longer be great.

I am not one who believes that we are not a great country, and I believe there is a tremendous reservoir of innate goodness in our country today. But by the same token, I think it is important to point out that some of the standards and some of the values that have made us great have slipped considerably.

So one may say, what can be done? This has been a discouraging picture that I have painted, and sometimes I even hesitate to do this, but I think it is something that we need to face, we need to talk about on this floor. So some of the things that can be done in this body and throughout our culture are as follows: number one, we can do some things to provide mentoring for some of our young children, and mentoring is simply providing an adult who cares about the lives of young persons. So many of our young kids today do not have anyone who cares for them unconditionally and to have someone who is not a father, not a mother, not a preacher, not a teacher, no one who has an ax to grind, is paid to do so, to have a person who is a mentor, who is an adult who cares enough about someone, to show up and say I care about you unconditionally, and whatever happens, I am here for you.

It is very powerful in the life of a young person. A mentor is one who affirms, who says I believe in you, I know you can do it. I think that this is something that you are capable of. I see great promise in you. And I saw that in athletics, that if they affirmed a young person, they ofttimes became that which they did not even know they could be; and on other hand if they did not affirm them, if they beat them down, if they are negative, which so many of our kids experience all the time, it would not be long before that player played down to that level, and before long he would quit.

And of course a mentor also provides a vision. So many of our young people simply have no vision of what they could be, that they could go on to college, that they could do something in electronics, that they have musical ability. So a mentor is one who guides them in those directions. Mentoring reduces dropout rates, drug and alcohol abuse, teenage pregnancy, violence. And the President has proposed $150 million annually over the next 3 years for mentoring initiatives. Actually, the funding will be about half of that, but it is still much better than we had in the past.

The National Mentoring Partnership says that roughly 18 million children in the United States today are badly in need of a mentor, and yet at the present time we have roughly 2 million who are being mentors. Roughly one out of every 10 has a mentor. So I think one thing that could greatly change the shape of our Nation and our future would be to provide a much more systematic mentoring program, and I think the President is behind that.

I think some legislation can help. The Internet Gambling Bill, H.R. 2143, is something that I think could be very beneficial. We have a great many young people, particularly college students, who are inundated with credit cards. And anymore all one has to do to build a huge gambling debt is to have a credit card and a computer. So we would like to shut this practice down because some kids run up a 10, 15, $20,000 gambling debt in a matter of days; and of course their future and their credit rating is ruined. So we feel that this would be an important bill. H.R. 669, Protect Children from Video Game Sex and Violence Act of 2003, sponsored by the gentleman from California (Mr. BACA), of which I am a cosponsor, prevents marketing extremely graphic violent video games to children. We think this would be a step in the right direction; but, again, we would worry about the courts declaring it unconstitutional. So I think we need a fundamental shift in court decisions regarding the first amendment.

I am not a constitutional expert and do not pretend to be so, but I would like to point out some court cases that have certainly shaped the course of our Nation's history and its future. In 1996 Congress passed the Communications Decency Act that made it illegal to send indecent material to children via the Internet; but in June of 1997, the Supreme Court overturned portions of the law and, get this, said in the opinion: ''Indecent material is protected by first amendment.'' So this was one of the first times, I believe, that the Supreme Court said that indecent material is okay. The first amendment gives one the ability to do that, and we are not going to stand in the way of people sending indecent material to children over the Internet.

□ 2310

That was a landmark case.

In 1996 also, the Child Pornography Prevention Act outlawed child pornography, including visual depictions that appeared to be of a minor. So the issue at hand was this: You cannot have an actual minor involved in the production of child pornography, but if you use computer-generated images, which you can not tell whether they are real or not real, then that type of child pornography is apparently okay, according to this particular Supreme Court decision.

In October 1998 the Children On-Line Protection Act was signed into law to prohibit the communication of harmful material to children on publicly accessible web sites. The Supreme Court's refusal to rule on the 1988 law prevented the law from being enacted, so we were not able to protect children who were involved in receiving harmful material on publicly accessible web sites.

The 106th Congress passed the Children's Internet Protection Act to require schools and libraries that receive Federal funds to use Internet filtering to protect minors from harmful material on the Internet. In May 2002 a Federal Court declared the law unconstitutional.

What we have here is free speech is protected for pornographers and, in some case pedophiles, while women and children are attacked. Roughly 80 to 90 percent of pedophiles and rapists report using pornography, oft times before they commit an event.

So, some people say, well, what is the big deal? Pornography is harmless. It does not really have any victim. Yet, if you think about it, we spend billions of dollars in this country on commercials, and if those commercials did not change behavior, if what you see and what you hear and what you read does not change your behavior, then we are spending billions of dollars unnecessarily. So, obviously, the pornography industry does have a tremendous impact on behavior and the environments that our young people exist in.

I would also point out that there have been some issues that have to do with prayer that are somewhat concerning in our schools. In 1962 the Supreme Court ruled the following prayer unconstitutional. This was the landmark decision. This was the particular prayer: ''Almighty God, we acknowledge our dependence on thee and we beg thy blessings upon us, our teachers and our country.'' It seemed relatively innocuous and relatively simple, but that prayer was ruled unconstitutional because of separation of church and state.

It would appear that many court rulings regarding separation of church and state have ranged far afield from the intent of our framers of the Constitution. The First Amendment states, ''Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof.''

Of course, most everyone realizes where that came from, the Constitution, was that this country was founded by people who were attempting to

escape from a religious state, the Church of England, so they did not want a government-sponsored religion which took over the country.

But I think that in the interpretations that we have seen in the courts, we have ranged far afield from what the Constitution actually intended. The framers of the Constitution were assumed to be hostile to expressions of faith in the recent interpretations of the court that we have seen.

Benjamin Franklin, who was one of the framers of the Constitution, said this: ''We have been assured, sir,'' and this is his quote, ''In the sacred writings, that except the Lord build a house, they labor in vain that build it. I firmly believe this. I also believe that without his concurring aid, we shall succeed in the political building no better than the builders of Babel. We shall be divided by our little partial local interests. Our projects will be confounded, and we ourselves shall become a reproach and a byword down future ages. I therefore beg leave to move that, henceforth, prayers imploring the assistance of heaven and its blessings on our deliberation be held in this assembly every morning before we proceed to business.''

What he was talking about was in this body, on this floor, he was saying we should have a prayer at the start of business every day. This is one of the framers of the Constitution. So at this point, both the House and the Senate begin their business daily with a prayer, and yet we have moved so far as a Nation away from what Franklin originally intended.

George Washington said this: ''The propitious smiles of heaven can never be expected on a nation that disregards the eternal rules of order and right which heaven itself has ordained.''

In assessing the writings of some of the Founding Fathers, David Barton, an historian, said this: ''Franklin had warned that forgetting God and imagining that we no longer needed his concurring aid would result in internal disputes, the decay of the Nation's prestige and reputation and a diminished national success. Washington had warned that if religious principles were excluded, the Nation's morality and political prosperity would suffer. Yet despite such clear words in cases beginning in 1962, the Supreme Court offered rulings which eventually divorced the Nation, its schools and its public affairs from more than three centuries of its heritage. America is now learning exponentially what both Washington and Franklin knew to be true. We are suffering in the very areas they predicted.''

I think it is important that the Founding Fathers really did not intend for the pendulum to swing as far as it has. I think that they obviously acknowledged the importance of issues of faith, and this was the foundation upon which the Nation was built.

There are some other decisions that I think are worth looking at. In 1992 a Supreme Court decision declared an invocation and benediction at a graduation ceremony constitutional, so a preacher, a rabbi, a Muslim cleric, cannot at a graduation exercise lead any type of prayer. That was decided in 1992.

The court also has held more recently a minute of silence in school is unconstitutional, so at the beginning of the classroom day it is not constitutional for a minute of silence to be held in which a child may choose to pray in his own way. He may look out the window, he may think about his history lesson, but it is just a minute of silence. There is no formal, organized prayer, no one is proselytizing, and yet that has become unconstitutional.

Then this, one of the strangest rulings that I heard of, was the court ruled that a student-led prayer at a football game was unconstitutional. This is not inside the school building, it is not a school administrator, it is not a teacher; this was a prayer that was chosen to be selected by the students, and a student was going to lead the prayer. Yet this was unconstitutional because the football players might have to listen to it and might be offended, I guess.

Of course, most recently, the Ninth Circuit Court of Appeals struck down the term ''under God'' from the Pledge of Allegiance, and that will now be heard by the Supreme Court, probably within the next few months, and it appears that those are there is a very strong probability that this may be a four-to-four deadlock, which means that the Ninth Circuit Court will be upheld and that will become the law of the land, at least for that part of the country.

Certainly I am not advocating here that teachers or administrators be allowed to proselytize in the schools. I do not think that would be appropriate. I do not think that is intended. But it does seem that we have come a long, long ways from where the framers of the Constitution originally intended us to go.

The Constitution is increasingly being interpreted as a ''living document.'' That sounds really good, does it not, because it is kind of progressive. It sounds like we are forward-thinking and the Constitution is not a dead piece of legislation, but it is currently alive and it is being changed and it is moving ahead.

Yet the important thing to realize is that the Constitution is often not interpreted as it was written, but rather as justices believe that it should be. Look at the legal decisions increasingly coming down, based not upon what the law states, but based upon the personal ideology of the jurists.

The Constitution is not based upon absolute principles, but rather the shifting sands of relativism. This philosophical bent of the Supreme Court justices and District Court justices determines the course of the Nation.

Over the last 20 or 30 years we have seen the Nation slowly but surely driven in certain directions that many people would believe is not what the framers of the Constitution intended. That, Mr. Speaker, is why the activities in the other body regarding the makeup of the courts and the court appointees is becoming such an important issue, because, within the next 1 or 2 or 3 years, the shape of the Supreme Court certainly will be determined, and, with it, the direction that our Nation proceeds over the next 15, 20, 30 years I think will largely be decided.

The willingness of Congress to focus upon the pernicious influences impacting our children, the willingness of the American people to demand that those profiteering at the expense of our culture and our young people be reined in, will largely shape the future of our Nation.

□ 2320

Terrorism is an ever-present threat. The economy is of concern. However, terrorism and economic distress will not prevail as long as our national character is sound. I would like to say that one more time. There is certainly no intent on my part to minimize the critical nature of terrorism, the crisis in the Middle East, the situation in Iraq, the difficulties with the economy, health care, Medicare, all of those types of things. Those are critical issues and they occupy almost 100 percent of this body's attention. But the reason I am here tonight is to try to point out the fact that we will handle all of those problems. None of those problems will overcome the United States if our character is sound, if our young people are nurtured in the right direction.

And, therefore, something that I think is very pernicious is slipping under the radar screen and something that this Congress, this body, and the American people need to address on a consistent manner. So this struggle may present the most critical crisis facing the United States today.

As Congress addresses important issues such as national defense, economy, health care, and so on, it is critical that we not lose sight of the fact that our Nation's survival is directly linked to the character of our people.

I would conclude by saying this our future rests with our young people and with the soundness of their character, their willingness to sacrifice, and their spiritual grounding. And I hope that we will give adequate attention to these issues some of which can be handled through legislation, some through expenditures of money, for instance, in the trying to prevent underage drinking, some in our attention to who goes on to the courts and who does not, but above all this really rests with the American people and with their willingness to persevere.

And I would like to echo what de Tocqueville said, ''America is great because America is good.'' And I think we need to maintain our vigilance that America continues to be good.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BECERRA (at the request of Ms. PELOSI) for today on account of personal reasons.

Mr. CASE (at the request of Ms. PELOSI) for today and October 21 on account of official business in the district.

Ms. HARMAN (at the request of Ms. PELOSI) for today on account of illness.

Mr. MARSHALL (at the request of Ms. PELOSI) for today and the balance of the week on account of medical reasons.

Mr. REYES (at the request of Ms. PELOSI) for today on account of personal reasons.

Ms. SLAUGHTER (at the request of Ms. PELOSI) for today and October 21 on account of illness.

Mr. COBLE (at the request of Mr. DELAY) for today on account of medical reasons.

Mr. LUCAS of Oklahoma (at the request of Mr. DELAY) for today on account of attending to official business in his district.

Mr. MANZULLO (at the request of Mr. DELAY) for today on account of medical reasons.

Mr. PUTNAM (at the request of Mr. DELAY) for today on account of the birth of his child, Emma Katharine Putnam.

Mr. RAMSTAD (at the request of Mr. DELAY) for today and October 21 on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. LIPINSKI, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. GREEN of Texas, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mrs. BLACKBURN) to revise and extend their remarks and include extraneous material:)

Ms. GINNY BROWN-WAITE of Florida, for 5 minutes, today.

Mr. MORAN of Kansas, for 5 minutes, today.

Mr. NEUGEBAUER, for 5 minutes, today.

Mr. BEAUPREZ, for 5 minutes, today.

Mr. GUTKNECHT for 5 minutes, today and October 21.

Mr. BURGESS, for 5 minutes, today.

Mrs. BLACKBURN, for 5 minutes, today.

Mr. SOUDER, for 5 minutes, today and October 21.

Mr. MURPHY, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, today and October 21.

Mr. DUNCAN, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, October 21.

Mr. CUNNINGHAM, for 5 minutes, today.

ADJOURNMENT

Mr. OSBORNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 22 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, October 21, 2003, at 9 a.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4807. A letter from the Acting General Counsel/FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received October 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4808. A letter from the Acting General Counsel/FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket No. FEMA-P-7626] received October 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4809. A letter from the Acting General Counsel/FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received October 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4810. A letter from the Acting General Counsel/FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations — received October 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4811. A letter from the Assistant General Cousel for Regulations, Office of the Secretary, Department of Housing and Urban Development, transmitting the Department's final rule — Participation in HUD Programs by Faith-Based Organizations; Providing for Equal Treatment of all HUD Program Participants [Docket No. FR-4782-F-02] (RIN: 2501-AC89) received October 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

REPORTS OF COMMITTEES

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Omitted from the Record of Oct. 16, 2003]

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 3214. A bill to eliminate the substantial backlog of DNA samples collected from crime scenes and convicted offenders, to improve and expand the DNA testing capacity of Federal, State, and local crime laboratories, to increase research and development of new DNA testing technologies, to develop new training programs regarding the collection and use of DNA evidence, to provide post-conviction testing of DNA evidence to exonerate the innocent, to improve the performance of counsel in State capital cases, and for other purposes, with an amendment (Rept. 108–321, Pt. 1). Ordered to be printed.

[Submitted October 20, 2003]

Mr. LINDER: Committee on Rules. House Resolution 407. Resolution providing for consideration of the joint resolution (H.J. Res. 73) making further continuing appropriations for the fiscal year 2004, and for other purposes (Rept. 108–323). Referred to the House Calendar.

Mr. BOEHLERT: Committee on Science. H.R. 1081. A bill to establish marine and freshwater research, development, and demonstration programs to support efforts to prevent, control, and eradicate invasive species, as well as to educate citizens and stakeholders and restore ecosystems, with an amendment (Rept. 108–324 Pt. 1). Ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 1081. Referral to the Committees on Transportation and Infrastructure, Resources, and House Administration extended for a period ending not later than October 31, 2003.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. RUSH (for himself, Mr. EMANUEL, Mr. LIPINSKI, Mr. COSTELLO, Ms. SCHAKOWSKY, Mr. JOHNSON of Illinois, Mr. DAVIS of Illinois, Mr. EVANS, Mr. JACKSON of Illinois, and Mr. SHIMKUS):

H.R. 3340. A bill to redesignate the facilities of the United States Postal Service located at 7715 and 7748 S. Cottage Grove Avenue in Chicago, Illinois, as the ''James E. Worsham Post Office'' and the ''James E. Worsham Carrier Annex Building'', respectively, and for other purposes; to the Committee on Government Reform.

By Mr. ALLEN (for himself, Mr. STRICKLAND, Mr. MICHAUD, Mr. MOORE, Mr. CASE, Mrs. JONES of Ohio, Mr. FILNER, Mr. FROST, Mr. ETHERIDGE, and Mr. HOEFFEL):

H.R. 3341. A bill to amend the Elementary and Secondary Education Act of 1965 to require the Comptroller General of the United States annually to report on whether amounts appropriated to carry out the grant programs authorized under such Act are adequate to permit grant recipients to meet the conditions imposed by receipt of the grant; to the Committee on Education and the Workforce.

By Mr. BERRY (for himself, Mr. BOOZMAN, Mr. COLE, Mr. TANNER, Mr. CARSON of Oklahoma, Mr. GORDON, Mr. SULLIVAN, Mr. ADERHOLT, Mr. DAVIS of Tennessee, and Mr. CRAMER):

H.R. 3342. A bill to amend the National Trails System Act to update the feasibility and suitability study originally prepared for the Trail of Tears National Historic Trail

and provide for the inclusion of new trail segments for such trail, and for other purposes; to the Committee on Resources.

By Mr. COLLINS:

H.R. 3343. A bill to amend the Internal Revenue Code of 1986 to reduce the highest rate of income tax for corporations; to the Committee on Ways and Means.

By Mrs. DAVIS of California (for herself, Ms. CORRINE BROWN of Florida, Mr. RODRIGUEZ, Mr. REYES, Mr. PAUL, Mr. EVANS, Mr. FILNER, and Mr. MICHAUD):

H.R. 3344. A bill to amend title 38, United States Code, to allow the payment of veterans' benefits in all hospitalization and convalescent claims to begin effective on the day on which hospitalization or treatment begins; to the Committee on Veterans' Affairs.

By Mr. FLAKE:

H.R. 3345. A bill to enhance the public safety by rendering aliens ineligible to receive visas and ineligible for admission to the United States if their entry poses a danger to national security, and for other purposes; to the Committee on the Judiciary.

By Mr. HERGER:

H.R. 3346. A bill to amend the Internal Revenue Code of 1986 to modify the application of the passive loss limitations to timber activities; to the Committee on Ways and Means.

By Ms. ROS-LEHTINEN:

H.R. 3347. A bill to amend the Iran and Libya Sanctions Act of 1996 to prevent the direct and indirect financing of the development of weapons of mass destruction programs by Iran and Libya, and for other purposes; to the Committee on International Relations, and in addition to the Committees on Financial Services, Ways and Means, and Government Reform, 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. SENSENBRENNER:

H.R. 3348. A bill to reauthorize the ban on undetectable firearms; to the Committee on the Judiciary.

By Mr. SENSENBRENNER:

H.R. 3349. A bill to authorize salary adjustments for Justices and judges of the United States for fiscal year 2004; to the Committee on the Judiciary.

By Mr. UPTON (for himself, Ms. ESHOO, Mr. RAMSTAD, Mr. BACHUS, Mr. BROWN of Ohio, Mr. TOWNS, and Mr. JACKSON of Illinois):

H.R. 3350. A bill to reduce preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy, and to reduce infant mortality caused by prematurity; to the Committee on Energy and Commerce.

By Mr. WALSH:

H.R. 3351. A bill to amend title 38, Unites States Code, to provide the same type of vocational rehabilitation benefits and services under laws administered by the Secretary of Veterans Affairs for certain children with spina bifida as are currently available to veterans with service-connected disabilities; to the Committee on Veterans' Affairs.

By Mr. YOUNG of Florida:

H.J. Res. 73. A joint resolution making further continuing appropriations for the fiscal year 2004, and for other purposes; to the Committee on Appropriations.

By Mr. WELDON of Pennsylvania (for himself, Ms. HARMAN, Mr. KIRK, and Mr. BERMAN):

H. Con. Res. 307. Concurrent resolution expressing the deep concern of Congress regarding the failure of the Islamic Republic of Iran to adhere to its obligations under a safeguards agreement with the International Atomic Energy Agency and the engagement by Iran in activities that appear to be designed to develop nuclear weapons; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 54: Mr. DOOLITTLE, Mr. SANDLIN, Mr. WILSON of South Carolina, Mrs. WILSON of New Mexico and Mr. SOUDER.

H.R. 333: Mr. GRIJALVA and Mr. HINOJOSA.

H.R. 339: Mr. FORD.

H.R. 486: Mr. PENCE.

H.R. 713: Mr. FRELINGHUYSEN and Mr. SESSIONS.

H.R. 775: Mr. BOUCHER.

H.R. 857: Mr. SHAW, Mr. BOUCHER, Mr. THOMPSON of Mississippi, and Mr. PENCE.

H.R. 876: Mr. BISHOP of Utah.

H.R. 946: Mr. CULBERSON.

H.R. 993: Mr. SMITH of Michigan.

H.R. 1052: Mr. PRICE of North Carolina.

H.R. 1110: Mr. SESSIONS, Mr. BACHUS, Mr. FLETCHER, and Ms. LEE.

H.R. 1117: Mr. NORWOOD.

H.R. 1231: Mr. EHLERS, and Mr. GARY G. MILLER of California.

H.R. 1336: Mr. CARDOZA and Mr. CRANE.

H.R. 1552: Ms. BORDALLO.

H.R. 1657: Mr. EMANUEL, Mr. BISHOP of Georgia, Mr. SERRANO, and Ms. NORTON.

H.R. 1717: Mr. CONYERS.

H.R. 1738: Mr. LARSEN of Washington and Mr. PASCRELL.

H.R. 1819: Mr. JOHNSON of Illinois and Mr. CRANE.

H.R. 1886: Mr. SKELTON and Mr. BISHOP of Georgia.

H.R. 2092: Mr. BALLANCE.

H.R. 2176: Mr. PETERSON of Minnesota, Mr. BERRY, and Mr. TIBERI.

H.R. 2256: Mr. FARR.

H.R. 2303: Mr. SULLIVAN.

H.R. 2371: Mrs. MALONEY and Mr. SANDERS.

H.R. 2402: Mr. CUMMINGS.

H.R. 2455: Mr. MCNULTY and Mr. BRADY of Pennsylvania.

H.R. 2512: Mr. WALSH.

H.R. 2626: Mr. BALLANCE.

H.R. 2630: Mr. TURNER of Texas.

H.R. 2723: Mr. YOUNG of Alaska, Mr. HASTINGS of Washington, Mr. WALDEN of Oregon, and Mr. OTTER.

H.R. 2764: Mr. LARSEN of Washington.

H.R. 2871: Mr. GIBBONS and Mr. BISHOP of Georgia.

H.R. 2932: Mr. ABERCROMBIE and Mrs. NAPOLITANO.

H.R. 2963: Mr. HAYWORTH.

H.R. 3049: Mr. MATHESON and Mr. BACA.

H.R. 3051: Mr. DINGELL and Ms. KAPTUR.

H.R. 3063: Mrs. NAPOLITANO and Mr. FORD.

H.R. 3109: Ms. PRYCE of Ohio and Mr. RANGEL.

H.R. 3157: Mr. NUNES, Mr. PETERSON of Minnesota, Mr. RADANOVICH, Mr. JANKLOW, Mr. BISHOP of Georgia, and Mr. TERRY.

H.R. 3184: Mr. PRICE of North Carolina.

H.R. 3190: Mr. HOSTETTLER.

H.R. 3201: Mr. BOUCHER.

H.R. 3220: Mr. REGULA.

H.R. 3235: Mr. DEAL of Georgia and Mr. SHAYS.

H.R. 3243: Mr. LANGEVIN.

H.R. 3246: Mr. KELLEY and Mr. THOMPSON of California.

H.R. 3247: Mr. CANNON.

H.R. 3257: Mr. NEY.

H.R. 3284: Mr. GEPHARDT.

H.R. 3308: Mr. WU, Mr. EMANUEL, and Mr. CARTER.

H.R. 3313: Mr. NORWOOD, Mr. BARRETT of South Carolina, Mr. NEUGEBAUER, AND MR. SAM JOHNSON of Texas.

H. Con. Res. 165 Mrs. CAPPS.

H. Con. Res. 194: Mr. KENNEDY of Rhode Island, Mr. FILNER, Mr. CAPUANO, Mrs. LOWEY, Mr. GONZALEZ, Ms. MCCARTHY of Missouri, Mr. TANNER, Mr. WALSH, Ms. NORTON, Mr. THOMPSON of Mississippi, Mr. FATTAH, Mr. MEEK of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. TIERNEY.

H. Con. Res. 247: Mr. MATHESON.

H. Con. Res. 254: Mr. ROTHMAN.

H. Con. Res. 280: Mr. CHOCOLA and Ms. BORDALLO.

H. Con. Res. 285: Mr. SULLIVAN, Mr. ISAKSON, Mr. SOUDER, Mr. PLATTS, Mr. BURR, and Mr. JONES of North Carolina.

H. Res. 38: Mr. CUMMINGS.

H. Res. 42: Mr. POMEROY and Mr. UDALL of Colorado.

H. Res. 261: Mr. OBERSTAR and Mr. SERRANO.

H. Res. 313: Mr. FROST, Mr. KILDEE, Ms. LOFGREN, and Mr. MCDERMOTT.

H. Res. 378: Mr. BOSWELL and Mr. UPTON.

H. Res. 400: Mr. PAUL, Mr. BURGESS, Mr. HINOJOSA, Mr. VITTER, Mr. JONES of North Carolina, Mr. WAXMAN, Mr. SHAYS, Mr. UPTON, Mr. LANTOS, and Mr. COSTELLO.

H. Res. 404: Ms. CARSON of Indiana.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, FIRST SESSION

Vol. 149 WASHINGTON, MONDAY, OCTOBER 20, 2003 No. 147

Senate

The Senate met at 1:30 p.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

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

Let us pray.

O God, who is, and was, and is to come, before whose face the generations rise and fall, give us that reverential awe which forms the root of wisdom. Let integrity and uprightness preserve us, for we wait on You. Lord, give us courage to listen to You and to receive strength from Your presence.

Stand by our Senators today, sustaining them in their going out and coming in. You have not failed them in the past, so we trust You with the future. May their love for You ripen as they lean upon Your strength.

Protect our military men and women from dangers seen and unseen. Remind us that You are the sole source of peace and righteousness.

We pray this in Your strong name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

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

RECOGNITION OF THE ACTING MAJORITY LEADER

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

SCHEDULE

Mr. COCHRAN. Mr. President, at the request of the majority leader, I have been asked to announce that this afternoon there will be a period of morning business until 2 p.m. It had been the majority leader's hope, and the desire of many Members on this side of the aisle, to begin consideration of the Healthy Forests issue during today's session. Unfortunately, there is an objection on the Democratic side of the aisle.

Given that objection, it had been the intent of the leader to begin consideration of the class action fairness legislation. Again, there was an objection to proceeding to that measure on Friday; and, therefore, a motion to proceed was made by the majority leader.

Today, at 2 p.m., the Senate will resume debate on the motion to proceed to the class action bill. Members are expected to come to the floor throughout the day to speak on this motion. If we are unable to proceed on the bill today, it may be necessary to file a cloture motion on that pending motion to proceed.

Under a previous order, at 5:15 today, the Senate will vote on the confirmation of Margaret Catharine Rodgers to be a U.S. district judge for the Northern District of Florida. This will be the first vote of today's session.

UNANIMOUS CONSENT REQUEST—H.R. 1904

Mr. COCHRAN. Mr. President, on behalf of the leader, I ask unanimous consent that at a time to be determined by the majority leader, in consultation with the minority leader, the Senate proceed to the consideration of H.R. 1904, the Healthy Forests bill, under the following limitations: that the following first-degree amendments be the only amendments in order, and that any listed first-degree amendments be subject to second-degree amendments which must be relevant to the first degree to which offered: managers' amendment; Leahy-Boxer, buyback provisions; Bingaman-Leahy-Boxer, appeals process; Bingaman-Leahy-Boxer, wildland-urban interface; Bingaman-Leahy-Boxer, NEPA; Boxer-Leahy-Cantwell-Murray, additional area exclusion; Campbell-Inouye, tribal lands and hazardous fuels; Collins-Snowe, suburban sprawl; Kyl, wildfire research institutes; Kyl, wildland-urban interface; Leahy-Boxer judicial review; Smith, land grant universities; and Ensign, animals.

I further ask unanimous consent that following the disposition of these amendments, the bill be read a third time, and the Senate proceed to a vote on passage, with no intervening action or debate.

The PRESIDENT pro tempore. Is there objection?

Mr. REID. Reserving the right to object, Mr. President, this is bringing a bill up that has some problems in that this matter has not gone before the Energy and Natural Resources Committee, at least as far as Senator BINGAMAN is concerned. I have spoken to him on a couple of occasions, and he has not been given any degree of consideration as to what this final piece of legislation is that is now coming before the Senate.

Additionally, a bill such as this should be brought to the Senate floor and debated like all bills are debated. I do not have a position on this piece of legislation at this time. Personally, I have not read it. I do not know if it is good or bad. But, for the reasons I have announced, in addition to the fact that a number of Senators on this side have some problems, I object.

The PRESIDENT pro tempore. Objection is heard.

The acting leader is recognized.

HEALTHY FORESTS RESTORATION ACT

Mr. COCHRAN. Mr. President, on July 24, the Committee on Agriculture, Nutrition, and Forestry reported to the Senate H.R. 1904, the Healthy Forests Restoration Act.

This bill reflects a comprehensive effort to improve forest health on both public and private lands. The bill provides Federal land managers the tools

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Printed on recycled paper.

to implement scientifically supported management practices on Federal forests, in consultation with local communities, while establishing new conservation programs to improve water quality and regenerate declining forest ecosystem types on private lands.

The legislation will reduce the amount of time and expense required to conduct hazardous fuels projects. But it also will require rigorous environmental analysis of such projects.

Over the past few years, we have seen many communities destroyed and many firefighters' lives lost due to forest fires that could have been prevented. Instead of managing our national forest treasures, the U.S. Forest Service has been forced to spend great amounts of time and resources battling lawsuits. The result has been months and even years of delays in fuel reduction projects. Our forests have continued to suffer, and they have continued to burn.

I have also introduced, with 13 cosponsors, an amendment to title I of the bill which contains several modifications to the House bill the committee reported. This amendment embodies recommendations made by a bipartisan group of Senators who are committed to getting this legislation passed and signed by the President.

The amendment establishes a predecisional administrative review process. It allows an additional analysis under the National Environmental Policy Act. It directs the Secretary of Agriculture to give priority to communities and watersheds in hazardous fuel reduction projects. It contains new language protecting old growth stands. And it encourages the courts to expedite the judicial review process.

The reported legislation contains a biomass title authorizing grant programs to encourage utilization of certain forest waste materials. Another title in the bill provides financial and technical assistance to private forest landowners to encourage better management techniques to protect water quality.

The pest and remote sensing titles would authorize funding for the U.S. Forest Service, land grant institutions, and 1890 institutions to plan, conduct, and promote the gathering of information about insects that have caused severe damage to forest ecosystems.

Title V, the Healthy Forest Reserve Program, is a private forestland conservation initiative that would support the restoration of declining forest ecosystem types that are critical to the recovery of threatened, endangered, and other sensitive species.

Two additional titles were added to the House-passed bill by our committee. One would establish a public land corps to provide opportunities to young people for employment and at the same time provide a cost-effective and efficient means to implement rehabilitation and enhancement projects in local communities. The other new title will promote investment in forest-resource-dependent communities.

This legislation provides new legal authority to help us manage the Nation's forests in a safe and effective manner. The bill will help us do a better job of safeguarding these priceless national resources. I urge the Senate to support this bill.

RECOGNITION OF ACTING MINORITY LEADER

The PRESIDENT pro tempore. The Senator from Nevada.

Mr. REID. Mr. President, has morning business time started?

The PRESIDENT pro tempore. We have not instituted that as yet. I intend to do that now as soon as the Senator has spoken.

FINISHING APPROPRIATIONS BILLS

Mr. REID. If I may be heard briefly, the Presiding Officer is chairman of the Appropriations Committee. I know the chairman of the Appropriations Committee and Senator BYRD have worked very hard to get appropriations bills through this soon.

I want to respond to my friend from Mississippi to indicate we may not like what is proceeding—that is, the Healthy Forests initiative and the way it has been brought to the floor, and class-action legislation. They are important pieces of legislation; we understand that. But the most important business to be conducted in this body is to finish our appropriations bills. We simply are not doing that.

I am extremely concerned the House is out of session this week. They will be in one week. They have conferences that cannot be completed because they are not here. They are AWOL. In addition to the conference reports—and there are a significant number of those: military construction, Energy and water, Interior, and Labor-HHS—there are six other bills people on the majority side are talking about lumping into one big omnibus bill. That really doesn't work well. Those bills are so large and unwieldy, it is difficult to get the detail to find out what is in them. They become a mishmash of legislation.

I hope Members understand the best thing we can do is work to get these appropriations bills passed. There is no reason we cannot pass them. The bills that have come before the Senate have passed in a reasonably short period of time.

I hope in addition to the other things the majority leader wants to do, he will focus on these appropriations bills. They are important. It is not good to have large, unwieldy omnibus bills, and it appears it is being done for reasons I don't fully understand. Part of it is simply that the numbers are not there and there is some effort being made, especially in light of the $87 billion and the attention focused on that, the $21 billion spent on Iraq and very little being spent in America—the American people are concerned. These bills being brought to the Senate would focus more direct attention on that.

The PRESIDENT pro tempore. The acting majority leader.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the time for morning business be extended to 2:15 p.m.

The PRESIDENT pro tempore. Is there objection?

Mr. REID. Reserving the right to object, I say to my friend, is there any way we could get a little more time on that?

Mr. COCHRAN. I am advised there are Senators who have been told they could come over and talk on the motion to proceed to consider the class action at 2:15.

Mr. REID. That will be fine. I ask that the time between now and 2:15 be equally divided, even though my friend gave a very fine speech and took a long time. But we won't count that against morning business.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, according to this unanimous consent request, there will be a period for the transaction of morning business until the hour of 2:15, with the time equally divided between the two leaders or their designees.

Mr. COCHRAN. Mr. President, I yield the Senator from Idaho such time as he may consume.

The PRESIDENT pro tempore. The Senator from Idaho.

FOREST HEALTH

Mr. CRAPO. Mr. President, I rise to speak for a moment on the Healthy Forests bill which, as we just heard from previous discussion, will not be brought up. I understand the points made by the Senator from Nevada with regard to the importance of the appropriations bills. None of us deny the fact that we have important work to do with regard to our budget and the appropriations process. However, there are other critical pieces of legislation this Senate must consider. Among the most critical of those is the Healthy Forests bill. I serve as chairman of the subcommittee of the Agriculture Committee which handles forestry issues. It was that committee to which this legislation was referred when it came to the Senate. Our distinguished chairman of the Agriculture Committee, Senator COCHRAN, has worked closely with me as we have crafted bipartisan legislation to bring before the Senate. We have also worked closely with the Energy Committee, Senator DOMENICI, and Senator CRAIG, my colleague from

Idaho, who happens by coincidence to chair the forestry subcommittee of the Energy Committee, and other Senators on the Republican side of the aisle as we worked to craft a meaningful piece of legislation.

We also reached out and worked closely in a bipartisan fashion with Senators from the Democratic side of the aisle because we knew this important legislation should not be stalled as a result of partisan politics. The result of those efforts, the initial effort in committee and subcommittee, was bipartisan legislation which Democratic Senator BLANCHE LAMBERT LINCOLN from Arkansas and I cosponsored to bring before the full Committee on Agriculture. The Agriculture Committee then made several amendments to the legislation, working in a bipartisan fashion with other Senators on the committee, and brought that legislation out to the floor. At that time there were still concerns being raised and, therefore, our leader, Senator COCHRAN, brought together a group of Republican and Democratic Senators with concerns about our forests and the conditions they face, and for several months we negotiated—again, on a bipartisan basis—to address the needs of our forests and the concerns raised by those who wanted to be sure we had a bipartisan, balanced bill.

We achieved that support. We came forward in a group of bipartisan Senators, Republicans and Democrats, with legislation that expanded the number of Democrats who would join with us on the legislation, including our minority leader and other leaders in the west from areas where serious forest fire problems are facing us.

Now after that long period and working in a bipartisan fashion, as we are prepared to bring the legislation forward, we are told it cannot be brought forward because there is objection to the unanimous consent request. We don't want to have a filibuster fight. We don't want to have a cloture vote. We have been working to build a balanced approach which can achieve support in the Senate.

It is my concern that what we see now is further delay, coming at a late time in the session, when we will jeopardize the ability of the Senate to meet its time considerations to address critical issues.

Our forests need support and help now. All anyone has to do with regard to the threat of fire danger is look back at the last 3 or 4 or 5 months to see the kind of threat our forests face. In addition, we expanded the legislation to deal not simply with fire threats but also threats from insect infestation—some of the most critical needs facing our forests in America today.

This legislation, as Senator COCHRAN indicated, is balanced. It is fair. It protects old-growth forests. It makes certain that public participation in the process of decisionmaking is preserved. It assures that the implementation of management plans by experts on the forests has a meaningful chance to proceed so we aren't tied up in litigation paralysis, and it gives us an opportunity to move forward and develop a plan that will help us achieve our objective, which is healthy forests.

I commend all Senators who have been working together on this issue, Republicans and Democrats. I particularly thank my colleague from Idaho, Senator CRAIG, and our colleague from New Mexico, Senator DOMENICI, as they have worked so closely with us at the Energy Committee level; and especially my chairman, Senator COCHRAN, who also worked closely with us; Senator LINCOLN, who has worked with us from the start, Senators WYDEN, FEINSTEIN, BAUCUS, and others; Senator KYL, Senator MCCAIN. Many Senators have come together to work with us.

I am hopeful this critical, bipartisan, balanced legislation will not fall prey to the loss of time we face on the Senate floor at these late days in the session as we are moving forward. I urge Senators to come forward and help us find a path by which we can bring this legislation before the Senate and achieve its early consideration.

Mr. REID. I yield 5 minutes to the Senator from New Mexico.

Mr. BINGAMAN. Mr. President, over 6 weeks ago, the Senate appointed 13 conferees to the conference with the House on the Energy bill. Six of those conferees are Democrats. They were appointed to represent the 49 Democrats who serve in this body.

The day after our appointment, there was one meeting of the conference to allow for opening statements. Since then, there has been no opportunity for Democratic conferees to actually act as conferees. Some of the proposed text for the conference report, which was written without our involvement, has been circulated to us for comment by our staff.

On the most important issues before the conference—that being electricity and ethanol—we have not yet seen a draft text. Our concern about the way the conference has been conducted is not new information to this body. I have conveyed those concerns directly to the chairman of the conference. I have been joined publicly in expressing those concerns by other Democratic conferees, both in the Senate and House.

The blackout on information about the conference became even more complete during this past weekend. We understand there are agreements on most of the issues involved with the Energy bill. In fact, the settled energy provisions probably represent well over 500 pages of legislative text.

This text contains many details and it is important that we be able to view the text before we are called into a final conference meeting for an up-or-down vote. Our staff was standing by all weekend in hopes of getting to see this text. We were not able to do so. I personally cannot think of any valid reason why the completed text—those portions that have been completed by the Republican conferees—should not be distributed to the rest of the conferees immediately.

There are numerous new sections on topics that have not been yet dealt with, as we understand it. We need to see those. Some of those may be provisions that were neither in the House nor the Senate bill. Others may entail spending of which we previously have not been informed.

I have spoken to the chairman of the conference in the last few minutes. He has informed me that he and our majority leader are insisting that this conference not be concluded until we are given the full text of this bill and until we have at least 24 hours to review the text and have a final meeting at which we can raise objections and offer amendments. I appreciate that courtesy.

This is far short of what I think would be required in an appropriate conference, but it is certainly some effort to accommodate, which I very much appreciate.

I do believe the sections that have not yet been released—that being the sections on electricity and ethanol—need to be released at the earliest possible moment, and hopefully today. These are very important sections. They are going to affect Americans in their pocketbook in very real ways. It is very important we get the provisions out so we can understand them, debate them, and consider them before we are called upon to finally pass on this conference.

The right thing to do is to make the documents—that is, the text of this proposed Energy legislation—public as soon as possible. There is no doubt in anybody's mind that this is what the Democratic conferees continue to ask for. I hope this is the course of action that will be taken by the leadership of the House and Senate at the earliest possible moment.

With that, I yield the floor.

The PRESIDENT pro tempore. The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, I yield 5 minutes to the distinguished Senator from Idaho, Mr. CRAIG.

Mr. DOMENICI. Will the Senator yield?

Mr. CRAIG. Yes.

Mr. DOMENICI. Senator BINGAMAN spoke to an issue to which I would like to respond.

Mr. CRAIG. Mr. President, I ask unanimous consent that the Senator from New Mexico be granted 2 minutes, not to be taken from my time. I think it is critical that he speak to the issue of the energy conference.

Mr. REID. Reserving the right to object, whose time is it taken from?

The PRESIDENT pro tempore. The majority's time.

Mr. DOMENICI. Mr. President, I say to Senator BINGAMAN that I heard what he said. He and I have talked a number of times. I would like to share with

him the following so there is no misunderstanding. I have taken the position—although I have not been able to tell him every day and I have not issued a release about it every day—that the Senator must have the bill for 24 full hours prior to markup. We have taken that position with our leadership and with everyone who has to do with the hierarchy of this bill. That is where we are. That will be enforced. I now have the support I need for that to happen.

Secondly, I will do my very best to get you the portion of the bill that you would like to see on electricity even before that. I am working very hard on seeing if I can do that. There are a whole lot of people who want to look at that provision, and I want to get it to you as soon as possible.

I thank the Senator for his comments, and I understand his concern. I hope that, in the end, whatever your concerns are for that bill—let's hope you are for it, but I hope you will conclude that you have had a chance to review everything and offer amendments. I thank the Senator for yielding.

The PRESIDENT pro tempore. The Senator from Idaho is recognized for 5 minutes.

Mr. CRAIG. Mr. President, I had hoped that today I would be on the floor debating with my colleagues the issue of Healthy Forests and H.R. 1904. When the chairman of the Agriculture Committee brought the bill to the floor today asking unanimous consent to move forward, there was an objection heard from the other side. I must tell you it is phenomenally frustrating to me that we have worked on this issue in a totally bipartisan mode since the day it came from the House and, yet, there is still objection from the other side on this issue.

The bill brought to the floor today, chaired and lead-sponsored by the chairman of the Agriculture Committee, Senator COCHRAN, has Senator DASCHLE, Senator DOMENICI, Senator WYDEN, my colleague from Idaho, Senator CRAPO, who chairs the Forestry Subcommittee on Agriculture, Senators FEINSTEIN, LINCOLN, BURNS, JOHNSON, MCCAIN, and CRAIG, who chairs the Forestry Subcommittee in the Energy and Natural Resources Committee, together on this issue.

Yet the other side is saying no. Is it because the fire season is over? Is it because of the rains starting to hit the forests of the Great Basin West, and the smoke clouds that filled the air of the West this summer are depleted? Is that why there is objection now to this legislation?

I and others have been on this floor for the last 3 years pleading with the Congress of the United States, and especially this body, to craft a forest health bill that allows us to begin some active management of our forests, to change the character of our forests, and to improve their health. The House acted this year. The bill came to the Agriculture Committee. My colleague from Idaho, Senator CRAPO, chaired the subcommittee, and the work began under the leadership of Senator COCHRAN. They produced a very good bill. We looked at it in the Energy and Natural Resources Committee. It is not that our committee has not seen it. You darn right we have seen it; for 3 years, this issue has been before the Energy and Natural Resources Committee and my forestry subcommittee. Now the ranking member, Senator WYDEN of Oregon, and I—myself chairing—have agreed this is the bill that ought to come to the floor. Yet we are still being told that, no, somehow it hasn't been vetted enough and somehow there is no understanding of this issue.

There is a lot of understanding of this issue. There is a fundamental disagreement between those who want the forests left alone to burn, to let Mother Nature take her course, and those of us who have said the economies of the West, the watersheds of the West, the wildlife of the West, and of all of our public land forests deserve a policy of active management so our forests can return to a state of good health, so our watersheds can produce clear and valuable water for our urban environments, and so the wildlife can flourish; they deserve that. Yet it is being denied by a select few who would see it in an entirely different way.

The President began to speak out on this issue a couple of years ago. He stood in the ashes hip deep in Oregon, where fires ravaged nearly a million acres, and said that somehow this country has to change its policy.

Guess what. Eighty-seven percent of Americans in a recent poll agree that something is wrong in our national forests. It looks something like this: 79 percent of the folks in the West say: Got to fix it. In the Midwest, 82 percent say: Got a problem, ought to fix it. In the South, 84 percent say—and this is the area the chairman of the Agriculture Committee is from—got a problem in our public forests, ought to fix it. And the chairman of the Agriculture Committee, Senator COCHRAN, set out to do that, along with the Senator from Idaho, Mr. CRAPO, and myself.

This is a national issue today. It is not an issue of the elitist or the select few of the environmental community who say nothing should happen on our public lands; that they should be a preserve only managed by Mother Nature. We have seen what Mother Nature has done in the last 5 years. She has burned 3 million to 5 million acres a year. She has destroyed watersheds. She has destroyed wildlife. In many instances, she has destroyed thousands of homes, and she has cost Americans their lives. Many Americans have died in the last few years just trying to fight these unusually hot and devastatingly damaging wildfires that have swept the West.

Here are the facts. The American public understands these fires are destroying our forests. They understand that we need to do more thinning.

Eighty-three percent of the wildland firefighters have told this Congress and the public that the most important step we can take to increase their safety—is to thin these forests.

Because the Sierra Club and the Wilderness Society and other radical environmental groups want no timber harvesting in our Federal forests, we are destroying 6 to 7 million acres of land each year—6 to 7 million acres of wildlife habitat are being destroyed each year.

The bipartisan amendment that was reached as a compromise with 13 of my colleagues responds to the needs of the American public. It responds to those who are concerned about the loss of wildlife habitat. It responds to the wildland firefighters who tell us we need to increase the number of acres thinned each year. And, most importantly it responds to the needs of our forests.

We have seen communities destroyed by fire and important wildlife habitats destroyed. Yet we, in this Senate, fiddle.

I am tired of our fiddling around. We all know that this body must address this issue. We all know the that the bipartisan amendment is a good one that is fair and balanced and good for our forests.

Last year, all we asked for was an up-or-down vote on our amendment, but the minority would not allow that.

This year, a few Members seem to be saying no debate, no vote, and yes to the destruction of or forests. This simply has to stop.

The PRESIDENT pro tempore. The Senator's time has expired.

Mr. CRAIG. Mr. President, that is the issue before us today. It is an issue that this Senate ought to debate. I plead with my colleagues on the other side to work with us to get this bill to the floor for purposes of debate and passage.

Mr. COCHRAN. Mr. President, I yield the remainder of the time on this side to the Senator from Wyoming, Mr. THOMAS.

The PRESIDENT pro tempore. The Senator is recognized for 2 minutes 9 seconds.

Mr. REID. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. The Senator from Nevada.

EXTENSION OF MORNING BUSINESS

Mr. REID. Mr. President, Senator HATCH has been courteous as always. He is slated to speak at 2:30 p.m. He said the time for morning business can be extended until 2:35. It is OK with him that we extend morning business until 2:35 with the time equally divided. I ask unanimous consent that be the case.

The PRESIDENT pro tempore. Is there objection to extending the time

for morning business until 2:30 p.m. as under the previous order with the time equally divided?

Mr. REID. Mr. President, 2:35 p.m.

The PRESIDENT pro tempore. Is there objection to extending morning business until 2:35 p.m.?

Morning business is extended until 2:35 p.m.

The Senator from Wyoming is recognized for 2 minutes 9 seconds.

Mr. THOMAS. Under the new circumstances, perhaps I could have 5 minutes.

Mr. COCHRAN. I yield to the distinguished Senator 7½ minutes.

The PRESIDENT pro tempore. The Senator is recognized for 7½ minutes.

HEALTHY FORESTS

Mr. THOMAS. Mr. President, I join my colleagues in talking about the problems I guess particularly in the West, although not only in the West. When I was in high school, I lived near the Shoshone Forest in Cody, WY, and I would help the firefighters fight fires. I remember that so very well, particularly one mountain close to home. It was very steep. As the fire went up the rocks, it would loosen the rocks and they rolled down. Since that time, it has become even more of a problem.

I always think about those who say we ought to leave things the way they are, and I think about the wild horses. If we would get too many wild horses, what would happen to them in the old days? They starved to death. We don't let that happen anymore. We have to keep the numbers down. The same is true with the forests.

We are using the forests differently than we did in the past. More people live closer to the forests. People are using the forests differently. We have more insect problems to manage. We are talking about managing the resource.

There will be areas, of course, where we will not have forest protection—on roadless areas and wilderness areas. But much of the forests are areas where there are many people all the time, where there are roads and buildings, and we have to do something different than we have been doing.

Fires burn at naturally high temperatures and cause severe damage to the soil, watersheds, and air quality, as well as, of course, to the trees. Fires destroy habitat, including endangered species.

It is our responsibility to protect the health and safety of the community in neighboring lands. There is a lot we must do to do a better job.

In Wyoming—and we have not had as much fire as some other States—in the Shoshone Forest where I grew up, many of those trees are infected by insects. Yet only 1 percent of the corridor is available for any kind of treatment and care for these trees. In Big Horn National Forest, a fire burned for 3 weeks causing evacuation of dozens of cabins and loss of other facilities.

Black Hills National Forest—interestingly enough, we had some agreements before that were limited to the Black Hills to do forest fighting, clearing, and so on. We ought to extend that to some of the other forests because we have had experience in that area. Grand Teton, of course.

It is clear we need to have a program. Firefighting is extremely costly. It is expensive to suppress and control. It is much less expensive to seek to avoid fires.

The Forest Service this year has already spent $1 billion in forest fighting. We passed nearly $700 million to cover the cost of the shortfall; otherwise, it had to come from other projects. We cannot continue to have these kinds of resources consumed by the fire.

It has already been mentioned that the House has a bill and we have a bill and we will be taking up the differences. There are differences in view as to how different parts should be handled.

Between the House and the Senate, there has been a compromise on almost all the issues that are important: administrative appeals and all the suits that take place. We have an agreement to cut those down, so instead of having to do studies for a year before something can be done, it can be done in 30 days. We have wildlife-urban interface, with half a mile around facilities in which more of this control will take place.

We have the old-growth issues where there can be changes if old growth is in that interface close to buildings. There can be exemptions.

I am most disappointed that, having talked about this issues for years, knowing the impact of not doing something, here we are with objections to moving forward when we have an opportunity to create some solutions to the problem that exists and will continue to exist.

I hope we can do something this week. This is our chance to come together and pass a bill that will be usable. I hope we do that.

I yield the floor.

Mr. COCHRAN. Mr. President, how much time remains on the morning business allocation for this side of the aisle?

The PRESIDING OFFICER (Mr. ROBERTS). The distinguished Senator has 5 minutes 51 seconds remaining.

Mr. COCHRAN. Mr. President, I yield the remaining time to the distinguished Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. I thank the Chair. I thank the Senator from Mississippi Mr. COCHRAN.

First, on the way to the floor, something very interesting happened to this bill. The Parliamentarian read it and said: Chairman DOMENICI—who had been waiting anxiously to do this bill—you don't have jurisdiction the way the bill is written and said the Agriculture Committee did.

For a little while I had a sourpuss look on me until I found out that, indeed, we were fortunate because Senator THAD COCHRAN and his committee, letting us help him, did a magnificent job. In fact, I can say so there will be no doubt on the record that they did a better job than we could have. So I am very pleased the bill came roundabout that way.

As always happens in a bill of this type, you cannot win on the floor with just a bill produced by committee because there are Senators who are not on any of the committees of jurisdiction who have big interests in the bill. Guess what. Those Senators are now supporting this bill. We must have somebody around here who is against this bill. Senator WYDEN is for it. He has had some of the biggest problems with forests and forest fires in his State of any Senator.

We met under Senator COCHRAN's leadership for weeks. And Senator WYDEN is for this bill. Surely, he is not for not bringing up this bill. Whoever is for not bringing it up—I don't understand.

California has so much of everything that we sometimes forget they have huge forests and huge forest fires, and it burns a lot of things down.

They need to fix the law. Guess what. She is not on the Agriculture Committee. Right?

Mr. COCHRAN. Right.

Mr. DOMENICI. So she came in and said: Let me help. She went to meeting after meeting. Of course, they invited me and my staff. I had more than a few things to do, and I probably was there less than the Senators I just mentioned, but I came. I was one who pursued it and pushed it.

On the Democrat side of the Agriculture Committee, the Senator from Arkansas, BLANCHE LINCOLN, was there all the time. She came to these meetings and she is for it. MAX BAUCUS, Democrat from Montana, a State with huge problems, he was there. He is for it.

Everybody knows the Senator from New Mexico is for it. I have been trying to do this for 10 or 12 years. I got one big bill through that nobody thought could happen in the midst of the forest fires. It passed in an amendment on the floor. We got $250 million times 2—that is $500 million—for each agency. We named that bill ''happy forests.'' We named it happy forests because we thought if it works, these forests that cannot see sunlight may see sunlight and they might be happy when they look up at the sun.

So I nicknamed the bill the happy forests, with the trees of America once again being unclogged. The clogging makes the trees limp but also makes them burn like wildfire. We got that one through and it did a lot of good, but we are stuck with the problem that this bill tries to solve; namely, we cannot get anything done in a reasonable period of time. That is the issue.

We do not have to talk about the fancy words, jurisdiction, courts, and

all of that. The truth is, for those who do not want things to happen, they have an inordinate amount of time that they can make everybody waste without doing anything. At least in this bill, for instance, if there is an infested forest—and I do not know anyone that does not have one around—they are ugly, they burn like tinder, and at least in this bill that would be handled very expeditiously.

People wonder why that is not the case right now. In a few months, why can't there be a contract to cut those trees down? Well, those kind of things are getting fixed in this bill.

I am grateful to have these few minutes. I am thankful that this bill went to the Agriculture Committee. The staff did most of the work, and I am very grateful the outsiders came in and helped. I do not want to fail to mention, on the Republican side, the distinguished Senator from Arizona, JOHN MCCAIN, who was not on the committee of jurisdiction, also came with his competent staff. They presented their views and some of the bill was adjusted their way.

So I say to the leadership, I hope when some Senators come and say let's delay this bill, let's not take it up, I hope they would ask, what is this about? When are we going to do it? When are we going to stop destroying our forests or at least do some positive things that we all know are right?

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Under the order, how much time remains on this side?

The PRESIDING OFFICER. There is no time remaining.

Mr. REID. I yield the remaining time on this side to the Senator from North Dakota, Mr. CONRAD.

The PRESIDING OFFICER. The distinguished Senator from North Dakota is recognized.

OSAMA BIN LADEN AND SEPTEMBER 11

Mr. CONRAD. Mr. President, over the weekend, Osama bin Laden was again seen vowing that al-Qaida would launch suicide attacks against Americans and our allies. Frankly, it angered me to see these taped reports that again Osama bin Laden is threatening Americans.

It has now been 771 days since al-Qaida launched terrorist attacks on American targets on September 11, 2001. For me, this report raised the question of why is Osama bin Laden still able to threaten this country? Why have we not been able to find him and bring him to account?

I was reminded, in seeing these tapes, that just several weeks ago Newsweek magazine did a detailed analysis on where Osama bin Laden might be. They narrowed it down to Kunar province on the border between Afghanistan and Pakistan. They had detailed reports in that article of Osama bin Laden being seen in this area.

It struck me at the time, if we have a pretty good idea of where Osama bin Laden is, why are we not flooding that area with American forces to take him out? Newsweek went on to report that:

> . . . bin Laden appears to be not only alive, but thriving. And with America distracted in Iraq and Pakistani President Pervez Musharraf leery of stirring up an Islamist backlash, there is no large-scale military force currently pursuing the chief culprit in the 9/11 attacks, U.S. officials concede.

I find that alarming. Osama bin Laden led the attacks on this country. We know that. There is no doubt about it. If we are being distracted by Iraq, in my view, that is a serious mistake. I must say it is one that I very much feared one year ago when we were considering whether to attack Iraq. I voted against attacking Iraq at that time because I believed our top priority ought to be going after al-Qaida and Osama bin Laden.

There has just recently been a report in the Boston Globe that says: As the hunt for Saddam Hussein grows more urgent, and the guerilla war in Iraq shows no signs of abating, the Bush administration is continuing to shift highly specialized intelligence officers from the hunt for Osama bin Laden in Afghanistan to the Iraq crisis.

I believe that is the wrong priority. I believe the priority ought to be al-Qaida and Osama bin Laden, and we ought to be going into this area that has been identified in seeking to find him and holding him to account.

When I reflect on the decision to go into Iraq, I am reminded that many in the public believe that Iraqis were part of the 9/11 operation. In fact, 69 percent of the American people believe Saddam was involved in the September 11 attacks. Half of Americans believe that Iraqis were among the 9/11 hijackers.

We know that is not the case. There were no Iraqis, none, zero, involved in the 19 who hijacked the planes in our country that turned them into flying bombs that attacked the World Trade Center and the Pentagon. Of the 19 hijackers, 15 were from Saudi Arabia, two were from the United Arab Emirates, one was from Egypt, and one was from Lebanon. Not a single one was from Iraq. Yet even now many Americans believe it was in fact Iraqis who attacked this country. In fact, more Americans believe most of the hijackers were Iraqis—21 percent—than the 17 percent who correctly stated none of the hijackers was Iraqi.

We are making decisions here, and the American people are supporting decisions, and apparently they do not have the accurate information.

Unfortunately, it is not hard to figure out why. In speech after speech, the President and his top officials have juxtaposed 9/11 with Saddam and Iraq, strongly implying there is a clear and direct link between Saddam and 9/11. To take only one of dozens of examples, as recently as last month Vice President CHENEY again linked 9/11 with Iraq, describing Iraq as the geographic base of the terrorists who have had us under assault for many years, but most especially on 9/11.

This is the Vice President of the United States suggesting that Iraq was at the center of the attack on America on 9/11.

The President himself was forced to correct the record just a few days later, when he said we have had no evidence Saddam Hussein was involved on September 11; no evidence.

The record is overwhelmingly clear. We know who attacked us on September 11. It was not Iraq. There were no Iraqis. The people who attacked us on September 11 were al-Qaida, led by Osama bin Laden. In 770 days, we have not yet held him to account. That has to be our priority.

The President and his top officials have sought to link Saddam not just with 9/11 specifically but with al-Qaida more generally. They have cited three pieces of evidence to back that claim.

First, the administration stated that one of the 9/11 hijackers, Mohamed Atta, met with an Iraqi agent in Prague in the spring of 2001. For example, last year the Vice President asserted:

> We have reporting that places him [Atta] in Prague with a senior Iraqi intelligence officer a few months before the attacks on the World Trade Center.

That is what the Vice President said then. But what do we know now? The fact is, the CIA and FBI have concluded this report was simply not accurate because Mohammed Atta was in this country, in Virginia Beach, VA, at the time the Vice President had asserted he was in Prague. As the Washington Post reported on September 29:

> In making the case for war against Iraq, Vice President Cheney has continued to suggest that an Iraqi intelligence agent met with a September 11, 2001, hijacker months before the attacks, even as the story was falling apart under scrutiny by the FBI, the CIA, and the foreign government that first made the allegation.

Second, the administration has argued a senior al-Qaida operative, Al-Zarqawi, was seen in Baghdad. He may very well have been in Baghdad, but that doesn't prove anything about a formal link between Iraq and al-Qaida. We know senior operatives spent months in our own country prior to 9/11. That doesn't make the United States an ally of al-Qaida any more than the presence of an al-Qaida operative in Baghdad makes Saddam Hussein an ally of Al-Qaida.

Third, the administration said al-Qaida maintained a training camp in northern Iraq. Again, this sounds convincing, but as the former director of the Strategic Proliferation and Military Affairs Office at the State Department's intelligence bureau points out, one finds this is not a very honest explanation: ". . . I mean, you had terrorist activity described that was taking place in Iraq, without the mention that it was taking place in an area under the control of the Kurds rather

than an area under the control of Saddam Hussein.''

On this map, this is the camp they were talking about. This is the Ansar al-Islam area. There was a terrorist camp here.

This is a map of Iraq that shows very clearly that is an area controlled by the Kurds. The Kurds are our allies. This is an area that was not under the control of Saddam Hussein.

If the American people are going to make sound judgments about who is responsible for what, and who we ought to hold responsible, and who we ought to prioritize for attack, it seems very clear to me the ones we ought to be attacking are al-Qaida. The ones we ought to be going after first and foremost are Osama bin Laden and his allies. Over and over, I believe the American people have been led to believe there is this strong link between al-Qaida and Saddam Hussein. I do not think the facts bear out that connection.

The President himself has now said Saddam Hussein has not been linked to September 11. Yet the majority of the American people believe that he was. That mistaken understanding is right at the core of what has been to me a serious mistake in the strategy in fighting this war on terror. Our first priority, our top priority, one we should not be distracted from, is going after Osama bin Laden and al-Qaida. I don't think we should be distracted, chasing the mirage of terrorism being fundamentally a product of Iraq. I don't think the record bears that out.

If there is not a strong connection between Iraq and al-Qaida, why have we repeatedly had that linkage made? I think there has been very little credible evidence of a direct connection between al-Qaida and Saddam Hussein. As a former State Department intelligence official said in the same Front Line interview:

> His [Secretary Powell's] own intelligence officials and virtually everyone else in the terrorist community said there is no significant connection between al-Qaida and Saddam Hussein.

If there is not a strong connection, why have we heard so many references linking the two? That is a question we all need to ask and try to answer.

In addition to the link to al-Qaida, the President and his administration have also repeatedly indicated that Iraq had weapons of mass destruction. First the President suggested over and over there were close links between Saddam and al-Qaida, implying Saddam had something to do with the September 11 terrorist attack on this country. We now see that is a very weak case.

Is there better evidence to substantiate the second set of claims used to justify war with Iraq, that Saddam Hussein was about to acquire nuclear weapons, and was producing chemical and biological weapons, all of which could be used for an imminent attack against the United States?

First, on nuclear weapons, the President and top officials repeatedly warned of Saddam's efforts to acquire weapons of mass destruction. They buttressed these general claims with two very specific assertions. First, the President and his top officials said there was direct evidence of Saddam Hussein trying to buy uranium in Africa. In his State of the Union Address last January, President Bush told Congress and the American people:

> The British government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa.

That is what the President said then. But what do we know now? We now know that the CIA knew, months before the State of the Union Address, and months before the war on Iraq started, the allegation was simply not accurate; it was based on a crude forgery that did not pass the credibility test for CIA experts. Here is just one news story, ''Bush Claim on Iraq Had Flawed Origin, White House Says.''

> The White House acknowledged for the first time today that President Bush was relying on incomplete and perhaps inaccurate information from American intelligence agencies when he declared in his State of the Union speech that Saddam Hussein had tried to purchase uranium from Africa.

Second, the President and his aides have repeatedly asserted Iraq had tried to purchase aluminum tubes that could be used to enrich uranium for nuclear weapons.

The President said:

> Our intelligence sources tell us that he has attempted to purchase high-strength aluminum tubes, suitable for nuclear weapons production.

That's what the President said then. But what do we know now?

The International Atomic Energy Agency's director concluded this spring, before the war on Iraq started, that the tubes were for conventional artillery rockets. As the Washington Post reported:

> ElBaradei rejected a key Bush administration claim made twice by the President in major speeches and repeated by the Secretary of State that Iraq had tried to purchase high-strength aluminum tubes to use in centrifuges for uranium enrichment. . . . El Baradei's report yesterday all but ruled out the use of the tubes in a nuclear program. . . . ''It was highly unlikely Iraq could have achieved the considerable redesign needed to use them in a centrifuge program,'' ElBaradei said.

But the Bush administration did not stop with these specifics. It repeatedly asserted there was an imminent danger of Saddam acquiring and using nuclear weapons.

In a speech 1 year ago, President Bush said:

> The evidence indicates that Iraq is reconstituting its nuclear weapons program.

The Vice President last March went even further, stating that ''we believe he has in fact reconstituted nuclear weapons.''

That is what they said then. But what do we know now? We have occupied Iraq for 5 months. We have full, unrestricted access to the whole country and more than 1,000 investigators looking for illegal weapons. The Bush administration's chief investigator leading the search for weapons of mass destruction has found no evidence of any serious recent effort to build nuclear weapons. I think this quote from the October 3 Washington Post sums up the most recent finding:

> After searching for nearly six months, U.S. forces and CIA experts have determined that Iraq's nuclear program was only in the very most rudimentary state, the Bush Administration's chief investigator formally told Congress yesterday.

On nuclear weapons, specific allegations underlying the administration's claims had certainly been discredited before we went to war, and since the war we have found no evidence to support the more general claims of Iraqi efforts to reconstitute its nuclear weapons program.

What about chemical and biological weapons?

We all knew Iraq had possessed and had used chemical weapons in the 1980s. We all knew intelligence had not conclusively demonstrated that all of these weapons had been destroyed. In fact, I must say I believed Iraq was likely to have chemical and biological weapons because we knew they did at one point. The United Nations investigators found them. But those weapons have not been found since. We have searched high and low for biological and chemical weapons. We may still find them. I think we have to ask ourselves, would that have justified a preemptive attack on Iraq? My own judgment is it would not. Why? The Soviet Union had weapons of mass destruction; we never launched a preemptive attack on them. China has weapons of mass destruction; we never launched a preemptive attack on them. You can go through country after country where we have decided to use containment rather than military assault.

The President told us the Iraqi regime possesses and produces chemical and biological weapons. I believe he believed that, and there was reason to believe that. I don't diminish that argument. But the fact is we were wrong, or at least so far it appears we were wrong. I must say I believed—and I say it again—I believed they had chemical and biological weapons. But after searching for nearly 6 months, U.S. forces and the CIA experts have found no chemical or biological weapons in Iraq. We still may find them.

That still leaves us with the question: Did their mere possession of such weapons justify a preemptive attack? What did our own CIA tell us? I remember those briefings, elements of which have been made public. I am not revealing any secrets. The CIA told us there was a low likelihood of an Iraqi attack on us or our allies unless we attacked them first.

The point is simply this: We have not found biological and chemical weapons. We have not found evidence of a reconstituted nuclear program. We have not

found any serious links between al-Qaida and Iraq. Those were the fundamental reasons we went to war with Iraq. I believe it was a mistake to attack Iraq at the time we did. I believe it was a priority that simply did not make sense given the threat to this country.

The imminent threat to this country is in the form of al-Qaida. The imminent threat to this country is the forces led by Osama bin Laden. It has now been 771 days since they attacked this country. Newsweek magazine reports they have a pretty good idea where Osama bin Laden is—right on the border between Pakistan and Afghanistan. Yet there is no large-scale military operation underway to take out Osama bin Laden. I think the American people deserve to know why not. Why not? Why aren't we launching massive forces into the area identified as the place where Osama bin Laden is hiding? Have we been distracted by Iraq? I hope not. But the evidence I see is that the resources and the attention, which I believe should have been first directed at taking out Osama bin Laden and al-Qaida, are going to Iraq.

I very much hope we will have answers to these questions in the coming days.

The Senator in the Chair, whom I count as a friend in this body, is the chairman of the Intelligence Committee. Obviously he has knowledge none of the rest of us possess. As one Senator, I saw Osama bin Laden on these tapes again over the weekend and read the stories in the news magazines that said we have a pretty good idea where Osama bin Laden is. But we have not found him, leading to the suggestion that we have been distracted by Iraq. That disturbs me a great deal. I believe the overriding priority for this country and the national security of America is in holding Osama bin Laden to account, finding him, and stopping him.

The PRESIDING OFFICER. The time of the distinguished Senator has expired.

Mr. CONRAD. I thank the Chair and yield the floor.

The PRESIDING OFFICER. The distinguished Senator from Utah.

Mr. HATCH. Mr. President, I have heard a lot of speeches on the Senate floor about Osama bin Laden, about Iran, Iraq, and the Middle East. As a member of the Senate Intelligence Committee, I can only talk briefly about this matter, but I think it is important to note I was probably the first Member of Congress—at least to my knowledge and I believe anybody's knowledge—to mention the Clinton administration had better get on top of Osama bin Laden, or he is going to kill Americans. At one particular point in that period of time between that statement and when President Clinton left office, there was one time they could have captured Osama bin Laden, and he would have been turned over to them. They blew it, not realizing how important this matter was.

As a matter of fact, we now know he is behind terrorist activities all over the world, especially in our country and especially in the Middle East. We have had more than ample unclassified information, and person after person, group after group has tried to infiltrate our country to cause terrorist activities within this country, in each case tied back to Osama bin Laden.

We also know he has escaped Afghanistan and with the help of certain friends probably is residing somewhere in northeastern Pakistan but no one really knows. To make a long story short, we do not just have the right to go into northeastern Pakistan and conduct a major warfare search for Osama bin Laden without the permission of the Pakistanis. Everyone knows that. That relationship is a very important relationship.

We also know Osama bin Laden is not just dedicated against the United States of America but against anyone that stands for freedom. Particularly, he is against his own fellow Arabs in Saudi Arabia and other parts of the Middle East. It is apparent that many claims are made that some of the terrorism that happens in the Middle East is caused by al-Qaida, inspired by none other than Osama bin Laden. There is also no question that there have been ties to Saddam Hussein.

But be that as it may, anyone who tries to make out the case that we should not be in Iraq is ignoring decades of facts. Anyone who tries to pin the Iraqi matter strictly on whether or not Osama bin Laden had weapons of mass destruction is ignoring an awful lot of matters that indicate that if the United States did not act, it would be only a matter of time until it would be too late to act and there would be many thousands of others killed, networks set up, deterioration throughout the Middle East, which is, as a whole, strictly important to the United States of America, as well as other countries in the world.

I get a little tired of hearing people in the Senate criticizing President Bush for stopping these people for letting it be known throughout the world that we will not put up with acts of terrorism, that we will hit them where it hurts for doing what has been done in Iraq. Anyone with any brains has to realize there are so many facts there you do not even need weapons of mass destruction today to show what we have done there has placed a huge dent in terrorism around the globe and has rocked Osama bin Laden back on his heels. Yes, he is still capable of making an occasional television announcement. He is still capable of acting like he is more important than he is. But the fact is, we have put a big dent in his terrorist operations around the world.

That is not to say we should not stay vigilant, that we should not do everything in our power to make sure that terrorism is fought not just in our land but all around the world. One has to look pretty far to look beyond the terrorist incidents of Saddam Hussein, his sons, and the Baathists in Iraq. All that is important in the Middle East as well as in other parts of the world. I will not take time to go through the fact that 10 years ago, the U.N. even verified he has the capacity to make weapons of mass destruction, was making weapons of mass destruction, used them against his own people, et cetera, et cetera.

It seems strange to me we have to go through this every day, with people lambasting the President, who literally has stood up the way he should stand up, ignoring the fact that many in the country of Iraq are thrilled we are there, bringing peace and stability, decency, honor, freedom, education, health care, infrastructure, and other matters to benefit that nation. Naturally, those who love terrorism, those who love hatred, are not going to like him. Instead of condemning the President for crass political reasons at that, we ought to be thanking him for having the guts to stand up and to take these actions that have long been overdue.

I have a lot more to say, but I let it go at that today. It is demoralizing to me to see a lack of support by some on the other side for what has been necessary for foreign affairs action. It used to be that offshore we supported whoever was President. I guess that was because most of the time the President was a Democrat. I guess it is different when there is a Republican President. All we have had are attempts to undermine everything President Bush is trying to do with probably the best foreign policy team I have seen in my 27 years in the Senate, composed of people who complement each other, who have cross-currents of belief, who basically come behind the President and support what is being done in ways that I don't think any other group of people could have done, certainly not as well as they have done.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

CLASS ACTION FAIRNESS ACT OF 2003—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the hour of 2:35 having arrived, the Senate will resume consideration of the motion to proceed to the consideration of S. 1751, which the clerk will report.

The assistant legislative clerk read as follows:

Motion to proceed to consideration of S. 1751, a bill to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes of class members and defendants, and for other purposes.

Mr. HATCH. Mr. President, I note that Senator CORNYN is here. I ask unanimous consent he be permitted to

speak, and then I be granted the floor thereafter.

The PRESIDING OFFICER. The distinguished Senator from Texas is recognized.

Mr. CORNYN. Mr. President, I thank the distinguished chairman of the Judiciary Committee, the Senator from Utah. It is because of his leadership on this issue, that of class action fairness, it has reached this stage in the proceedings. He is a true gentleman in the finest traditions of the Senate. He also happens to be the iron fist and the velvet glove who helps make things happen in the Senate Judiciary Committee, a place where, unfortunately, things do not always happen the way they should, notwithstanding his heroic, Herculean efforts.

Mr. CORNYN. Mr. President, I ask unanimous consent I be added as a cosponsor to the Class Action Fairness Act of 2003.

The PRESIDING OFFICER (Mr. COLEMAN). Without objection, it is so ordered.

Mr. CORNYN. Mr. President, this bill is important for so many reasons. I will generally lay out what I believe to be some of the important reasons the Senate should take up this bill that was voted out of the Senate Judiciary Committee on a bipartisan basis, why the Senate should take this bill up, vote it out, and do everything in our power to see it is enacted into law.

My colleague, the Senator from Iowa, Mr. GRASSLEY, deserves a great deal of credit for his hard work on this issue and for promoting this important legislation. I publicly acknowledge his leadership on the issue as well.

Like a number of the Members of this body, I have been a member of the bar, a lawyer, for a number of years. I have seen the ways in which the law and lawyers have contributed in a tremendous fashion both to the public administration of justice and to that maxim, that saying, that is engraved into the edifice of the U.S. Supreme Court, which is really a national value and ideal: Equal justice under law.

That is indeed one of the fundamental values upon which this Nation was founded. But I do not think it is news to anyone that that aspiration, that value, that we all agree is important, has suffered in the administration when it comes to class action lawsuits.

I wish to make clear, I believe class actions do have an important role in the administration of justice. In other words, the class action was created so that individuals with relatively small claims and who would not be able to bring those claims forward in an economical way—indeed, the economics would discourage them from doing so—would not be denied access to the courts and access to justice simply because their claims were rather small because, indeed, if in fact that were the case and there were no mechanism to bring those small claims forward, there would be those who would abuse individuals and who would know they could continue in that posture because individuals would not be able to economically bring those claims forward.

So the class action mechanism provides a means for aggregating or collecting those claims so that it can be done in an economical fashion, in a way that will not deny those individuals who are aggrieved access to the courts so they may have access to that justice that I mentioned a moment ago.

So the intent of the class action mechanism was to provide consumers with access to the courts. The problem is, today, the reality is that our system has turned into one that now benefits the few at the expense of the many. In other words, the people who benefit from class actions today, too often, are the lawyers who bring those lawsuits rather than the consumers for whose benefit this whole procedure was first conceived.

I think it ought to be our goal in the policy of the U.S. Government and our courts to see that those with valid claims have a means to vindicate those claims, but it should not be a means by which the few can be enriched at the expense of consumers who may not even know they are involved in a class action lawsuit, where they receive token compensation whereas the class action lawyer receives millions, literally, in attorney's fees.

Modern class action litigation has brought forward what we have now come to recognize as the entrepreneurial lawyer. That is a lawyer who may not have a client but if they are smart enough to try to figure out a way to create a claim or find somebody who arguably has a claim, then they can go out and seek a class representative; that is, somebody whose claim is representative of perhaps hundreds or thousands or even millions of other people who might be in a similar situation and, thus, seek certification of a class action and settle the case because, frankly, class action lawsuits are almost never tried because the consequences of a trial and the loss are so devastating that the person who has been sued or the company that has been sued does not really want to risk an adversarial proceeding in a court of law.

So class action lawsuits are filed to be settled and to use the economic pressure that is created thereby because the number of claims that are aggregated and the amount of money that is at stake is literally a bet-the-ranch lawsuit or, I should say, bet-the-company or bet-your-life-savings lawsuit.

The problem is, our system of class action litigation is not just broken; it is falling apart. That is not right, and that is not justice, and that cries out for reform. I believe this bill is an important step forward in providing that reform.

Now, the truth is, as great as I believe this bill is that has passed out of the Judiciary Committee, it, frankly, is not all we should strive for when it comes to class action fairness.

For example, many people find out only after they receive a coupon or something in the mail that they were, indeed, a member of a class; in other words, they were a party to a lawsuit, and they did not know it until they received some token compensation, whether it be a coupon or perhaps a few pennies.

I think if we were to engage in the sort of class action reform that I think would genuinely address part of the problem, we would have a system not where people are asked to opt out of a class but literally where consumers are given an opportunity to opt in; that is, I do not think we ought to presume somebody wants to be a party to a lawsuit unless they say: Count me in.

I do not think that is too much to ask. But that is not what this bill does yet. But that is where I think we need to go ultimately.

What this bill does is provide a means of access to a court and the kind of careful review of a legal claim that I think is important in order to preserve the goal of class action litigation; that is, to serve the interests of consumers and not the interests of entrepreneurial class lawyers.

I want to give just one or two examples from my own experience. As I said, like many in this body, I have been a practicing lawyer. I also happen to have been a judge in my earlier life and exposed to some of the abuses of class action litigation. And of one I will never forget, I want to just mention a few of those details.

Well, it seems that General Motors created a sidesaddle gasoline tank pickup truck, one that was the subject of or involved in a rather spectacular explosion and terrible injury and death in Georgia, which was obviously a personal injury and a wrongful death claim.

What happened in Texas, and elsewhere, was we saw that some lawyers realized this was perhaps a product design over which consumers may have a potential claim. So they brought a lawsuit, not for personal injury or death but for the economic loss incurred by consumers who owned sidesaddle gasoline tank pickup trucks.

Of course, they had a couple of problems. One, they had the problem of being able to establish a true measure of loss as a result of merely owning them because, in fact, the evidence seemed to be that there was no actual loss in value just by driving a truck that had a sidesaddle gasoline tank. But, moreover, what ultimately happened in this case was that the consumers got a coupon, redeemable upon the purchase of a new General Motors pickup truck, and the lawyers who filed the lawsuit got nearly $10 million in cash.

As it turned out, the court on which I served, the Texas Supreme Court, unanimously reversed that decision—

that settlement really, the approval of that settlement, saying: Look, we have gotten this exactly backward. Class action lawsuits are brought for the benefit of consumers, not for the benefit of the lawyers who file them.

So in order to correct this abuse represented by the settlement, we said: Look, the consumers have to get something of value, and it has to be more than a coupon redeemable upon the purchase of a new General Motors pickup truck.

Now, frankly, what happened was, it looked as though the class lawyers, the class counsel, cut a deal that was good for them, and General Motors agreed to a deal that was pretty good for them under the circumstances, although I am sure they would have rather not been there. But they were able to basically effectuate a marketing scheme for the sale of more GM pickup trucks; in other words, make lemonade out of this lemon. The problem was, consumers in the process got nothing. Indeed, many consumers, because they were constrained by bidding requirements—for example, trucks owned in a motor pool by a municipality or otherwise constrained by those requirements—could not even take advantage of the coupon. Of course, others didn't have the money to buy a new pickup truck and so they couldn't use the coupon which gave them some money as against the purchase of another truck.

We can all testify, based on our own experience, how we have perhaps received a notice in the mail. I remember not too long ago when my wife and I went to a Blockbuster video rental store. We got an extra long tape when we rented our video that had a notification of a class action settlement attached to it. Of course, after reading the fine print, we found out that we had, unbeknownst to us, been involved in a lawsuit and had some nominal claim we could make to a few pennies, while the lawyers in the case received $9 million in cash. The consumers got a coupon for about a buck, and the lawyers got $9 million in cash.

I don't want to take long today because the chairman of the committee has graciously allowed me to say a few words now. I know we will be continuing to talk about this issue for some time this week, as well we should. But there is another part of class actions that we need to be careful about. It is not just the entrepreneurial lawyers who settle for cash while consumers get a coupon. Class actions can also be used by defendants—that is, people being sued for various claims—to preempt or to stop future claims by those who have them because there is what we lawyers call res judicata. That is, no one else can bring another claim if, in fact, they were notified they had a potential claim and failed to object and thus were included in the class. So some defendants will potentially go out and collude with an entrepreneurial lawyer in order to get a final class action settlement which meets their bottom line but which basically precludes future claims by others who genuinely are aggrieved and harmed and whose rights are totally cut off.

This is not lawyer bashing, I assure you, as a lawyer myself. People need to have access to the courts. Consumers need to have a means to vindicate their just claims. But it cannot be through a method which rewards entrepreneurial lawyers with millions in cash and consumers with a coupon. It cries out for reform. I believe the class action liability reform bill Chairman HATCH has navigated through the Judiciary Committee, which enjoys bipartisan support in that committee, is a big step in the direction of reform.

With that, I thank the Senator from Utah for allowing me to say a few words. I will relinquish the floor from whence it came.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I ask unanimous consent that Senator BREAUX be recognized and then I be recognized immediately following his remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Louisiana.

Mr. BREAUX. Mr. President, I thank the chairman of the Judiciary Committee for yielding to me.

I will take a few moments to explain my position on this important legislative effort and point to the fact that I have worked on a substitute amendment that has the ability to bring both sides together in a way we have not yet achieved.

It is clear that in all difficult legislative areas, when you have a very closely divided Senate, the only way we will actually get legislation adopted and passed and sent to the President for his signature is if we aggressively work together to limit our differences and maximize the things we have in common in order to produce a legislative package that can sustain the rules of the Senate and allow a bill to actually pass and become law.

There is room for reform in class action litigation. I do not think it is as bad as some portray the situation to be, but it is probably a problem that does need to be addressed. For those who think we should do nothing in this area, I would say there are some things we can do that improve the situation and, most importantly, get us a product that can actually become law.

Many times we in the Senate are faced with the question of, do I want to try to do everything I would like to do and risk getting nothing done, or would I like to try to reach a legitimate compromise and actually get something passed that may not be everything I would like but would be far superior to doing nothing at all. That is the situation we face with regard to the question of class action litigation.

My substitute bill, which would be offered, hopefully, as an amendment, does the following: It builds on the committee report in the sense that what we do is say to those plaintiffs who file a class action case in a particular State, where one-third or less of the plaintiffs, the people who are injured in a State, happen to be from that State, that like the committee bill, that case would clearly be a matter of Federal jurisdiction. Where two-thirds or more of the plaintiffs who are injured or alleged to be injured reside in a particular State—say Louisiana—where the injuries were alleged to have occurred, if two-thirds or more of those injured citizens who have filed a case, two-thirds or more, happen to be from my State of Louisiana, then it is a State court in which the action should be brought.

As the committee bill, my bill also says that when you have a situation between one-third and two-thirds of the plaintiffs coming from a State, a particular State where the injury occurred, then the Federal judge would look at the circumstances, as the committee bill, and make a determination of whether that case more appropriately belongs in the Federal court or belongs in the State court.

What is the difference between the two approaches? One big difference is that in the committee bill it says, that even if two-thirds or three-fourths or 98 percent of the injured people reside in Louisiana, where the alleged injury occurred, if the defendant happens to be a citizen of some other State, as so many corporations are, then the case goes automatically to the Federal court to interpret as best they can the State laws, such as my State of Louisiana.

That is incorrect. If the majority of the injuries are in the State of Louisiana—say it is a meatpacking company that has sales in Louisiana and it has caused injuries in my State of Louisiana by selling tainted products of meat that cause real injuries in Louisiana—and 75 percent of the injured people are in Louisiana but because the company may be domiciled or a citizen of the State of Delaware, that all of a sudden the Federal court is better situated to handle that case. That defies logic. If the injured people are in my State, two-thirds or more, then logic says the case can best be handled and interpreted by the State courts and the State supreme court which would be interpreting the State tort law that the State legislature passed.

Why should we say merely because one defendant's cause for alleged injuries happened to be in Delaware, where so many companies are incorporated, that automatically means it should be in the Federal court? The Federal court does a great job of interpreting Federal law, but I suggest when it comes to interpreting State law, on which these plaintiffs would be judged, the State court is better situated to make those determinations. I will have more to say about that particular aspect.

Let me mention briefly when it comes to the so-called coupon settlements the distinguished Senator from Texas mentioned, our legislation addresses that, to the extent that we can, by saying where coupons are issued to many plaintiffs who may have bought a defective product, the situation in the past has been many plaintiffs' attorneys would have their fees set not on the number of coupons that were actually redeemed, but only on the number of coupons that were actually issued in terms of the settlement.

For instance, people buy a defective product and many times the resolution of the case is based on each plaintiff getting a coupon or discount on a future purchase. The problem was many attorneys were getting paid on the total number of coupons issued rather than the ones redeemed. Our legislation says their fees would only be based on the number of coupons actually redeemed, and I think that makes a great deal of sense as well. It also says you cannot run a merry-go-round and continue trying to take cases from one court to the next. Under our legislation, we say defendants have a right to try to remove a case to the Federal court, but they cannot do it an unlimited amount of times. Our legislation simply says such removal would occur in a timely fashion, and we suggest within 30 days after filing of the complaint. Surely the defendants know whether they want to be in Federal court or State court. They cannot wait up until the end of the case in the State court, after years of litigation, and say, oops, we want to move it to Federal court and have that as an absolute right. They ought to do it in a timely fashion. Our legislation addresses that as well.

Mr. President, I will conclude my remarks by saying the good Senator from Utah is a very respected chairman of the committee. I think he wants legislation to pass. My fear is, unless we sit down and work together, we are going to have a stalemate. Both sides will have an argument. Democrats will have one argument and Republicans will have another argument, but the result will be nothing will pass.

My approach is simply that we can say don't proceed to this bill until we have had serious discussions between both sides, such as we have done on asbestos. I think those asbestos cases have made progress. It is not quite there yet, but they have made progress. Why? Because they have been willing to sit and talk among all the parties. I think we should do the same thing with the class action litigation. We can say we are not going to proceed to this bill until we have had an opportunity to sit down and have good, legitimate discussions.

I think we can come to an agreement so that we will not have the bill passed by just one vote or lose by one vote, but rather have it pass by 75 or more votes in this body. I think that is possible, but it is going to take, first of all, saying we are not going to proceed to the legislation until we have had those discussions. We are going to share what we have just outlined with my good friend, the chairman of the Judiciary Committee. Hopefully, they can look at it and see if there is room for legitimate talks and legitimate compromise. I think there is. The alternative is to do nothing. I think that is unacceptable.

I thank the chairman for yielding me a few moments to make some comments. I yield back my time.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, I thank my colleague for his kind remarks. We will certainly look at whatever he has to offer in this matter. We will keep an open mind and see if we can get together.

I rise in strong support of S. 1751, Class Action Fairness Act of 2003. It used to be S. 274, but now it is renumbered to S. 1751. This bill represents a carefully balanced legislative solution in response to the widespread abuse of the class action lawsuits in our State courts. Over the past decade, it has become painfully obvious that class action abuses have reached epidemic proportions. What began as occasional outrageous class action settlements, drawing light humor, has now become a routine occurrence that is just not funny anymore. It has become equally clear that the true victims of this epidemic have been every-day consumers who represent the silent majority of unnamed class members throughout the country.

It has become too common where plaintiff class members are not adequately informed of their rights or the terms and practical implications of a proposed class action settlement. Making matters worse, judges too often approve settlements that primarily benefit class counsel, the attorneys, rather than the class members or the victims. That is turning the law on its head.

In the coming days, we will hear numerous examples of egregious State court settlements, where class members habitually receive little or nothing of value, while their attorneys receive millions of dollars in fees. The cases are numerous, but just too extensive to list.

To put these settlements in perspective, allow me to share a recent class action settlement that one of my own staff members recently actually received in the mail. This settlement notice comes from a State court in Jefferson County, TX. It involves the settlement of a class action lawsuit brought on behalf of purchasers of Bridgestone and Firestone tires. This technical legal document informs my staffer—an apparent class member by virtue of owning a set of Firestone tires—of a proposed class action lawsuit settlement that will award the lawyers $19 million in fees and costs. That is not a bad payday for lawyers when compared to what the clients get: a promise from defendants that they will make safer tires and initiate a safety program.

It strikes me these class members are getting a so-called benefit they should be getting, anyway. It seems to me they should try to have safer tires and the benefit of a safety program.

But the laughable settlement terms don't end there. Unlike the unnamed class members who do not stand to gain a single penny, those lucky enough to be named plaintiffs get to walk away with a $2,500 cash bounty. This proposed settlement, which will likely be approved by the State court, represents everything wrong with the class action system today and underscores the importance of reform—$19 million, where no one really gets any benefits except a few they choose to be named plaintiffs, who get $2,500. The attorneys walk off wealthy, happy, fat, and laughing.

The need to reform our class action system is not a new issue to the Senate. The Judiciary Committee conducted hearings in the 105th, 106th, and 107th Congresses, reporting a similar bill out of committee in the 106th Congress on a bipartisan basis. We have received mountains of evidence demonstrating the drastically increasing injustices caused by class action abuses.

After working extensively with numerous legislative proposals throughout the various Congresses, the committee reported a bill—again with bipartisan support—which I believe provides a measured response to the underlying class action problem.

This being said, I would not be surprised to hear somebody deny the existence of any problem at all. Others will try to confuse the issue with dubious claims that proposed reforms would somehow disadvantage victims with legitimate claims or further worsen class action abuses. Others may even contend past legislative reforms have contributed to recent financial debacles and that the proposed reforms will encourage more. Rest assured, Mr. President, such claims are nothing more than red herrings intended to divert the debate from the real issues.

In this regard, let me emphasize a few points regarding this bill. First, this bill doesn't eliminate all State court class action litigation. Class action suits brought in State courts have proven in many contexts to be an effective and desirable tool for protecting consumer interests and rights. Nor do the reforms we will discuss today in any way diminish the rights or practical ability of victims to band together to pursue claims against large corporations. In fact, we have included several consumer protection provisions in our legislation that I believe will substantially improve plaintiffs' chances of achieving a fair result in any settlement proposal.

There are three key components to our legislation. First, the bill implements consumer protections against abusive settlements by:

No. 1, requiring simplified notices that explain to class members the terms of proposed class action settlements and their rights with respect to the proposed settlement in ''plain English.''

No. 2, enhancing judicial scrutiny of the abhorrent coupon settlements.

No. 3, providing a standard for judicial approval of settlements that would result in a net monetary loss to plaintiffs.

No. 4, prohibiting bounties to class representatives.

No. 5, prohibiting settlements that favor class members based upon geographic proximity to the courthouse.

And No. 6, requiring notice of class action settlements be sent to appropriate State and Federal authorities to provide them with sufficient information to determine whether the settlement is in the best interest of the citizens they represent.

Second, the bill corrects a flaw in the current diversity jurisdiction statute that now prevents most interstate class actions from being adjudicated in Federal courts. Specifically, the Class Action Fairness Act amends the diversity-of-citizenship jurisdiction statute to allow larger interstate class actions to be adjudicated in Federal court by granting original jurisdiction in class actions where there is ''minimal diversity'' and the aggregate amount in controversy among all class members exceeds $5 million.

The bill balances the State's interest in local disputes by providing that class actions filed in the home State of the primary defendants would remain in State court subject to a triple-tiered formula that looks at the composition of the plaintiffs' class membership. This formula has become known as the Feinstein Compromise.

To enforce the jurisdictional changes, the bill modifies the Federal removal statutes to ensure that qualifying interstate class actions initially brought in State courts may be heard by Federal courts if any of the real parties in interest so desire.

Although some critics have argued this amendment to diversity jurisdiction somehow violates the principles of federalism or is inconsistent with the Constitution, I think their concerns miss wide of their mark. I fully agree with Mr. Walter Dellinger, former Solicitor General, who previously testified at one of our Judiciary Committee hearings that it is ''difficult to understand any objection to the goal of bringing to the Federal court cases of genuine national importance that fall clearly within the jurisdiction conferred on those courts by article III of the Constitution.''

Finally, I wish to express my appreciation to the many individuals who have shared with me the details of their experiences of class action litigation. In particular, I am grateful to those victims of various abuses of the current system who have come forward and told their stories in the hope that something positive might come out of their terrible experiences.

Among those who have come forward is Irene Taylor of Tyler, TX, who was bilked out of approximately $20,000 in a telemarketing scam that defrauded senior citizens out of more than $200 million. In a class action brought in Madison County, IL, a notorious county for these cases, a forum shop county where attorneys forum shop to get these big verdicts and these favorable court rulings, the attorneys purportedly representing Mrs. Taylor negotiated a proposed settlement which will exclude her from any recovery whatsoever.

Martha Preston of Baraboo, WI, provides another excellent example. Ms. Preston was involved in the famous BancBoston case brought in Alabama State court which involved the bank's alleged failure to post interest to mortgage escrow accounts in a prompt manner.

Although Ms. Preston received a settlement of about $4, approximately $95 was deducted from her account to help pay the class action counsel's legal fees of $8.5 million. Notably, Ms. Preston testified before my committee 5 years ago asking us to stop these abusive class action lawsuits, but it appears that at least thus far her plea has not been heard. So I urge my colleagues to support this modest effort to reform the abuses in the current system, abuses that are actually hurting those the system is supposed to help.

Mr. President, I wish to take a minute or two with some charts to show how bad the system is. Under current law, in many State class action lawsuits, all of the money—every stinkin' dime—goes to the attorneys. I am not against attorneys. I am one myself. I think they deserve to be paid reasonable fees, but in these class action suits every bit of the money goes to attorneys.

In the BancBoston case, lawyers got $8.5 million. In the case I just mentioned, some of the plaintiffs had to pay the attorneys additional moneys, getting nothing out of it, but the attorneys got $8.5 million.

I don't know, but that just smells to me a little bit. Maybe I am just too critical, but when the attorneys who represent the clients get $8.5 million and the clients have to again pay the attorneys even more, there is something wrong with that.

Take the second one, the Blockbuster case. The lawyers got $9.25 million. What did the plaintiffs get? One dollar off their next movie. Come on. Doesn't that seem a little disproportionate to you, $9.25 million for attorneys and $1 for the client? Now, true, there are many clients, but it doesn't seem too right to me.

Take the frequent flier case. The lawyers got $25 million. The plaintiffs got a coupon worth $25 to $75. Again, now I understand in that particular case—I may have it mixed up with another case—after getting a huge settlement, they then turned around and sued the plaintiffs for more money.

Take the Coca Cola sweetener case. The lawyers got $1.5 million and the plaintiffs get a 50-cent, a 50-penny coupon. I don't know about you, but that also smells to me. Again, I am not against attorneys getting reasonable fees, but it seems to me these are scams more than anything else. They will say they are correcting societal wrongs, but why then do they get all the money and the plaintiffs who have to put their names on the line get relatively nothing? Talk about class action abuse.

Let's go to that Blockbuster Video case. After being named in 23 class action lawsuits, Blockbuster agreed to provide class members with only $1-off coupons, ''buy one get one free'' coupons, and free Blockbuster favorites video rentals . . . while attorneys are reported to receive around $9.2 million in fees. That is according to the RockyMountainNews.com. It just does not seem right. But that is the way it is.

The class action abuse I mentioned in the BancBoston settlement over disputed accounting practices produced $8.5 million in attorneys fees and actually cost class members around $80 each. Later plaintiffs' attorneys in this case also sued the class members—the individuals who they brought the suit for—they sued them for an additional $25 million. There is something wrong with that. I don't care what anybody says.

Take this one. This is a class action abuse, something this bill would correct. There was a settlement with Cheerios over food additives that produced $2 million in attorneys fees while class members only received coupons for more Cheerios, something they complained about to begin with. I happen to like Cheerios. I have nothing against Cheerios. I eat them. But why would attorneys get $2 million while class members get a coupon for another box of Cheerios? It does not seem right to me.

As my colleagues can see, this is a policy that is being abused, and we are only mentioning a few of the abuses. I have no problems with legitimate, honest class action suits where attorneys are acting in the best interests of their clients. But I do have problems with some of these phony approaches that it seems to me are blatantly wrong on their face, where the attorneys get huge fees and the class members get virtually nothing. That is what is happening in these particular cases.

This bill will correct some of those ills without taking away the right to pursue class actions, and in certain cases they will have to be pursued in Federal court. I remember when I practiced law—that was a long time ago, before I became a Senator—we would die to get into Federal court because everybody knew it was a more important case, that the Federal courts handle more important cases, people thought, and still do think that.

For some reason, these class action lawyers do not want to go to Federal courts. Now, why is that? Because they can forum shop into Madison County, IL, where they get judges and jurors to hammer the defendants with outrageous verdicts that benefit basically only the attorneys. Now, that is wrong.

There are at least five States in this Nation where they forum shop class action cases. Grisham wrote a book about this. He is a great storyteller, but I can almost name every fictionalized attorney in that book.

Some of them are great lawyers. Some of them are leaders in bringing litigation to correct societal wrongs. Some of them deserve credit for doing that. But this is a system that is out of control. This bill will help to straighten it out, and I think resuscitate the respect for my profession because attorneys who bring these actions will have to do so pursuant to fairness and rules that make sense rather than forum shop to areas where they can get big verdicts and big legal fees but do injustice.

Now I will speak about ''Let's Play Class Action Monopoly.'' Go. Come up with an idea for a lawsuit, it states on the top of the board. Find a plaintiff to pay off, or a set of plaintiffs. Make allegations. You do not need any proof to make allegations. Get out of rule 23 free. So you get out of the rule. Convince your magnet State court judge to certify the class, which is also another scam in some of these jurisdictions where the judges do not seem to appreciate the law or abide by the law.

File copycat lawsuits in State courts all over the country. Sue as many companies in as many States as possible even if they have no connection to the State.

It states in the bottom right: Who gets the money? Go left on the bottom. Columbia House case, $5 million for lawyers, discount coupons for plaintiffs; Blockbuster case, $9.25 million for lawyers, free movie coupons for plaintiffs, and not too many of them; BancBoston case, $8.5 million for lawyers. Some plaintiffs pay more fees rather than get anything out of it.

So in the bottom left, what happens to me? Your employer takes a hit, maybe lays you off. Next one, your health and car insurance premiums go up. The lawyers win. You lose.

I have tried cases on both sides of the table. I started out as a defense lawyer, and I defended these types of cases. Then in the latter years of my practice, I became primarily a plaintiff's lawyer where I brought cases for and on behalf of individuals who were injured. I brought cases for injured people and got them big verdicts they deserved. They walked away with the bulk of the money, which is only right. Yes, they were happy to pay my fees because they always came out well.

In some of these cases, this is a scam. Now, there are legitimate class action cases, but there are many of them out there today that are not. It is a disgrace to our profession. This bill will clarify and straighten out some of the wrongs that are going on. It is high time we do this. The only reason we might not do it is because there is a filibuster on the motion to proceed. Normally, we never have a filibuster on a motion to proceed. Normally, we just go to the bill, and then if somebody wants to filibuster, they filibuster the bill, especially if they have the votes. Why not?

But a filibuster is happening even on the motion to proceed. Why is that? Why a filibuster to begin with, on something that really makes sense? Because there are trial lawyers in this country who pay big premiums. That is why they make a lot of this money, so they can pay big premium dollars to politicians who will vote for them no matter what the rules are.

I want to make it clear, not all class action lawyers are bad. Some of them do what is right, and they are not afraid to go to Federal court. They know they can get their big verdicts in Federal courts as well because they have cases where they should get verdicts. When we have these forum shop cases, something is wrong.

Why is it that we have to have a filibuster on the motion to proceed, or require a cloture vote on the motion to proceed to a bill? Why do they not just let us bring the bill up, and then if they want to filibuster, filibuster the bill? Because we are at the end of a session where every minute counts, every second counts, every hour counts, every day counts. By delaying, those who do not want this bill can help their trial lawyer friends who are very involved in the political process because they have millions of dollars that, in many cases, they do not deserve; that they can give for political purposes to keep these types of injustices going. That is why this bill is important. That is why there is a huge bipartisan vote for this bill.

The question is: Can we get 60 votes? I personally believe we can. I believe it would be a disgrace for this body to not overwhelmingly vote for this bill. It is a bipartisan bill. It has been well thought out. We have worked hard to accommodate various members on both sides of the aisle. I think it will redeem our profession from those fly-by-nights who are just in it for the money, without regard to helping their real clients.

I would like to see that happen because the law profession is a great profession, but in recent years it has been steadily eroded by people who are not doing what is right in the profession. These are just some egregious cases that are all too often happening because some lawyers do not do what is right.

I am for the good lawyers. But I am against those who are just in it for the money and not really helping their clients. This bill will not stop them from bringing litigation, but it will even up the situation so at least there will not be the same amount of forum shopping, and better, more honest judges will be deciding these cases along with better and more honest juries.

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. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BENNETT). Without objection, it is so ordered.

Mr. LEAHY. Mr. President, we have heard discussion of the so-called Class Action Fairness Act. I oppose the Class Action Fairness Act for the simple reason that it is not fair. Actually, the legislation makes it more difficult for citizens to protect themselves against violations of State civil rights, consumer, health, and environmental protection laws. The way it would hurt them is it would force these cases out of convenient State courts, which have experience with the legal facts and issues involved in such cases; instead, it would push them into Federal courts with new barriers to lawsuits, with new burdens on plaintiffs.

For the many Americans who are watching this debate, we have to at least mention the first, basic question that scheduling this debate right now raises. Here we are, 3 weeks beyond October 1. October 1, of course, is the beginning of the new fiscal year. It is a deadline for passing the appropriations bills that fund the basic work of the Federal Government. It is the law that the House and the Senate must pass the 14 appropriations bills that fund our Nation and do it by October 1. We have not done that. The Congress has not lived up to the responsibility the law mandates. We are in the final few weeks, if not days, of this congressional session, but here we are, 3 weeks past the legal deadline to do what we are required to do, and what we are paid to do, and instead we are devoting these precious days not to acting on the people's priorities, but we will spend several days debating a bill which is a priority of some special interests.

Over the past several weeks, I have received call after call from Vermonters who are more and more anxious over Congress's ability—in fact, Congress's willingness—to finish appropriations for fiscal year 2004. I know other Senators, both Republicans and Democrats, are getting similar calls. I have told those Vermonters who call me to hang in there. I assure them that Congress will eventually get around to doing its work.

Then the Republican leadership decides to have us consider controversial special interest legislation such as this bill. Apparently the special interests can go to the front of the line. The people's interests go to the back of the line. I suggest we have it the wrong way around. Do the people's legislation first; do the appropriations bills first;

do the things we are required to do by law. Do the work that we go back home and tell everybody we are going to do, and if there is time left over for the special interests, let them come up then; don't put them ahead of the people.

My colleagues and I who serve on the Appropriations Committee worked long and hard to get the fiscal year 2004 bills voted out of our committee. We got them all out. They could go anytime they wanted. The Republican leadership has decided not to. The House has passed all 13 of the regular appropriations bills. They are waiting for the Senate to act. We are not acting. Instead, we are bringing up special interest legislation.

The new fiscal year began 3 weeks ago, but the Senate has not even bothered to take up the appropriations bills that fund Agriculture or Commerce, Justice, State, and, our Federal law enforcement, the FBI, the Department of Justice, the actions we take to counter terrorism.

As for Commerce, we might do that, so we might actually get us some jobs in this country at a time when we are losing a million a year.

Foreign operations? That hasn't been brought up.

Transportation? We all know our roads and bridges and rail system are falling apart. We ought at least to be voting. We may vote not to give any money to fix any of the problems of the Nation. We did vote, incidentally, to send $87 billion to Iraq and we will fix their roads; we will fix their electrical system; we will fix their communication system; we will fix their postal system; we will even give them a new ZIP Code. But maybe we could take a few minutes and bring up those things that might actually pay for roads and transportation and electrical grids and ZIP Codes in the United States.

Veterans Affairs is in there. The administration is cutting veterans benefits all over the country. They are cutting our veterans hospitals. They are cutting out what is available to our veterans. At the same time we are asking our men and women to serve in Iraq, we are cutting out their money. We ought at least to bring that up. Let's vote on it.

We voted to send money to the veterans of the Iraqi army. We voted to send money there. We ought to spend some time here voting on veterans in the United States.

We have the Housing and Urban Development appropriations bills. We have a great housing shortage in this country. We just spent billions. We had plenty of time to vote billions of dollars to build houses in Iraq. We can't even bring up the housing bill for the United States, but this special interest legislation we do make time to address.

What I would say is: OK, we voted to do all these things now for the Iraqi people. Can we at least spend a day or two voting on the same bills that might help the American people at the national, State, and local levels?

Let me tell you about a few of these programs that are being pushed aside so we can take up this special interest legislation.

In the area of agriculture, there is more than $1 billion in conservation assistance for farmers to help them improve water quality and stop sprawling development. Last year, the aid was delayed by more than 4 months. Each month is critical. The men and women who farm in this country are just barely getting by.

They stalled the Justice spending bill so we could get money as quickly as we possibly could to the police forces of Iraq. But because we stalled it, there is no money for the Bulletproof Vests Partnership Program which helps State and local police agencies buy armored vests to protect the lives of their officers. This is a good bipartisan program that Senator BEN NIGHTHORSE CAMPBELL and I put together.

I have had police officers come up to me all over the country, people I have never met, who want to shake hands and say, We really want to thank you and Senator CAMPBELL and those who joined you to help us get this money. Now I am going to have to tell them it is stalled. We had to wait to get the money for Iraq, that is fine, but now we have to stall again because we have special interest legislation that comes up.

Take the COPS Program; this puts new police officers on the community streets and in our schools; the Violence Against Women Act programs that provide services for victims of domestic violence, sexual assault and stalking. Those were all set aside so we could bring up this special interest legislation.

All funding for transportation and critical infrastructure projects was bottled up. In fact, the Senate has failed to pass the transportation reauthorization bill. We don't have time to bring that up. We can bring up special interest legislation, we can bring up highways in Iraq, but we can't bring up the highway transportation bill here in the United States. And what is the cost to us? It is 90,000 jobs here in America.

All foreign assistance to nations other than Iraq and Afghanistan are on hold. In fact, all the funding to combat HIV/AIDS and other infectious diseases is also on hold.

We have another group of Americans awaiting action by Congress. Those are our veterans. They need Congress to make basic decisions about their medical care and benefits, decisions that are being held in limbo, and they have no idea where we are going to go.

These are priorities. American priorities are being set aside, and we will take care of Iraq. We will take care of the special interest legislation. In fact, the special interest legislation is going to do more harm than help.

I think the American people are entitled to ask why we are bogged down considering this controversial and unfair class action bill when the Senate has yet to take up and debate five important appropriations bills amounting to $301 billion.

I hope the Senate gets down to the business of the people and carries out the responsibilities given to us by the Constitution: taking up, debating, and passing the remaining appropriations bills. And we can pass them. There will be a bipartisan majority of both Republicans and Democrats working together to pass them, if we are even allowed to vote on them. We were allowed to vote on Iraq and special interest legislation. Can we take a little bit of time to vote on legislation that actually helps the people of America?

The American people and the people around the world depend upon the funds and services supplied through the spending measures that are now held hostage. Let us do our job. Let us move these bills. Let us spend a couple of weeks on the floor of the Senate legislating for the people of America. It would be a nice refreshing time. We could pass these bills.

Earlier this year, I joined with Senators KENNEDY, BIDEN, FEINGOLD, DURBIN, and EDWARDS in requesting a hearing on class action litigation in order to help the Judiciary Committee develop consensus reforms—something that we could have done. Republicans and Democrats could have joined on it. But our request was ignored. Actually, our letter went unanswered.

I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, March 25, 2003.

Hon. ORRIN HATCH,
Chairman, Senate Judiciary Committee, Senate Dirksen Building, Washington, DC.

DEAR CHAIRMAN HATCH: We were surprised by your announcement in last week's Executive Business Meeting of the Judiciary Committee that S. 274, the Class Action Fairness Act of 2003, would be marked up ''in the next couple of weeks.'' This bill, and indeed the entire subject on the proper scope and disposition of class actions cases, has been the topic of intense and inconclusive debate for years. In fact, legislation similar to S. 274 has failed repeatedly to pass the Senate.

In light of this history and the far-reaching impact of this legislation, we respectfully request that the Committee hold a hearing on class action litigation to help the Committee develop consensus reforms to better serve defendants and plaintiffs before the Committee proceeds to a markup on the Class Action Fairness Act, S. 274. We look forward to working with you and other Members of the Committee on this effort, and appreciate your consideration of our request.

Sincerely,

PATRICK LEAHY.
JOE BIDEN.
DICK DURBIN.
TED KENNEDY.
JOHN EDWARDS.
RUSSELL D. FEINGOLD.

Mr. LEAHY. Mr. President, I had hoped that the Judiciary Committee would undertake a deliberate and careful review of information from parties

actually involved in class action litigation to provide a realistic picture of the benefits and problems with class actions. But instead of doing the work for America, we are proceeding with a special interest piece of legislation which has repeatedly failed to pass the Senate in recent years. Our Judiciary Committee did not carry out the kind of thorough and thoughtful legal analysis of this difficult issue it should have. The committee did not provide our fellow Senators with the assistance that they may want and need in this complex area.

I acknowledge the hard work and dedication of my friend, the senior Senator from California, Mrs. FEINSTEIN, who took on an enormous task, attempting with her amendment to rectify some of the harms created by this bill. I appreciate the sincerity of her concern. I appreciate the genuine effort she made. But her amendment touches on only a sliver of the class action cases which this bill would affect—only when plaintiffs and primary defendants are from the same State—and even then it could cause harm.

At its core, this bill deprives citizens of the right to sue on State law claims in their own State courts if the principal defendant is a citizen of another State, even if that defendant has a substantial presence in the plaintiff's home State, and even if the harm done was in the plaintiff's home State. The amendment does not remedy that problem. It burdens the plaintiff even more.

I also want to recognize the sincere efforts made by my friend from Wisconsin, Senator KOHL. I may disagree with him about the nature of the problem. I may disagree with the appropriate solution in this area. But I do so respectfully. He has worked very hard, and I appreciate his efforts.

I would like to note the significant changes in the bill since it passed out of committee.

As originally drafted, this bill included mass tort claims along with class actions. It actually treated them like they were class actions.

One improvement the Judiciary Committee did manage to make to the bill was to strike that provision. We struck it. We voted on that, and we struck it. But somehow, mysteriously, after the bill left the committee with nobody voting, that was reversed. Now mass tort actions are again included in this bill.

Just in case anybody says this is what we voted out of committee, it is not. We changed that.

Now we find out how we actually get things changed in the committee because, apparently, our friends on the other side of the aisle could care less about what we actually did in committee. They just change it in the draft on the way over here. It is fascinating. I have never seen that in 29 years here. But I guess we live under new rules.

In the old days, we just lived under the Senator rules. But now we have rules outside the Senate rules. In fact, this bill is not the bill reported by the Judiciary Committee, S. 274. It is another bill—S. 1751—which was introduced last week. We didn't have hearings on that. We didn't have votes on that. I guess the special interest says, OK, as soon as you finish with the roads in Iraq, as soon as you finish the schools in Iraq, as soon as you finish giving the power grid to Iraq, as soon as you finish paying for the police officers in Iraq, as soon as you are finished with veterans' benefits for Iraq, before you do anything for American citizens, give us our special interest legislation, and we can just drop it in and go forward.

The special interest legislation will be subjected to the same shunting to a Federal court, and plaintiffs will endure the same unnecessary difficulties in making their claims and pursuing their remedies. But these mass tort cases are not class actions. They have not been analyzed under rule 23 standards or State law.

Mass tort actions have entirely different procedural vehicles to reach justice than class actions. They shouldn't be lumped in with class actions in any kind of class action bill, either this misguided attempt or a better wrought piece of legislation.

Some special interest groups are distorting the state of class action litigation by relying on a few anecdotes and an ends-oriented attempt to impede plaintiffs bringing class action cases. If we really want to correct things, we can and should take necessary steps to correct the problems in class action litigation. But simply shoving most suits into Federal court with the new one-sided rules isn't going to correct the real problems faced by plaintiffs and defendants. It will clog up the Federal courts, but it won't accomplish anything.

We forget that our State-based tort system remains one of the greatest and post powerful vehicles for justice anywhere in the world—no doubt around the world—as a vehicle for justice. It lets ordinary people ban together to take on powerful corporations—sometimes even their own government.

Defrauded investors, deceived consumers, victims of defective products, and environmental torts, and thousands of other ordinary people have been able to rely on class action lawsuits in their State court systems to seek and receive justice.

I remember when the Soviet Union broke up. A group of legislators from the Duma came in to see me, as they did several other Senators. One of them asked a question. They said: We have heard it is actually possible that citizens in your country can ban together and sue the government. I said that is true.

They said: We have heard further that not only do they sometimes sue the government, but there are times the government loses. They win.

I said: Oh, yes.

They said: You mean you don't fire the judge and make him do it over again?

I said: You don't understand our system. It is not the Soviet Union. Here in the United States, we are able to ban together to take on the government. If the government is wrong, the government is going to lose.

It was an eye-opener to them. Actually, it was a bit of an eye-opener to me because I realized those things we take for granted other countries haven't had the opportunity to have.

I am old enough to remember the civil rights battles of the 1950s and the 1960s and the impact of class actions in vindicating basic rights through our courts. When Congress sat back and did nothing, when Presidents sat back and did nothing, it was class action lawsuits that won.

The landmark Supreme Court decision of Brown v. Board of Education was a culmination of appeals from four class action cases, three from Federal court decisions in Kansas, South Carolina, and Virginia, and one from a decision of the Supreme Court of Delaware.

Only the Supreme Court of Delaware, the State court, got the case right by deciding for the African-American plaintiffs.

The State court justices understood they were constrained by the existing Supreme Court law but nonetheless held that the segregated schools of Delaware violated the 14th amendment. The Federal courts did not get it right; before any Federal court did so, a State court rejected separate and unequal schools. The U.S. Supreme Court, to their credit, joined in a unanimous decision in Brown v. Board of Education and closed down the highly discredited separate but equal idea, Plessie v. Ferguson. There was no separate but equal in the schools and they knew it—separate and unequal. The State courts realized that first in a class action suit and then the U.S. Supreme Court followed.

Many civil rights advocates, including the Lawyers' Committee for Civil Rights Under Law, Leadership Council on Civil Rights, Mexican American Legal Defense and Education, and the National Asian Pacific Legal Consortium have written to Senators in opposition to this legislation. The civil rights advocates conclude this legislation ''would discourage civil rights class actions, impose substantial barriers to settling class actions and render federal courts unable to provide swift and effective administration of justice.''

I ask their letter, dated September 16, 2003, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LEADERSHIP CONFERENCE
ON CIVIL RIGHTS,
Washington, DC, September 16, 2003.

OPPOSE THE CLASS ACTION FAIRNESS ACT OF 2003: IT WOULD IMPOSE NEW AND SUBSTANTIAL LIMITATIONS ON ACCESS TO COURTS FOR VICTIMS OF DISCRIMINATION

DEAR SENATOR: We, the 42 undersigned civil rights organizations, write to express the opposition of the civil rights community to S. 274, the Class Action Fairness Act to 2003, a bill that would substantially alter the constitutional distribution of judicial power. If passed, this bill would: remove most state law class actions into federal court; clog the federal courts with state law cases and make it more difficult to have federal civil rights cases heard; deter people from bringing class actions; and impose barriers and burdens on settlement of class actions.

Class actions are essential to the enforcement of our nation's civil rights laws. They are often the only means by which individuals can challenge and obtain relief from systemic discrimination. Indeed, federal class actions were designed to accommodate, and have served as a primary vehicle for, civil rights litigation seeking broad equitable relief.

There are several reasons why the civil rights community is troubled by this particular legislation:

This bill will overburden and create further unnecessary delay in our federal courts. This bill will amend federal law to extend federal jurisdiction to most state class actions, overloading federal courts and inevitably delaying the resolution of all cases in federal court, including many civil rights claims. The effect of these provisions will be particularly damaging in cases where civil rights plaintiffs are seeking immediate injunctive relief to prohibit discriminatory practices of a defendant.

The bill will burden the federal judiciary, rendering it a less effectual mechanism by which plaintiffs may seek access to justice. We strongly believe that S. 274 is an unnecessary attempt to impose federal judicial regulation on matters of law clearly committed to the states under our Constitution. Indeed, the determination of state law tort, contract and consumer cases is, unequivocally, not the responsibility of the federal judiciary under the Constitution. The imposition of such substantial new responsibilities on the federal courts will further impair the ability of those courts to carry out the essential functions they are intended to serve under the Constitution—the determination of matters involving Federal interests, rights and responsibilities. In short, true access to the Federal courts and to the class action device to secure justice in matters where Federal issues are at stake would be severely curtailed by enactment of this legislation.

The bill could discourage people from bringing class actions by prohibiting settlements that provide named plaintiffs full relief for their claims. Now, for example, a named plaintiff who sues an employer can receive a full award of back pay, and in a proper case, obtain an order placing him or her in the job denied because of discrimination, while also affording all members of the class the opportunity to share in available relief. However, under the guise of protecting class members, the language of the proposed bill prohibits courts from approving settlements that ''provide[] for the payment of a greater share the award to a class representative . . . than that awarded to the other class members.'' This language is susceptible to the interpretation that it prevents the award of positions or ''rightful place'' seniority to class representatives where the number of vacancies for which class members were prevented from competing by discrimination is less than the total number of class members. If the price of trying to protect others is the loss of the full measure of individual relief, individuals will be deterred from becoming a class representative. Thus, this provision would hinder, rather than reform, civil rights class actions.

The bill could impose new, burdensome, and unnecessary requirements on litigants and the Federal courts. It seeks to impose inordinately difficult and costly notice requirements, which will needlessly complicate and delay the settlement of class actions. Specifically, the proposed bill would require notice to Federal and state officials based on the residence of all class members and would require a 120-day waiting period. These additional, substantial and costly notice requirements and built-in delays are not a matter of due process, but are overly burdensome and improperly assume that Federal and state officials have both proper interest in, and a capacity to respond to, each and every class action.

For the reasons stated above, the proposed Class Action Fairness Act of 2003 could discourage civil rights class actions, impose substantial barriers to settling class actions, and render Federal courts unable to provide swift and effective administration of justice. The bill also compromises delicate Federal/State relations by questioning the competency of the state judiciary and overburdening our already overworked Federal courts. In short, we believe the impact of this legislation would be profound, and would result in new and substantial limitations on access to the courts for victims of discrimination. We, therefore, urge you to reject this harmful legislation. If you have any questions, or need further information, please contact Nancy Zirkin, LCCR Deputy Director/Director of Public Policy, at 202/263–2880.

Sincerely,

Leadership Conference on Civil Rights
ADA Watch/National Coalition for Disability Rights
AFL–CIO
Alliance for Justice
American Association of University Women
American Civil Liberties Union
American Federation of Government Employees
American Federation of State, County and Municipal Employees
American-Arab Anti-Discrimination Committee
Americans for Democratic Action
Bazelon Center for Mental Health Law
Center for Women Policy Studies
Commission on Social Action of Reform Judaism
Disability Rights Education and Defense Fund
Federally Employed Women
Jewish Labor Committee
Lawyers' Committee for Civil Rights Under Law
Mexican American Legal Defense and Educational Fund
NAACP Legal Defense and Educational Fund
National Alliance of Postal and Federal Employees
National Association for the Advancement of Colored People
National Association for Equal Opportunity in Higher Ed
National Bar Association
National Center on Poverty Law
National Coalition on Black Civic Participation
National Committee on Pay Equity
National Employment Lawyers Association
National Fair Housing Alliance
National Gay and Lesbian Task Force
National Legal Aid and Defender Association
National Organization for Women
National Partnership for Women and Families
National Women's Law Center
NOW Legal Defense and Education Funds
People For the American Way
Project Equality
Religious Coalition for Reproductive Choice
Sierra Club
UNITE!
United Food and Commercial Workers International Union
United Steelworkers of America
Women Employed

Mr. LEAHY. We all know without consolidating procedures, such as class action lawsuits, it might be impossible for plaintiffs to receive effective legal representation. Lawyers tend to be paid by the hour. They are well paid. But lawyers usually hope they get a portion of the proceedings to take on either the governmental or culprit defendants. They have to do so on a case-by-case individual basis. Sometimes that is what cheaters count on. That is how the cheaters get by on their schemes. If you cheat thousands of people just a little bit, you still cheat; if you only cheat them by $3 or $4, nobody will sue them. But if you are cheating a million people of $3 or $4 each, it adds up.

Class actions allow the little guys to band together and get a competent lawyer and address wrongdoing. The best class action made it possible for individual tobacco victims to take on the powerful tobacco conglomerates in ways individuals could not. It allows stockholders and small investors to join together and go after investment scams.

Another example of a class action litigation serving the public interest is the Firestone tire debacle. The national tire recall was started in part by the disclosure of internal corporate documents on consumer complaints of tire defects and design errors that were discovered in the litigation against Bridgestone/Firestone, Inc. Then the plaintiff's attorneys turned this information over to the National Highway Safety Administration. That started a Government investigation.

Months later, because some people had banded together, Bridgestone/Firestone finally did what they should have done right from the beginning: They recalled 6.5 million tires—but not until after there were 101 fatalities, 400 injuries, and 2,026 consumer complaints.

As reported by Time magazine at the time, it is doubtful that the internal corporate consumer complaint information would have ever seen the light of day absent the civil rights justice discovery process.

The bill before the Senate creates unique risks and obstacles to plaintiffs that are not in the current system. A particularly troubling aspect of S. 1751 is it allows the removal of a case at any time. Anybody who has ever practiced law, anybody who has ever litigated cases—and I, as many other Senators, have—knows the possibilities for abusing this provision are obvious.

As more than 100 legal experts, law professors, noted in a letter to the distinguished Republican leader and the distinguished Democratic leader, Senators FRIST and DASCHLE, they said:

This would give a defendant the power to yank a case away from a state-court judge who has properly issued pretrial rulings the defendant does not like, and would encourage a level of forum-shopping never before seen in this country. Moreover, this provision would allow an unscrupulous defendant, anxious to put off the day of judgment so that more assets could be hidden, to remove a case on the eve of a state-court trial, resulting in automatic delay of months or even years before the case would be tried in Federal courts.

I ask unanimous consent that the letter of the 100 law professors be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JUNE 3, 2003.

Hon. WILLIAM FRIST,
Majority Leader, Dirksen Senate Office Building, U.S. Senate, Washington, DC.
Hon. TOM DASCHLE,
Minority Leader, Hart Senate Office Building, U.S. Senate, Washington, DC.

DEAR SENATORS FRIST AND DASCHLE: We are professors of constitutional law, civil procedure, and other subjects, at law schools across the nation. We are writing this letter because of grave concerns over the so-called ''Class Action Fairness Act'' (S. 274) and its House counterpart (H.R. 1115), specifically the effect these bills would have on the administration of justice in the United States and on the ability of American consumers, small businesses, and others to obtain relief for injuries done to them. We also have serious questions about the constitutionality of the Act. We urge the Senate to reject this legislation.

PRACTICAL EFFECT OF ENACTING THE BILL INTO LAW

As approved by the Senate Judiciary Committee, S. 274 would result in transferring to the federal courts jurisdiction over most class actions filed in state courts, under state law. The Federal courts do not have the resources to administer justice to both their present dockets and the large number of complex state-court cases that would be added if S. 274 or its House counterpart were to become law. Passage of the bill would lead to significant delays in all the business of the federal courts, harming the ability of the federal courts to decide cases that only they can decide, or in which there is a strong federal interest.

ENACTMENT OF THE BILL WOULD HARM THE ABILITY OF PLAINTIFFS TO OBTAIN JUSTICE

We believe that several specific provisions in the bill would be very unwise. The federal courts have responded to claims of abuse in class-action procedures by studying the claims, inviting comments from bar associations, attorneys and others, carefully considering the comments, proposing draft rules, receiving comments on the drafts, and fine-tuning their proposals. If a reform is inadequate to meet the need, they can propose refinements. A substantial set of changes to Rule 23, the class action rule, are expected to go into effect on December 1, 2003, in the event that Congress does not direct otherwise. All of these changes were made pursuant to the Rules Enabling Act, the process Congress created to try to keep politics out of the process of setting rules for the judiciary. Sec. 3 of S. 274 would override some of these changes, and elminate the ability of the Advisory Committee on the Civil Rules to deal with others. If it is enacted in its present form, the rulemaking process would become politicized, and lobbyists' demands would replace the careful consideration now given to these matters. In the event that Congress deems it necessary to legislate as to areas traditionally covered by court rules, we urge that the legislation be as limited as possible, that this part of the legislation be in the form of rules rather than freestanding statutes, and that the legislation expressly preserve the ability of the Advisory Committee on the Federal Rules, the U.S. Judicial Conference, and the Supreme Court to amend the new rules or procedures to the extent necessary to accomplish their purposes more effectively or to cure any unanticipated problems. Congress would, as always, have the final say under the Rules Enabling Act.

The administration of justice would also be harmed by removing much of the ability of state courts to construe their own laws. Many important questions are most likely to arise when the stakes make it worthwhile to litigate them, i.e., in class actions or other large cases. When the case is removed to federal court, the federal court cannot give a definitive interpretation of state law, but can only predict what the state supreme court would find state law to be, if the state supreme court had the same case. If there are other cases from other parts of the country against the same defendant, even without any overlapping classes, the Judicial Panel on Multidistrict Litigation may assign the case—and the task of interpreting state law—to a federal court thousands of miles away. Not every state has adopted procedures allowing a federal court to certify state-law questions so there may be no practical means by which a federal court in Topeka, for example, may be able to obtain guidance as to the law of California.

A further unwarranted provision in S. 274 would allow a defendant to remove state-law cases filed against it in the courts of its own home state, where it chose to be incorporated or chose to have its principal place of business. This type of removal has long been considered an abuse, and is forbidden by current law.

Equally troubling is a provision in S. 274 that allows removal of a case at any time. This would give a defendant the power to yank a case away from a state-court judge who has properly issued pretrial rulings the defendant does not like, and would encourage a level of forum-shopping never before seen in this country. Moreover, this provision would allow an unscrupulous defendant, anxious to put off the day of judgment so that more assets can be hidden, to remove a case on the eve of a state-court trial, resulting in an automatic delay of months or even years before the case can be tried in federal courts. The House bill creates an even further opportunity for delay, by overruling Rule 23(f)'s provision for obtaining permission from a court of appeals to appeal a class certification ruling, and providing for a right to trigger an automatic appeal and for an automatic stay of discovery while the appeal is pending, even if there is no legal basis for an appeal.

LACK OF JUSTIFICATION FOR A REMEDY THIS SWEEPING

We understand that the supporters of the bill base its justification on assertions that the courts in one or two counties in the United States have too freely granted class certifications in some cases. The bill is not limited to curing claimed abuses in one or two counties, but applies equally to the 3,066 counties in which there is not even a claimed problem. In general, courts have been very responsive to complaints of abuses, and have instituted corrective measures, such as allowing petitions for interlocutory appeal from orders granting or denying class certification. The Federal courts have adopted Rule 23(f) of the Federal Rules of Civil Procedure, and many State courts have followed suit.

The need for a state court to interpret the law of a different state has never been seen as an adequate justification for removal. Article III of the Constitution does not recognize this as a basis for federal-court jurisdiction and the Full Faith and Credit clause already requires state courts to accord respect to the laws of their sister states. As a practical matter, state courts frequently have to interpret the law of different states even in individual cases properly brought in state courts. This is part of the normal business of the state courts, not a reason for federal jurisdiction.

CONSTITUTIONAL ISSUES

There is substantial cause to doubt the constitutionality of a massive transfer of state-court cases to federal courts. This transfer would effectively substitute federal-court Rule 23 class certification standards for the class certification standards set forth in the statutes, court rules, and case law of the various states. Unbelievably, such a substitution would provide for dismissal of cases that do not meet the federal standards even though they may meet the standards of the states, and even though the standards of the states may meet every requirement of due process. The Supreme Court has not devoted nearly as much attention to construing the Tenth Amendment to the Constitution as it has devoted to the Eleventh Amendment, but passage of S. 274 or its House counterpart may change that comparative lack of attention.

Similarly, the ''minimal diversity'' trigger for removal under S. 274 and its House counterpart creates an untested and unprecedented expansion of diversity jurisdiction under Article III of the Constitution. Congress certainly has the power to expand diversity jurisdiction to reach cases in which one party on one side of a case is diverse from any adverse party, see 28 U.S.C. §1335(a)(1) (the interpleader statute). There is, however, substantial cause to doubt the constitutionality of these bills' approach, in which diversity is based on the citizenship of any potential class members. We say ''potential'' because the bill allows removal of a case before the state court has even decided that the case should go forward as a class action, or what the scope of the class should be. While class members are to be protected by the court, and while their rights may be determined by the class action, they are not full parties to the action. Prior to the determination of liability and a proceeding on class members' individual remedies, unless they intervene and become parties, they do not individually have the right to take discovery from the defendants, to file motions in court, to question witnesses, to introduce evidence, or even to take an appeal from an adverse ruling. Yet, under this legislation they would be allowed to remove a complex state law class action into federal court.

At the very least, litigation over the constitutionality of the bill is likely to embroil the courts for years and is yet a further reason to oppose the enactment of this misguided legislation. We urge you to consider our concerns about the unwarranted changes this legislation mandates as well as the very troubling aspects of the legislation that undermine fair administration of justice in the federal and state judicial systems in the United States.

Respectfully submitted.

Mr. LEAHY. Added to the ''removal-at-any-time'' problems in the legislation are the hurdles established by Senator FEINSTEIN's amendment adopted in committee. I know it is well intentioned, but the amendment does set up cumbersome requirements for determining whether an action is to be heard in State or Federal court. It provides that a Federal judge may use five factors in deciding jurisdiction of a class action where between one-third and two-thirds of the plaintiffs are from the same State as primary defendants; and if two-thirds of the plaintiffs are from the same State as the primary defendants, then the case will stay in State court.

The bill fails to determine when this measurement takes place during the litigation. It has been my experience that membership in class actions frequently changes. So the two-thirds provision or the middle-third provision which is subject to judicial discretion could open up easily to judicial gamesmanship. The defendant could try to remove a case from State court at the discovery stage. Someone takes a deposition and finds, oops, this is going against us, let's get it out of here. Or the judge has made a ruling they do not like and they know they can never win on appeal, let's get it out of here, even after all the evidence is presented, or after closing arguments.

Actually, the way the bill is currently written, it could be done while the jury is deliberating. Considering the vast resources of defendants in many class actions as compared to plaintiffs, it will make it more difficult for class members to ever have a final ruling, where the bill will cause unnecessary and expensive litigation. It favors corporate defendants.

I like to think the scale of justice is even. This tilts the scale of justice and it will bounce right off the stand.

If there were ever a time to think about protecting the consumers, the investors, and the employees, think of Enron, WorldCom, and other corporate scandals. Think of the employees who worked so hard and were told to put their money in the corporate pension program. Look what has happened. Look at the employee investors. I am not too concerned about some of the leaders of a company like that. They might have to sell one of the $50 million homes or they no longer will have several billions of dollars but rather several hundred million, but I am worried about the people who truly had their lifesavings or their pension destroyed or their company destroyed.

This bill does nothing to make the Enrons of the world more accountable for their actions. Actually, the bill undercuts Congress's other efforts to make the companies more responsible or accountable for their misdeeds or more susceptible to penalties when they do wrong. The legislation makes it more difficult for the victims of corporate wrongdoing to join to make those companies accountable. It seems to me that is the exact opposite to the approach we should be taking.

Now, not surprisingly, consumers and those representing consumers object strongly to the enactment of this legislation.

I ask unanimous consent to have printed in the RECORD letters from numerous consumer advocates in opposition to this bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONSUMERS UNION, CONSUMER FEDERATION OF AMERICA, U.S. PUBLIC INTEREST RESEARCH GROUP,

February 5, 2003.

DEAR SENATOR: we are writing to you as organizations dedicated to working on behalf of the rights and interests of consumers to express our opposition to S. 274, the ''Class Action Fairness Act of 2003.'' This legislation will deny consumers access to adequate redress against corporate wrongdoers and will undermine the ability of state courts to hear cases primarily concerned with their own citizens. While class actions are an important and efficient legal tool for consumers to use in order to obtain redress from wrong doing, we are concerned about abuses of the class action process and agree that these abuses should be curtailed. However, S. 274 will not eliminate these abuses, but rather would create barriers to a consumer's effort to obtain redress. S. 274 is unfair to consumers and we urge you to oppose it.

Congress should work to prevent unjust enrichment by lawyers at the expense of consumers in class action settlements. This legislation however, will not solve this problem. Instead, while purporting to curtail class action abuses, S. 274 will virtually wipe out state class actions and thus remove an important venue for redress of injury or fraud for consumers. The bill will make it more difficult for consumers to obtain effective and efficient judicial relief for injuries caused by defective products, fraud in the marketplace, or discrimination.

Congress should seek to hold negligent wrongdoers accountable for their actions. Yet this bill does just the opposite: it places obstacles to accountability by providing fewer incentives for companies to keep their products safe and their action fair.

S. 274 will create numerous barriers to participating in class actions by permitting defendants to remove most state class action suits to federal court. This removal from state court to federal court would leave consumers shuttling back and forth between state and federal court because while a consumers' class could meet state law class certification requirements, it could fail to meet the class certification requirements set forth in federal law. This will result in the federal courts' denial of class certification and dismissal (not remand) of the case. A consumer would not have two options, none of which would result in access to a court proceeding. A consumer could bring the claim in state court as an individual action. However, individual cases would be impractical to litigate, would not have the same deterrent effect, and would have the potential to overwhelm state courts. In the alternative, consumers could re-file an amended class certification in state court. This re-filing again opens the door created by S. 274 for the defendant to remove the case to federal court.

S. 274 will also clog an already overburdened and understaffed federal judiciary and slow the pace of certifying class action cases. This considerable delay will likely result in the denial of justice to injured consumers. In addition, this removal to federal court takes away an important and traditional function of state courts and will slow—and in some cases thwart—the continual interpretation of state law. Federal court decisions on issues of state law solve the narrow legal issue of the particular case without providing legal precedent for future state court cases of the particular state law in question. Further, class actions are among the most resource-intensive cases before the federal judiciary. U.S. Supreme Court Chief Justice William Rehnquist has expressed concern that this bill will result in further overloading an already-backlogged federal docket.

We agree that class actions can be made a more effective means of consumer redress; we support changes to the class action system that would prevent unjust enrichment and act as a deterrent to future wrongdoing, including modification of notice requirements and simplification of certification procedures and standards; but the jurisdictional changes mandated by S. 274 are designed to impede class actions, not to make them fairer or more efficient.

This class action ''reform'' legislation is especially inappropriate in light of recent events. Just last year in the scandals of Enron, WorldCom and others, we saw how corporations need to be held accountable for their actions. Class actions effectively hold corporations accountable.

S. 274 does not provide the right solution to a class action system in need of reform; rather it makes it more difficult for consumers to obtain redress, to hold bad actors accountable for the harms they caused, and to deter future misconduct. The Class Action Fairness Act will substantially reduce the effectiveness of one of the most important legal tools consumers now have.

We strongly urge you to oppose S. 274. We urge you to do the right thing for American consumers.

Sincerely,

SALLY GREENBERG,
Senior Product Safety Counsel, Consumers Union.

RACHEL WEINTRAUB,
Assistant General Counsel, Consumers Federation of America.

CHRIS PETERSON,
Consumer Attorney, U.S. Public Interest Research Group.

JUDICIAL CONFERENCE OF THE UNITED STATES,

Washington, DC, March 26, 2003.

Hon. ORRIN G. HATCH,
Chair, Committee on the Judiciary, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN HATCH: I write to provide you with the recently adopted views of the Judicial Conference of the United States, the policymaking body for the Federal judiciary, on class action legislation, including S. 274, the ''Class Action Fairness Act of 2003,'' introduced by you and other cosponsors.

On March 18, 2003, the Judicial Conference unanimously adopted the following recommendation: ''That the Judicial Conference recognize that the use of minimal diversity of citizenship may be appropriate to the maintenance of significant multi-State class action litigation in the Federal courts, while continuing to oppose class action legislation that contains jurisdictional provisions that are similar to those in the bills introduced in the 106th and 107th Congresses. If Congress determines that certain class actions should be brought within the original and removal jurisdiction of the Federal

courts on the basis of minimal diversity of citizenship and an aggregation of claims, Congress should be encouraged to include sufficient limitations and threshold requirements so that Federal courts are not unduly burdened and States' jurisdiction over in-State class actions is left undisturbed, such as by employing provisions to raise the jurisdictional threshold and to fashion exceptions to such jurisdiction that would preserve a role for the State courts in the handling of in-State class actions. Such exceptions for in-State class actions may appropriately include such factors as whether substantially all members of the class are citizens of a single State, the relationship of the defendants to the forum State, or whether the claims arise from death, personal injury, or physical property damage within the State. Further, the Conference should continue to explore additional approaches to the consolidation and coordination of overlapping or duplicative class actions that do not unduly intrude on State courts or burden Federal courts.''

The Conference in 1999 opposed the class action provisions in legislation then pending (S. 353; H.R. 1875, 106th Cong.). That opposition was based on concerns that the provisions would add substantially to the workload of the Federal courts and are inconsistent with principles of Federalism. The March 2003 position makes clear that such opposition continues to apply to similar jurisdictional provisions.

The Conference recognizes, however, that Congress may decide to base a statutory approach to remedy current problems with class action litigation by using minimal diversity jurisdiction. The Conference position recognizes that the use of minimal diversity may be appropriate to the maintenance of significant multi-State class action litigation in the Federal courts. The use of the term ''significant multi-State class action litigation'' focuses on the possibility of multi-State membership within the plaintiff class. The actions to which this term applies are nationwide class actions, as well as class actions whose members include claimants from States within a smaller region or section of the country. Minimal diversity in these cases would facilitate the disposition of litigation that affects the interest of citizens of many States and, through their citizens, affects the many States themselves.

Parallel in-State class actions in which the plaintiff class is defined as limited to the citizens of the forum State are not included within the term ''significant multi-State class action litigation.'' Parallel in-State class action might share common questions of law and fact with similar in-State actions in other States, but would not, as suggested herein, typically seek relief in one State on behalf of the citizens living in another State. Accordingly, parallel in-State class actions would not present, on a broad or national scale, the problems of State projections of law beyond its borders and would present few of the choice of law problems associated with nationwide class action litigation. In addition, to the extent problems arise as a result of overlapping and duplicative in-State class actions within a particular State, the State legislative and judicial branches could address the problem if they were to create or utilize an entity similar to the Judicial Panel on Multidistrict Litigation, as some States have done.

Further, the position seeks to encourage Congress to include sufficient limitations and threshold requirements so as not to unduly burden the Federal courts and to fashion exceptions to the minimal diversity regime that would preserve a role for the State courts in the handling of in-State class actions. The position identifies three such factors that may be appropriately considered in crafting exceptions to minimal diversity jurisdiction for class actions. These factors are intended to identify those class actions in which the forum State has a considerable interest, and would not likely threaten the coordination of significant multi-State class action litigation through minimal diversity. (The factors do recognize certain situations where plaintiffs from another State may be included in an otherwise in-State action.)

The first factor would apply to class actions in which citizens of the forum State make up substantially all of the members of the plaintiff class. Such an in-State class action exception could include consumer class action claims, such as fraud and breach of warranty claims. The second factor would apply to a class action in which plaintiff class members suffered personal injury or physical property damage within the State, as in the case of a serious environmental disaster. It would apply to all individuals who suffered personal injuries or losses to physical property, whether or not they were citizens of the State in question. The third factor recognizes that it may be appropriate to consider the relationship of the defendants to the forum State. Such consideration is not intended to embrace the term ''primary defendants'' (or a similar term), which language has been used in past and present class action bills as part of an exception to minimal diversity. Such a reading could extend minimal diversity jurisdiction to cases in which a single important defendant lacked in-State citizenship. While the relationship of the defendant to the forum may have some bearing on State adjudicatory power, an insistence that all primary defendants maintain formal in-State citizenship is too limiting and may preclude in-State class actions where a defendant has sufficient contacts with the forum State, regardless of citizenship.

We would appreciate your consideration of these comments and the position of the Judicial Conference. Should you or your staff have any questions, please contact Michael W. Blommer, Assistant Director, Office of Legislative Affairs, Administrative Office of the U.S. Courts, at (202) 502–1700.

Sincerely,

LEONIDAS RALPH MECHAM,
Secretary.

Mr. LEAHY. Last year a group of investors recovered millions of dollars in lost investments under State corporate fraud laws and a State class action case in Baptist Foundation of Arizona v. Arthur Andersen. These investors, mostly elderly, banded together to successfully recoup $217 million from Arthur Andersen. Why? Because of questionable accounting practices surrounding an investment trust. The case is just one example of how a State-based class action litigation holds corporate wrongdoers accountable and helps defrauded investors recoup their losses.

Like most Vermonters, I am a strong supporter of the environment. But I look at this bill and I think, what a green light for polluters and others responsible for environmental damages to avoid accountability in court. So many polluters, who would fear class action suits if they were to violate the law, now know they could get caught. With this legislation, they might take the old idea of: Go ahead and pollute; nobody gives a hoot. They are going to get away with it.

This legislation removes almost all important environmental class actions from State to Federal court. Not only does this deny State courts the opportunity to interpret their own State's environmental protection laws, but it also hampers and deters plaintiffs in pursuing important environmental litigation. It means we Vermonters would not have a say in our own courts—or those in Utah or in any other State.

Under this bill, environmental class action suits may not get litigated, reducing the incentive to keep our environment clean. Plaintiffs' attorneys may not be willing to take these high-risk, high-cost, and time-consuming cases, particularly when what they are looking for is injunctive relief. That is an injunction to stop the polluter from polluting. Intentionally or not, this bill protects polluters and ignores innocent victims of their negligence.

Just a few months ago, as I recall, we read about a horrible toxic dumping situation in Alabama and a monumental settlement in State court to clean up an entire community. It was in State court, though—in State court.

In Anniston, AL, the Monsanto Company manufactured PCBs—carcinogens—from 1929 to 1971. For more than 40 years, in arrogant—arrogant—disgusting disregard of people's health and the environment, Monsanto dumped untreated, unfiltered waste from its PCB plant into the streams and landfills of Anniston. They never let the residents—many of whom actually worked, and worked very hard, for Monsanto—they never let them know of the horrific risk to their environment and their health.

When the undeniable truth of Monsanto's malfeasance became clear, several thousand residents of Anniston sued in State court. They recently won a liability jury verdict. When the case moved into the damages phase, Monsanto was not out there defending and saying: Well, we did not do something bad. They knew they did something terrible. They did not start arguing about: Well, people were not injured by it. They knew they were injured by it.

So what did they do? They tried to get the judge removed. That is what they tried to do. Although the Alabama Supreme Court, a conservative supreme court, had already held that the trial judge was acting properly, Monsanto continued to oppose his participation. They tried everything they possibly could do to confuse people and escape facing up to the issues. They then had to focus on the merits of the case and settled with the local residents for $600 million and pledged to pay additional cleanup costs for the town.

The Alabama Supreme Court, the Alabama State court, did this very well. Not under this bill. Under this bill, it would have been yanked away from those courts, yanked away from the Alabama State court, yanked away from the Alabama Supreme Court, and stuck into Federal court.

Why? More than 100 people lived in Anniston. Even though all the people

suffered, they lived just a block or a driveway from each other. We, those of us who say we really care about States having their rights, would reach down and yank it right out of the State and say: You are not good enough to handle the case that involves your own people.

Cases such as this one would provide hard evidence that our State-based civil justice system is working—it is working—to protect the environment and to protect victims of polluters, and there is no reason to prefer a Federal reform for resolution of their claims. State courts, unlike the Federal courts, have a sound understanding of evolving local law and the open dockets to resolve conflicts in a manner that would protect our society from polluters.

In fact, we ought to at least ask, Do the Federal courts want this? The Judicial Conference, headed by Chief Justice William Rehnquist, wrote a letter in March of this year opposing this bill because its ''provisions would add substantially to the workload of the federal courts and are inconsistent with principles of federalism.''

They singled out serious environmental disasters as an example of class actions that should remain in State courts.

Chief Justice Rehnquist and the Judicial Conference said: What are you doing to us? Why are you sending these cases over there? State courts can handle them better.

I would be a very wealthy person if I had a couple dollars for every time I heard speeches or statements from my fellow Senators about how we have to better respect our individual States. After all, that is why we have a Senate. Each one of the 50 States has equal representation here to make sure the States are not subsumed in the Federal system. Those who would support this bill are giving the back of their hand to their States and saying: You are not smart enough, you are not good enough to take care of the laws of your own State.

Numerous organizations devoted to the protection of the environment oppose this bill, including Clean Water Action, Earthjustice, the Environmental Working Group, Friends of the Earth, Greenpeace, the Mineral Policy Center, the Natural Resources Defense Council, the Sierra Club, and the U.S. Public Interest Research Group.

These advocates conclude, in a letter, this bill ''would benefit polluters at the expense of people and communities harmed by public health and environmental disasters.'' I ask unanimous consent their letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

APRIL 2, 2003.

Hon. ORRIN HATCH, Chair,
Hon. PATRICK LEAHY, Ranking Member,
Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR CHAIRMAN HATCH AND RANKING MEMBER LEAHY: We are writing to express our opposition to S. 274, the so-called ''Class Action Fairness Act of 2003.'' This legislation would not be fair to citizens bringing class action cases based on state environmental or public health protection laws who wish to have their cases heard by their state's courts. The bill would allow corporate defendants in pollution class actions to remove virtually any type of state environmental law case from state court to federal court, placing such cases in a forum that could be more costly, less timely, and disadvantageous to the citizen plaintiffs. We urge you to oppose this anti-environmental legislation.

Class actions protect the public's health and the environment by allowing people with similar injuries to join together for more efficient and cost-effective adjudication of their cases. All too often, hazardous spills or toxic contamination from one source affects large numbers of people, not all of whom may be citizens of the same state. In such cases, a class action lawsuit based on state common law doctrines of negligence or nuisance, or upon rights and duties created by state statutes, is often the best way of resolving the claims. Recent examples of such incidents include the Asarco lead contamination in eastern Omaha, the Nicor Gas mercury spills in suburban Chicago, and emissions from an illegally operated rock quarry in San Rafael, California—incidents that harmed thousands of people—as well as many cases in which injured plaintiffs have sought access to medical monitoring in the wake of a community's toxic exposure.

S. 274 would benefit polluters in state environmental class actions by allowing them to remove these claims from state courts that may be better equipped to handle them to federal courts where the judges are likely to be less familiar with state law. This removal could occur even if the citizen plaintiffs object.

The bill would even allow polluters to remove to federal courts cases brought by more than one hundred plaintiffs even if the citizens do not seek certification as a class. One such case is underway now in Anniston, Alabama, where a state court jury is currently deciding damages to be paid by Monsanto and Solutia for injuring more than 3,500 people the jury found were exposed, with the companies' knowledge, to cancer-causing PCBs over many years. There is little doubt in the Anniston case that, had S. 274 been law, the defendants would have tried to remove the case from the state court serving the community that suffered this devastating harm.

Allowing defendants to remove to cases such as these that properly belong in state court—even cases based solely on state law—is not only unfair to the injured parties in the state law cases, it will needlessly delay justice for all in the overburdened federal courts, creating delays for those parties in environmental cases whose claims must be heard in federal court, as well as for other parties who require a federal forum.

Last month, the Judicial Conference of the United States wrote to your committee stating the continued opposition of the Judicial Conference to broadly written class action removal legislation. Their letter states that, even if Congress determines that some ''significant multistate class actions'' should be brought within the removal jurisdiction of the federal courts, Congress should include certain limitations and exceptions, including for class actions ''in which plaintiff class members suffered personal injury or personal property damage within the state, as in the case of a serious environmental disaster.'' The letter explains that this ''environmental harm'' exception should apply ''to all individuals who suffered personal injuries or losses to physical property, whether or not they were citizens of the state in question.'' S. 274 does not provide any exception for environmental harm cases.

As U.S. Supreme Court Chief Justice Rehnquist has stated in the past, ''Congress should commit itself to conserving the federal courts as a distinctive judicial forum of limited jurisdiction in our system of federalism. Civil and criminal jurisdiction should be assigned to the federal courts only to further clearly defined national interests, leaving to the state courts the responsibility for adjudicating all other matters.'' The so-called ''Class Action Fairness Act'' does not conserve the federal forum but would allow corporate polluters who harm the public's health and welfare to exploit that forum whenever they perceive an advantage to defending class actions in federal court, regardless of whether the class action would be better adjudicated in a state court.

We urge you to oppose S. 274, legislation that would benefit polluters at the expense of people and communities harmed by public health and environmental disasters.

Sincerely,

Joan Mulhern, Senior Legislative Counsel, Earthjustice Legal Defense Fund.

Debbie Sease, Legislative Director, Sierra Club.

Lexi Shultz, Legislative Director Mineral Policy Center.

Sara Zdeb, Legislative Director, Friends of the Earth.

Paul Schwartz, National Campaigns Director, Clean Water Action.

Richard Wiles, Senior Vice President, Environmental Working Group.

Erik Olson, Senior Attorney, Natural Resources Defense Council.

Anna Aurilio, Legislative Director, U.S. Public Interest Research Group.

Rick Hind, Legislative Director, Greenpeace.

Mr. LEAHY. Mr. President, as colleagues may have gathered, I am not in favor of this piece of legislation, the Class Action Fairness Act. Man, I have heard things. There ought to be a law against misleading labels on legislation we pass because this would break the law. These many injured parties who have valid claims would have no effective way to seek relief. Class action suits have helped win justice and expose wrongdoing by the polluters, the big tobacco companies, and the civil rights violators, and brought about Brown v. Board of Education, as I said earlier. It gives average Americans at least a chance for justice. We should not take that chance for justice away from the American people.

So I hope Senators will consider the harm this bill would do the American people and to their constituents and join me in opposition.

Lastly, Mr. President, as I said, we found time to get highway money for Iraq, but we do not have time to pass the highway bill for America. We had time to get money to improve police departments and law enforcement in Iraq, but we do not have time to pass a bill to do the same here for Americans.

We had time to pass legislation to help military veterans in Iraq, but we can't find time to pass legislation for veterans in the United States.

Mr. REID. Will the Senator yield for a question?

Mr. LEAHY. Of course, I yield to my friend from Nevada.

Mr. REID. As I am here in the Chamber today, there are four members of the Appropriations Committee: The Presiding Officer, the senior Senator from Vermont, the Senator from Nevada, and the Senator from Illinois. This morning I asked, Why aren't we able to do appropriations bills? The House has gone home. They are AWOL. So matters that we have to resolve in conference we can't do either. We have six that have not passed this body. The Senator from Vermont hit the nail on the head.

I commented this morning, we can think of a lot of reasons that the bills haven't passed. One is what the President has done with the monetary functions of this country. The economy is in disastrous shape. If we did these appropriations bills now, there would be a focus on each bill. The people of America would say: Well, they can't do that for us. Look at what they have just done for Iraq with $21 billion.

So the Senator from Vermont hit the nail on the head. I compliment him for recognizing the problem we have. What are we going to do? I think the Senator from Vermont will agree, we are going to have an omnibus bill with as many as 10 appropriations bills jammed into it.

Mr. LEAHY. Did the Senator say omnibus or ominous?

Mr. REID. The Senator is correct. We are going to have an ominous omnibus bill. It is too bad we are going to do that because it will be a massive document. It will be done at the last minute. There will be a lot of little things jammed in there by the leadership. And then, of course, as the Senator knows, conferences that we do have are just one-sided. They don't include us in them. It is a funny way to run the country. This decision has been made by a Republican President, a Republican-controlled House and Senate.

I appreciate very much the Senator yielding.

Mr. LEAHY. I appreciate the comments of my friend from Nevada. I can't think of any person who has worked harder to help get legislation through. The senior Senator from Nevada has a good reputation of working with both Republicans and Democrats. There are two primary reasons. One is the fact that he knows legislation better than anybody else around here. Secondly, he is totally honest and truthful to everybody.

It is frustrating because, again, there is legislation for highways in Iraq, but not in the United States, all these other things. We passed a transportation bill. That would mean 90,000 jobs right there that we could put Americans back to work.

I thank him for saying that. I don't care if people want to spend time on this bill. It is a terrible bill. If they want to spend time on it, let's at least get the appropriations bills done. Let's answer the questions of our veterans, whether the benefits will be there or not; answer the questions police officers have about benefits; answer the questions those in education have, whether the money will be there.

I see my good friend, the senior Senator from Illinois. I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I thank the ranking Democrat in the Senate Judiciary Committee, Senator LEAHY, as well as Senator REID of Nevada, for coming to the floor today to discuss the agenda of Congress. It is worthy of reflection.

Some of us went home last week after the vote dispirited because this administration was afraid to offer the Iraq reconstruction package as an up-or-down vote. They believed—and I think they were right—they couldn't pass it. So many Members of Congress had so many questions and reservations, the only way it could pass was to combine it with the money for our troops. Many of us, looking at this terrible Faustian bargain, had to vote for the bill to support the troops, believing that, frankly, if it were my child, someone near or dear to my family, as it is for so many people in Illinois, I wouldn't want to shortchange the troops one penny. So we ended up passing about $15 or $16 billion in reconstruction for Iraq.

Trust me, stories are already pouring in about some of the questionable contracting that is going on over there. There is real doubt among some as to whether this money will achieve the goal we are seeking. We want peace in Iraq. We want stability. We want our troops to come home. But we want to do it in the right way.

So far, this administration, since the declaration of the military victory, has seen a long string of embarrassments and defeats and setbacks. There have been pretty pictures painted by some on the other side who have gone there, but they can't overcome the reality of every morning's newscast which tells about another soldier being killed or another 10 soldiers being maimed.

I have visited with some of those soldiers who have returned from Iraq. Their lives will never be the same. To say they got by because they were simply wounded is to overlook the obvious. Many of them will carry scars for the rest of their lives because of a policy of this administration which, frankly, has not stood the test of time.

The reason I think it is important to reflect on that is to consider where we are today. Now that we have moved from the issue of Iraq, we are back on an issue which is near and dear to the Republican leadership in Congress as well as to the White House. Take a look at the agenda of this Congress and particularly what we are discussing today. It is an agenda which attempts to slow down the legitimate responsibilities of government directly through Executive orders and indirectly with historic deficits.

Yes, this fiscal conservative, compassionate Republican President has stood by and watched as we have reached record depths in terms of debt in America. Although he can point to a recession which he blames on the previous President, which is fair game in Washington, he can point to a war on terrorism, the fact is, most of this deficit is his own creation.

President Bush's tax policy, his economic plan has been a failure for America's economy. But it has been a dramatic success for those who were praying for a bigger deficit. I don't know who that might be, but if you were looking for a President to deliver the biggest deficit in the history of the United States, this President has done it. That deficit, of course, shortchanges us when we need to really pursue the valuable and vital functions of government.

There are some things which only government can do. I know my friends from the conservative side of the political spectrum hate to concede this point, but there are certain things only government can do. Certainly military defense is one. Defense against terrorism is another. But there are others, and they will come to our attention as we consider the debate before us on a bill related to class action lawsuits.

The agenda of the Republicans in Congress and the President is one that is guided by the naive belief that the balance of power within our Government is outdated. It is an agenda which would close the courthouse doors to ordinary Americans in the name of penalizing trial lawyers but continue to protect the most politically powerful. This is nothing new in government. The people who have the power to line the Halls of Congress with their lobbyists in their three-piece suits and fancy shoes are well represented. They are the voices you hear when you come to vote for a bill.

The voices that are not heard are those of consumers and families and working people who are disadvantaged time and again by these special interests. The Class Action Fairness Act is a special interest piece of legislation designed exclusively to protect those who are wealthy and powerful from even being held accountable in court.

When you look at the options available to us, if you have a President who really doesn't care to work for consumers and working families, and a Government which is unresponsive because of that President or the lack of funds, and a Congress unwilling to address these same issues, there is only one place for an American to turn. That is the court system. So what this Congress tries to do time and time again is to close the doors of the courthouse so that that family, that consumer, that small business, that individual doesn't have a chance to go into the courthouse and ask for justice. They are doing that with this class action bill.

Whether the agenda is driven by the White House, the leadership of the House of Representatives, the committees on the floor of the Senate, the not

so invisible hand of the right-wing agenda is busily at work. We see it in the nominees sent up for lifetime appointments to the Federal judiciary, men and women who are not even close to the center stripe of political thinking, in the hopes that if you cannot close the courthouse door, make sure there is a judge on the bench who will rule consistently on behalf of the wealthy and powerful in America.

Some will say what I am saying sounds a lot like class warfare. I can recall what Warren Buffet, one of the wealthiest men in America, told us a few weeks ago. He came to a luncheon on Capitol Hill and spoke to a group of Senators and talked about President Bush's tax cuts for the wealthy. This wealthy man from Omaha, NE, said, ''Some people say this is class warfare.'' He said, ''I want to tell you something. It is true, and my class is winning the war.''

That is a fact. They have won the war with the President's tax cuts. They will continue to win the war when it comes to closing the courthouse doors. The agenda is being driven by President Bush and his gang of compassionate conservatives. It is not just this issue of litigation and tort reform. It stretches in so many directions. This is an administration that wants to drill for oil in the Arctic National Wildlife Refuge rather than to demand that automobile manufacturers in Detroit make more fuel-efficient cars, which they can do. The technology is available. But this administration would much rather invade a pristine wildlife refuge set aside by President Eisenhower 50 years ago than pick up the phone and say to the Big Three in Detroit that you have to do better. We need more fuel-efficient cars and we are going to support legislation to make it happen.

That shows you where they are coming from. They would much rather drill in a wildlife refuge than to ask for more fuel efficiency from the automobile manufacturers. This is an administration that cuts education funding for schoolchildren to pay for tax benefits for the wealthiest people in America. It is an administration that would restrict background checks on gun purchasers while protecting gun manufacturers from liabilities. Rather than to make certain that we keep guns out of the hands of people with criminal records or a history of mental illness, they say instead, in the name of a second amendment, we cannot ask those questions and, if we do, we cannot keep the records long enough for law enforcement to use them. It is a constitutional right as far as they are concerned under the second amendment.

Yet when it comes to gun manufacturers making defective products and dangerous products and selling them, this administration falls over backward in an effort to protect them from any liability in court, this administration which would cap the compensation of injured victims of medical negligence, medical malpractice, and never question the insurance companies that continually make mistakes and charge the most outrageous premiums. Now we are forced to debate a bill that divides instead of unifies us.

It is especially troubling at a time when so many appropriations bills have not even been considered in the Senate and we are going to work on this bill for special interest groups. The majority leader brought this bill before us instead of an appropriations bill. Here we are after October 1, at a time when we should have passed all of our appropriations bills, but instead of addressing the immediate needs of Government, we are going to address the immediate needs of the special interest groups.

I find it interesting that the bill before us is not the bill that passed the Judiciary Committee, which I served on a little earlier this year. There is a provision back in the bill called a mass tort provision. I will not go into all the details of it other than to tell you the special interests have won again. There was a bipartisan motion in the Judiciary Committee—I am not sure there was debate—to delete a section of the bill for so-called mass tort actions. It was a motion by Senator SPECTER, a Republican, and Senator FEINSTEIN, a Democrat. It was removed without controversy.

Guess what happened. That bill was thrown away. The bill before us today reinstates this prohibition against mass tort actions. That is fundamentally unfair, and we knew that. The special interest groups prevailed again.

How fair is the Class Action Fairness Act before us? It is not about fairness or justice. It is about protecting the powerful against legal challenges from the little guy. Who wants this bill? Who wants this class action bill? I will tell you those who line up on the side of this bill. It is the major tobacco companies, including Philip Morris, which is sick and tired of being sued by those who have been damaged by their deadly tobacco products. They have come to the Republican Congress and prevailed on them to make it more difficult for the victims of those tobacco products to come to court. So the tobacco companies want this bill to pass. Gun manufacturers, understanding their exposure to liability by selling defective guns, selling them in quantities where they knew or should have known they would fall in the hands of criminals, don't want to be sued in court anymore. Even though the death rate in America—on the streets of Chicago, New York, and Washington—continues to climb from gun murders, this bill says the victims are going to have a tougher time suing the gun manufacturers.

Those who pollute want this bill. Those involved in environmental pollution are less likely to be sued because of this bill.

Others include the pharmaceutical companies, every insurance company in America that I know of, the National Association of Manufacturers, and Financial Services Roundtable. The list of special interest groups is very lengthy.

There is another group on the other side who oppose this bill—an interesting coalition. Listen to those who have come out in opposition to the bill. The first name on the list may be the most curious. It is Chief Justice of the U.S. Supreme Court, William Rehnquist. Why? Because this bill shifts a lot of class action lawsuits from State courts to Federal courts. Chief Justice Rehnquist understands that the Federal courts are not in a position to deal with these lawsuits. He said this is a bad bill; it is bad for the administration of justice in America. He is not a bleeding heart when it comes to consumer cases. His precedents and rulings will speak for themselves. But he says this bill is bad, and he is right.

Then the list of organizations—which I will not read—is two pages long. These groups are a clear indication of why it should not be passed. I will say generically that many of the leading medical groups, including the American Cancer Society, the Heart and Lung Society, many leading environmental groups in America, and almost every one of the major consumer groups in America, say this is a bad bill. It will keep ordinary Americans from having their day in court.

I ask unanimous consent that the list be printed in the RECORD.

NATIONAL ORGANIZATIONS OPPOSED TO FEDERAL CLASS ACTION LEGISLATION

AARP.
AFL–CIO.
Alliance for Justice.
Alliance for Retired Americans.
American Association of People with Disabilities.
American Cancer Society.
American Heart Association.
American Lung Association.
Brady Campaign to Prevent Gun Violence United with the Million Mom March.
Campaign for Tobacco Free Kids.
Center for Disability and Health.
Center for Responsible Lending.
Clean Water Action.
Coalition to Stop Gun Violence.
Consumer Federation of America.
Consumers for Auto Reliability and Safety.
Consumers Union.
Earthjustice.
Environmental Working Group.
Families USA.
Friends of the Earth.
Gray Panthers.
Greenpeace.
Homeowners Against Deficient Dwellings.
Lawyers' Committee for Civil Rights Under Law.
Leadership Conference on Civil Rights.
Mexican American Legal Defense and Educational Fund.
Mineral Policy Center.
National Asian Pacific Legal Consortium.
National Association for the Advancement of Colored People.
National Association of Consumer Advocates.
National Association of Protection and Advocacy Systems.
National Campaign for Hearing Health.

National Partnership for Women & Families.
Natural Resources Defense Council.
National Workrights Institute.
National Women's Health Network.
National Women's Law Center.
People for the American Way.
Public Citizen.
Service Employees Union International.
Sierra Club.
Tobacco Control Resource Center.
Tobacco Products Liability Project.
USAction.
U.S. Public Interest Research Group.
Violence Policy Center.
Women Employed.

GOVERNMENT ORGANIZATIONS OPPOSED TO FEDERAL CLASS ACTION LEGISLATION

Judicial Conference of the United States.
Conference of Chief Justices.
Attorney General of California, Bill Lockyer.
Attorney General of Illinois, Lisa Madigan.
Attorney General of Maryland, J. Joseph Curran, Jr.
Attorney General of Minnesota, Mike Hatch.
Attorney General of Missouri, Jeremiah W. Nixon.
Attorney General of Montana, Mike McGrath.
Attorney General of New Mexico, Patricia A. Madrid.
Attorney General of New York, Eliot Spitzer.
Attorney General of Oklahoma, W.A. Drew Edmondson.
Attorney General of Vermont, William H. Sorrell.
Attorney General of West Virginia, Darrell Vivian McGraw, Jr.

Mr. DURBIN. This is a classic battle between the biggest companies in America, that don't want to face legal responsibilities, and the most vulnerable people in America, who have no other recourse but the courts. Consumers, environmentalists, gun control advocates, and civil rights champions often turn to the class action process of our civil justice system because the Government—beholden to the special interest groups and the corporate agenda—simply is unwilling to take on these same big corporations.

Unfortunately, when you pit these two sides together on Capitol Hill, consumers don't have a chance. This bill is a clear indication of that.

The bill is fundamentally unfair and unnecessary. How can you be sure it is only the plaintiffs who are guilty of abusing forum shopping but never the defendant? That is the argument being made. They say we have to restrict the people who can bring lawsuits in court.

The argument on the other side is that there are so many frivolous lawsuits. The honest answer is that there are some frivolous lawsuits, and there always will be in a system open for any individual to file a lawsuit. On the other hand, we know many of these lawsuits—and I will recount several later on—give clear indications and evidence of the fact that many people who are sued in class action lawsuits have a real responsibility to the consumers and the American people that they don't meet.

I am concerned when they tell me the bill will restrict their ability to fight for rights of consumers and victims of corporate malfeasance, and I hope the sponsors can carry their burden in explaining to the American people why they believe this bill will not tilt the advantage to the corporate defendants.

To the extent there are abuses in the class action process, it should be addressed with a scalpel, not a sledgehammer, which this bill does. If the problem is concentrated only in a handful of State courts, the solution isn't to remove every case to Federal court. That is what this bill does.

The American Tort Reform Association, which represents all of the special interest groups that would close the courthouse doors, obviously championed this bill. They released a study recently which I find amazing and, in a way, offensive.

In their report, entitled, ''Bringing Justice to Judicial Hellholes 2002,'' this organization identified 13 counties or cities that they define as ''judicial hellholes,'' because they supposedly attract lawsuits from around the Nation to plaintiff-friendly courts.

What does that mean? If you are a lawyer in some part of the country and want to file a class action suit, this association argues that you can shop around to find the friendliest judges who will certify your class. That is the first step in a class action suit. The court has to basically certify under State law whether you can gather together the individuals you call your ''plaintiffs' class'' to sue a defendant. They argue that in some parts of America it is more likely to be certified than not. They characterize those as judicial hellholes. One of them is near and dear to me because it is in my home State, in Madison County, IL. I was born in St. Clair County, the adjoining county. I am familiar with Madison County and most of the people who practice law there and the judges on the bench.

Well, with all of their valiant and well-funded national research, the American Tort Reform Association came up with about a dozen ''hellhole'' counties, and a few more they call ''honorable mentions.''

That is about a total of 20 counties they have identified out of over 3,000 counties in the United States and more than 18,000 cities, villages, and towns—20 problem counties out of 21,000 cities and counties. That is fewer than .0001 percent of all the counties and cities in the country.

Clearly, if that is where the problem lies, with 20 places, why would we pass Federal legislation to affect every county and every city in America? Yet the solution the sponsors seek is exactly that.

Let me speak for a moment about the real story of Madison County because it has been recounted over and over by the advocates of tort reform as an outrageous, out-of-control situation.

It is said there have been hundreds of consumer class action cases filed in the last few years and rarely are any not certified for trial. That is what the American Tort Reform Association says. Yet while the number of filings increased, the number of consumer class action certifications in that county has actually declined over the last 2 years.

State judges, including those in Madison County, are disposing of frivolous consumer class action cases by refusing to certify them for trial. Moving them to Federal court simply transfers the responsibility for making that determination.

Let me give some numbers so we can get a feel for one of these judicial ''hellholes'' from the groups that advocate this legislation.

Madison County, IL: Consumer class actions filed—1999, 12; 2000, 39; 2001, 60; 2002, 76; 2003, 44 as of July 2.

Let's go back for each of those years and find out how many were actually certified to go forward and be tried. In 1999, 12 were filed, 6 were certified; in 2000, 39 filed, 14 certified; in 2001, 60 filed, 2 certified; in 2002, 76 filed, 1 certified; in 2003 so far, 44 filed, none certified.

Does this sound like a situation out of control? The sum total of all the class action lawsuits for these 5 years so far is 23 over 5 years—23 class action lawsuits in Madison County, IL, the so-called judicial ''hellhole.'' Frankly, the arguments made on the floor just are not borne by the facts.

Additionally, of 166 verdicts that were reached in all cases filed in Madison County, 55 resulted in no monetary verdicts to plaintiffs. Only 11 verdicts in the 166 cases tried resulted in verdicts in excess of $1 million. The median verdict for all cases in Madison County, IL, is $28,649.

If there are problems in any jurisdiction or any State, they can be solved there. In Alabama, for example, one of the favorite targets for criticism by tort reformers, the State supreme court reprimanded a few State judges who had certified numerous classes.

In Mississippi, another jurisdiction frequently mentioned by supporters of class action reform, the State legislature recently repealed Mississippi's venue and joinder statutes, making it more difficult to bring mass tort claims.

Removing these cases to Federal court does not solve the problem. In fact, it is going to heap more of a burden and demand for more specialization and responsibility on our Federal courts, many of which are already overburdened.

I see my colleagues are on the floor. I am going to take a few minutes to point out the kinds of lawsuits about which we are talking.

When the average person hears ''class action lawsuit,'' they may not have an idea of what it is about. I would like to give a few examples of class action lawsuits and understand, I hope, for a moment that those who are coming to the floor trying to restrict the rights of plaintiffs to come into a class and file

a lawsuit have to face the reality of the history of class action legislation. We will find in these cases some recurring themes, but the most recurring theme is this:

The plaintiffs in a class action lawsuit were usually damaged a very slight amount or in a very limited way individually or as families, but when you take together the sum total of all the damage done by the defendant, it becomes substantial. If someone—Senator LEAHY used this example in committee—if someone overcharges a person 2 cents a gallon for gasoline so that each time they fill up they lose 40 cents, there is not a great loss to an individual. But when you put that together in terms of the millions of people buying gasoline, one can understand that if the defendant corporation has been guilty of fraud or wrong dealing, they have made millions of dollars at the expense of 40 cents a fill-up of individual consumers. So class action lawsuits bring all these consumers in one group against a corporation that may have harmed them only a slight amount individually.

Let me give some examples. Foodmaker, Inc., the parent company of Jack-in-the-Box restaurants, agreed to pay $14 million in a class action settlement in the State of Washington. The class included 500 people, mostly children, who became sick in early 1993 after eating undercooked hamburgers tainted with E. coli. The victims suffered from a wide range of illnesses, from more benign sicknesses to those that required kidney dialysis. Three children died. The settlement was approved in 1996. So 500 individual families, instead of suing Jack-in-the-Box and its parent company Foodmaker, came together as a class because that corporation was selling products so tainted and adulterated that it led to death and serious illness—500 people, $14 million, but deaths were involved in the process.

Let me give another example. General Chemical of Richmond, CA. On July 26, 1993, the chemical oleum, a sulfuric acid compound, leaked from a railroad tank car. The leak caused a cloud to spread directly over North Richmond, CA, a heavily populated community. Over 24,000 people sought medical treatment because of that leak. General Chemical entered into a $180 million settlement with 60,000 northern California residents who were injured and sought treatment for the effects of that pollution. Individual plaintiffs received up to $3,500.

What is the likelihood that if you personally or a member of your family ended up going to a hospital or a doctor and had $500 or $600 or $1,000 in medical bills that you would turn around and hire a lawyer and sue General Chemical responsible for that illness in your family? I don't think the likelihood is very strong. But when they brought together the 60,000 people who were damaged because of this environmental leak of a sulfuric acid compound, the company agreed to pay $180 million to some 60,000 people.

Let me give another example. Beech-Nut Corporation, and its parent company Nestle, were accused of deceptive business practices, guilty of selling—listen to this—Beech-Nut and Nestle were found guilty of selling sugar water labeled as pure apple juice for infants. After passing blame back and forth between companies and suppliers, they eventually agreed to settlements of $3.5 million to reimburse consumers who unknowingly fed their babies sugar water instead of apple juice. Is that the kind of thing that merits a lawsuit? In an individual situation you may ask, How sick is the baby?

The bottom line is, these companies were trying to make money by deceiving parents into believing they were selling a nutritious product and ended up paying $3.5 million because of it.

Class action lawsuits by consumers who as individuals would never have a day in court, but coming together finally found justice in their State courts, a justice which is threatened by the so-called class action fairness bill which is before us today.

There was a class action lawsuit brought against Ford Motor Company for defective ignition systems in millions of cars that stalled on highways, and Mobile Corporation paid a $14 million settlement because of a class of residents in New Orleans who, after a fire at a Mobile Oil refinery and scattered debris sent volatile and hazardous compounds in the air, were forced to evacuate. The settlement was $13.4 million to those exposed to this pollution from the Mobil Oil refinery.

It was a class action lawsuit against a corporate giant. How many of those individual families would stand together seeking justice? In this case, they did stand together successfully. Individually would they have gone to court? Highly unlikely.

Blue Cross and Blue Shield of Iowa paid a $14.6 million settlement in three class action lawsuits because of fraudulent billing practices. Blue Cross apparently negotiated secret discounts with hospital and providers and failed to pass those along to those who should have received them—their customers. The list goes on and on.

I see several of my colleagues on the floor. I will close and say I am sure we are going to return to this issue in a short time. I ask my colleagues in the Senate who may not have practiced law, who may not be familiar with class action lawsuits to please do the following: Read these cases. Understand class action lawsuits are not always frivolous ideas.

I can recall some that were. There was a lawsuit brought by a class, not certified, for all the people who bought Milli Vanilli records, and then came later to learn that those two people were not even singing on the records. To me, that is a joke, a bad one. It is a fraud on the public but certainly not deserving of a class action suit.

How can one compare that to companies that sell tainted and adulterated food, to companies that deceive parents about the nutritious value of the foods they sell, or companies that are engaged in pollution that endangers the lives of individuals? Those companies need to be held accountable.

This bill tries to absolve them from liability, to move the cases to Federal court, to make it more difficult to push the classes together, and make it more difficult to recover. These are real live stories of ordinary families and people who will ultimately lose if this bill passes.

I hope the Senate has the good sense to stop this in its tracks, stand up for consumers and working families who need a voice in this Chamber even if they cannot afford a lobbyist in the hallway.

I yield the floor.

The PRESIDING OFFICER (Mr. SUNUNU). The Senator from Illinois.

Mr. FITZGERALD. Mr. President, I thank my colleague from Illinois for yielding the floor for a few moments. The Senator may wish to resume debate following my remarks.

I want to present a counterpoint, I guess, to the opinions of my distinguished colleague. I think he made a very eloquent case in favor of why we should have class action lawsuits in this country, and I would simply point out to my colleagues that this bill does not in any way diminish our ability to have worthwhile class action lawsuits. In fact, I think the intent of the bill that is passed out of the Judiciary Committee and which Senator HATCH spoke about earlier this afternoon is, in fact, to make the process for class action suits better, fairer, and more beneficial to the plaintiffs.

One of the things the bill would do is create a consumer bill of rights to protect the class action plaintiffs, the actual clients of the class action lawyers. We have all heard about cases in which a class action lawsuit is filed, and in the end, the defendant corporation settles for millions of dollars paid to the lawyer and all the clients, or the plaintiffs get a coupon or something of insignificant value. So contrary to the impression created by Senator DURBIN, I want to make it clear to my colleagues that this bill does not in any way seek to do away with class action lawsuits. In fact, we seek to make them better and more beneficial to the plaintiffs, the clients themselves, and cut down on some of the abuses.

I rise to support S. 1751, the Class Action Fairness Act of 2003, and I do so today with a special interest in the commonsense fairness of this legislation. There is, in my State of Illinois, as mentioned by Senator DURBIN, one of the infamous venues that have come to be commonly described as ''judicial hellholes,'' State courts where plaintiffs' lawyers know they can file abusive, frivolous, and even extortionate class action lawsuits against defendant companies operating nationwide and

get results they could not get in the vast majority of fair jurisdictions elsewhere in the United States.

It is an abuse that must stop. Under S. 1751, every person's right to file a lawsuit is preserved. Every current legal theory for relief may still be advanced. Under S. 1751, a class action lawsuit can be filed just as easily as it can be today. S. 1751 is a limited and commonsense approach to a widely recognized abuse in our judicial system. It simply makes truly national lawsuits easier to hear in Federal court, and it simply requires judges to take a close look before approving some of the greedier and more abusive features of class action litigation, such as coupon settlements that I mentioned at the outset, where lawyers get millions of dollars and class action members get virtually worthless coupons.

My State has the dubious distinction of hosting one of the judicial hellholes to which Senator DURBIN was referring. In fact, if anyone has been following the editorial page in the Wall Street Journal, they have written several editorials about this county. It is Madison County, IL. It is in southwestern Illinois, across the Mississippi River from St. Louis. If my colleagues have never been to Madison County, it is a suburban county with a surge in shuttered plants and steel mills and a new cottage industry in abusive class action litigation.

Several recent studies have looked at class actions in the Madison County courts, and here is what they found: Over a 2-year period, the number of class actions in the county increased by 1,850 percent. In 1998, there were only two class actions filed in Madison County, a number consistent with a community with Madison County's size and economic base.

During 2000, the number rose to 39. During 2001, 43 new class action lawsuits were filed, another 10-percent increase, and the upward trend is increasing.

As of the middle of this year, Madison County was already up to 39—I think Senator DURBIN said 43 cases—as of July of this year. That puts it on pace to break its own record.

These findings suggest that Madison County has one of the highest class action filing rates in the country. Indeed, according to an article in the St. Louis Post Dispatch, Madison County has developed a nationwide reputation as the place to file nationwide class actions, even though it only has one-tenth of 1 percent of the U.S. population. It has about 259,000 people.

Here is another troubling statistic: In recent years, only a few thousand class actions were filed annually in the entire Federal court system. That amounts to a per capita rate of about 7.6 class actions for every million residents. In Madison County in 1999, the per capita rate of State court class actions was nearly 9 times higher, with about 61 class actions filed per million people.

These are not local disputes. The vast majority of class actions in Madison County were brought on behalf of nationwide classes. The percentage seeking nationwide class action status is a whopping 81 percent. In Madison County, lawyers have sought to certify classes over the last 3 years that included all Sprint customers nationwide who have ever been disconnected on a cell phone call—I am sure that has happened to all of us—all RotoRooter customers nationwide whose drains were repaired by allegedly unlicensed plumbers, and all consumers in the Nation who purchased limited edition Barbie dolls that were later allegedly offered for a lower price elsewhere.

Why were all these suits filed in Madison County? Why were they not filed in Utah, Idaho, Arizona, or State courts elsewhere in Illinois? Well, because a few lawyers have figured out that the judges in Madison County are very friendly to plaintiffs. It is no surprise that the same five firms appeared as counsel in approximately 45 percent of the cases filed during the 1999-to-2000 period, and that most of these firms are not located in Madison County.

Of the 66 plaintiffs' firms that appeared in the Madison County cases filed during 1999 and 2000, 56, or 85 percent, listed office addresses outside of Madison County.

These studies present a real mystery. Lawyers from all over the country are flocking to Madison County, IL, to file class actions on behalf of people who do not live in Madison County, against companies that do not reside in Madison County, concerning events that did not occur in Madison County.

What is wrong with this picture? Does anybody really think that it is just an accident that these lawyers from all over the country are flocking into Madison County with their cases?

As the Washington Post recently noted in an editorial criticizing class action abuses, having invented a client, the lawyers also get to choose a court. Under the current absurd rules, national class actions can be filed in just about any court in the country.

Large, nationwide class actions should be in Federal court, not in some small county court in some remote location that has nothing to do with the parties or the case. This is an abuse of the system, plain and simple. We are nowhere near the outer perimeter of tort reform here. This is an easy one. This is common sense, a simple, honest, straightforward reform narrowly tailored to achieve fairer results in cases of truly national significance.

I urge you, Mr. President, and all my colleagues, to support S. 1751.

I yield the floor.

If none of my other colleagues wishes to speak at this time, 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. BENNETT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. Mr. President, it was my privilege to be in the chair during the exchange of views between the two Senators from Illinois. I could not resist the opportunity to take the floor now and add my experience to that which has been referred to.

The senior Senator from Illinois spoke of those who did not have a legal background, and I fit into that category. I have never been in court, except as a juror and occasionally as a witness. I have never been to law school. However, I would just share this one experience with the Senate with respect to class action lawsuits and how they can be abused.

When my father left the Senate, he was invited, as is often the case for those who have senior experience in business, to serve on a number of boards of directors. He went on one particular board, thinking it was a relatively safe kind of activity for him, only to be distressed at the beginning of the next calendar year when he was served with this pile of papers. There was a lawsuit being filed on behalf of the shareholders of that particular company, and my father was named as the principal defendant.

Somewhat disturbed by this, he called the general counsel of the firm and asked what was going on.

Oh, said the general counsel, nothing to worry about. You are named because members of the board of directors are listed alphabetically and Bennett comes ahead of any other name. So you are named: Bennett et al. Don't worry, we will take care of this.

He said: Of what am I being accused? Of what is the board being accused?

Well, said the general counsel, this happens every year. He said: The members of the board have a compensation plan that is tied to the profitability of the company. Whenever the company increases its profitability by formula, the directors' pay increases by a similar formula amount.

My father said: That's very clear. It's outlined. What is the cause of this class action lawsuit being brought on behalf of all of the shareholders of the company?

Well, said the general counsel, this lawyer every year files a lawsuit on behalf of the shareholders, claiming that the board of directors is looting the company for its own purposes. That is, members of the board are trying to enrich themselves on the basis of this increase in compensation at the expense of the shareholders.

My father said: What do we do? Do you go to court and prove that this is a legitimate activity?

No, said the general counsel, that costs too much money. For us to go to court would cost us more in legal fees than the amount the lawyer will settle for.

What amounts are we talking about, my father asked.

He was told by the general counsel: The lawyer who files this suit will settle for $100,000. It would cost us more

than $100,000 to defend our position, so every year when the formula kicks in and the directors' compensation is increased, the lawyer files his lawsuit, we send him a check for $100,000, the lawsuit goes away, and we forget this until the next year.

That is extortion, plain and simple. Yet the general counsel would say, with some accuracy, the shareholders are better served if we simply pay him his $100,000 than if we go to court and defend ourselves. Even though we would win, we would end up paying $200,000 or $250,000 or some number like that. So, he said, we have come to the conclusion the best thing to do for the shareholders is simply settle this class action lawsuit every year for $100,000. The lawyer knows we will do that. So every year he files the lawsuit, we send him the check, the plaintiffs in whose behalf he is suing get nothing because his legal fee for filing the suit is $100,000, and we simply go through this charade every year.

I am happy to report that this particular lawyer, as I understand it, decided to do this in some other instances and Merrill Lynch, the large brokerage firm, took him to court. They spent close to $1 million in legal fees proving he was wrong and, furthermore, proving he had acted in a frivolous manner and ultimately put him out of business. The shareholders of Merrill Lynch were paying for an action that benefited the shareholders of the company on whose board my father sat, and many others.

We can be grateful that Merrill Lynch was willing to accept that financial burden in order to put a stop to this practice. But it demonstrates that standing on the floor of the Senate and deciding how valuable class action lawsuits are does not properly address the problem that this, and similar legislation, has sought to solve.

I wanted to add that personal experience to the debate that has been going on here so anybody who is following the debate will understand that it is not a question of whether one should allow class action lawsuits. It is not a question of whether plaintiffs are entitled to relief as a result of joining a class. It is a question of cleaning up abuses that are carried on by lawyers who say, in the words of one of them: I have a perfect law practice. I have no clients.

They file class action lawsuits on behalf of classes, but they are not in fact real clients. The lawyers benefit, ultimately to the detriment of the shareholders of the companies that are being sued. These shareholders are individuals. We are not talking about companies as if they were abstract entities. They are individuals who are being hurt by improper practices. Those are the kinds of practices this legislation seeks to resolve.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THOMAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF MARGARET CATHARINE RODGERS, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF FLORIDA

The PRESIDING OFFICER. Under the previous order, the hour of 5:15 p.m. having arrived, the Senate will proceed to executive session to consider Executive Calendar No. 401, which the clerk will report.

The legislative clerk read as follows:

Nomination of Margaret Catharine Rodgers, of Florida, to be United States District Judge for the Northern District of Florida.

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to a vote on the confirmation of the nomination.

Mr. THOMAS. Mr. President, 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 Margaret Catharine Rodgers, of Florida, to be United States District Judge for the Northern District of Florida? The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Mississippi (Mr. COCHRAN), the Senator from Texas (Mr. CORNYN), the Senator from Tennessee (Mr. FRIST), the Senator from Nebraska (Mr. HAGEL), the Senator from Texas (Mrs. HUTCHISON), the Senator from Indiana (Mr. LUGAR), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Missouri (Mr. TALENT) and the Senator from Virginia (Mr. WARNER) are necessarily absent.

Mr. REID. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from North Carolina (Mr. EDWARDS), the Senator from Massachusetts (Mr. KERRY), the Senator from Louisiana (Ms. LANDRIEU), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Maryland (Ms. MIKULSKI), the Senator from New York (Mr. SCHUMER) and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) and the Senator from New Jersey (Mr. LAUTENBERG) would each vote ''yea''.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 82, nays 0, as follows:

[Rollcall Vote No. 401 Ex.]

YEAS—82

Akaka	Dayton	Lincoln
Alexander	DeWine	Lott
Allard	Dodd	McCain
Allen	Dole	McConnell
Baucus	Domenici	Miller
Bayh	Dorgan	Murray
Bennett	Durbin	Nelson (FL)
Bingaman	Ensign	Nelson (NE)
Bond	Enzi	Nickles
Boxer	Feingold	Pryor
Breaux	Feinstein	Reed
Brownback	Fitzgerald	Reid
Bunning	Graham (FL)	Roberts
Burns	Graham (SC)	Rockefeller
Byrd	Grassley	Santorum
Campbell	Gregg	Sarbanes
Cantwell	Harkin	Sessions
Carper	Hatch	Shelby
Chafee	Hollings	Smith
Chambliss	Inhofe	Snowe
Clinton	Inouye	Specter
Coleman	Jeffords	Stabenow
Collins	Johnson	Stevens
Conrad	Kennedy	Sununu
Corzine	Kohl	Thomas
Craig	Kyl	Voinovich
Crapo	Leahy	
Daschle	Levin	

NOT VOTING—18

Biden	Hutchison	Mikulski
Cochran	Kerry	Murkowski
Cornyn	Landrieu	Schumer
Edwards	Lautenberg	Talent
Frist	Lieberman	Warner
Hagel	Lugar	Wyden

The nomination was confirmed.

Mr. HATCH. Mr. President, I am pleased today to speak in support of Margaret Catharine Rodgers, who has been confirmed to the United States District Court for the Northern District of Florida.

Judge Rodgers has had an impressive legal career. After graduating magna cum laude from California Western School of Law, she clerked for Judge Lacey Collier on the U.S. District Court for the Northern District of Florida. She then entered private practice with the Pensacola law firm of Clark, Partington & Hart as an associate. After 4 years, she went to work for the West Florida Medical Center Clinic as its general counsel and director of human resources. She then returned to private practice, where her areas of expertise focused on medical liability and employment law. Last year she was appointed as a Federal magistrate judge in the Northern District of Florida, which reflects the high regard in which the judges of that court hold her.

I am confident that Judge Rodgers will continue to serve with compassion, integrity, and fairness as a Federal district court judge.

Mr. LEAHY. Mr. President, the selection of Margaret Catharine Rodgers to be the nominee for the Northern District of Florida serves as an example of how the judicial nominations process should work. Judge Rodgers was interviewed and recommended by Florida's bipartisan judicial selection commission. This selection commission was created by Senators GRAHAM and NELSON in negotiated agreement with the White House and it has produced a consistent stream of talented and well-respected attorneys for the lifetime appointments on the district courts in Florida.

Judge Rodgers currently serves the Northern District of Florida as a magistrate judge. She received a ''well qualified'' rating from the American Bar Association, having proven her qualifications in the district in which she will serve, on the bench, in private practice, and in her community. Prior to becoming a lawyer, Judge Rodgers served for several years in the United States Army and received several commendations for her service.

With tonight's vote on Judge Rodgers' nomination, the Senate will have confirmed a total of 165 judicial nominations of President George W. Bush. Despite all of the false charges of obstruction leveled by the White House and Republican Senators, we have now reached a historic level of confirmations of judicial nominations.

In less than 3 years, President Bush has now equaled the total number of judges appointed by President Reagan in his first 4 full years in office. Republicans tout President Reagan as the ''all-time champ'' in judicial appointments and yet he attained 165 confirmations at the conclusion of his first 4-year term in office, while President Bush has achieved the same benchmark in less than 3 years in office. President Reagan's entire first term saw a Republican Senate majority enabling the President to achieve that milestone. That Democrats in the Senate have cooperated with President Bush to exceed it is extraordinary and reveals the truth about the confirmation process. Only a few of the most extreme of President Bush's judicial nominees have been blocked.

Of course, you will not hear Republican Senators or the White House tell the public today that this historic level of appointments has been reached, that President Bush has matched President Reagan's first-term judicial appointments with 15 months remaining in his term. You will not hear that truth from this administration. The Senate has opposed only the most extreme nominees and has moved cooperatively and expeditiously on less controversial nominees.

The record will reflect that Democrats have worked hard to balance the need to fill vacancies on the Federal bench with the imperative that the judges chosen will be fair to all people. With this confirmation, there are now only 40 vacant seats in the Federal bench. Until this year, this mark had not been reached in 13 years or during the entire Clinton administration, when more than 50 judicial nominees were blocked from receiving confirmation votes. Had we not authorized almost 20 judgeships last year, the vacancies might be in the 20's.

President Bush is on pace to appoint judges far in excess of those of any other President in American history. In fact, this President has had so many vacant seats to fill because Senate Republicans did such an effective job of blocking scores of Clinton nominees with impunity. When I became chairman of the Judiciary Committee in mid-2001, we inherited 110 vacancies. In a little more than 2 years since then Democrats and Republicans have worked together to confirm 165 judicial nominees of President Bush. The White House and the Republicans in the Senate refuse to declare themselves victorious in their efforts to appoint a historic number of judges chosen by the President. They insist on seeing the glass half empty, when it is nearly full to the brim. They refuse to take any steps to address the fact that fully 20 percent of President Clinton's judicial nominees were blocked from getting votes when Republicans controlled the Senate. In those 6 years, they allowed only 248 judicial nominees to be confirmed and blocked another 63. Today, in less than 3 years, President Bush has achieved what it took President Reagan four full years to achieve 165 judicial confirmations.

Nominations from bipartisan selection commissions can proceed expeditiously. Judge Rodgers received a committee hearing within weeks of her paperwork being completed and she will be confirmed less than a month after her hearing. Her confirmation could have occurred even sooner since she has been pending on the floor for several weeks but I am happy that the majority leader has decided to turn to her confirmation this afternoon.

Judge Rodgers' appointment to the district court in the Northern District of Florida will bring her legal career full circle since her first job out of law school was as a judicial clerk on this very court. I am pleased to cast a vote for her confirmation today and I congratulate Judge Rodgers and her family.

The PRESIDING OFFICER. Under the previous order, the President will be notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

Mr. NELSON of Florida. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. 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. GRASSLEY. Mr. President, am I in order to speak on the class action tort reform legislation?

The PRESIDING OFFICER. The Senator is in order.

CLASS ACTION FAIRNESS ACT OF 2003—MOTION TO PROCEED—Resumed

Mr. GRASSLEY. I am pleased that the Senate is finally reaching the point of moving ahead with this very important legislation. We call this the Class Action Fairness Act of 2003 because, quite frankly, everything dealing with class action lawsuits—maybe I should not say everything because I admit there is a very important role in some instances for class action lawsuits, but the way the regime is working out now is very unfair, particularly in instances where consumers get practically nothing and lawyers representing the class get millions.

That is not an occasional happening. That is happening quite regularly. So the current class action system is rife with problems which undermine the rights of both the plaintiffs and defendants alike; hence, our legislation. Class members are often in the dark about their rights, with class lawyers driving lawsuits and driving the settlement. Class members receive court and settlement notices in hard-to-understand legalese. Many class action settlements only benefit the lawyers, with little or nothing going to the class members. We are all familiar with class action settlements where the plaintiffs received coupons of little value or no value, and the lawyers received all the money available in the settlement agreements.

More and more, we are seeing lawyers bringing frivolous lawsuits which are of no real interest to class members but are just a bonanza of quick and easy legal fees for the class lawyers because companies want to settle those cases rather than expend lots of money in frivolous litigation defense.

I have been invited into class action lawsuits. One gets a notice in the mail, probably because they did business with a particular company. Maybe it is because I am in agriculture and a family farmer that I might get some notices of this, but I can speak to the fact that—and obviously I hope people know I am not a lawyer, but the legalese that comes in these notices informing you why you might possibly be a member of a class, or you might possibly benefit, quite frankly I do not give those notices much consideration. Maybe I should. Maybe there is a jackpot out there that I could get something out of. I do not know.

It really is not very inviting to the people who may have been injured. Even if it is inviting, and they join it and they win, they could get a coupon; whereas the lawyers are going to get millions of dollars.

In addition to current class action rules, the current ones are such that a majority of the large nationwide class actions can only proceed in our State courts, when these are clearly the kinds of cases that should, in fact, be heard in Federal courts. It makes sense that these class action cases have the opportunity to be heard in Federal courts because these cases involve lots of money, citizens from all across the country, and issues of nationwide interest.

To further compound the problem, the present rules are easily gamed by

unscrupulous lawyers who steer class actions to certain preferred State courts where judges are quick to certify a class and approve a settlement with little regard to class member interest and the parties' due process rights. For example, class lawyers manipulate pleadings to avoid removal of the lawsuit to Federal court by claiming that their client suffered under $75,000 in damages in order to avoid meeting a Federal threshold, even though their client may have suffered greater injury. Class lawyers craft lawsuits to defeat the complete diversity requirements by ensuring that at least one named class member is from the same State as the defendant.

These are just a few of the games that are played and the gamesmanship tactics that we have heard of that lawyers like to utilize to bring down the entire class action legal system.

The Class Action Fairness Act that is before us will address some of the most egregious problems with the class action system; yet preserving class action lawsuits is an important tool which brings representation to the unrepresented.

I will briefly summarize what this bipartisan bill does. First, the act requires that notice of proposed settlements in all class actions, as well as all class notices, must be in clear, easily understood English and must include all material settlements, including amounts and sources of attorney's fees.

When that happens, and I get one of those notices, I am going to read it and maybe I can make a decision that I ought to join that class. But I am not going to mess around with trying to have some lawyer interpret to me whether or not I ought to be in a class action lawsuit when I get those notices.

These notices that most plaintiffs receive are written in small print and in confusing legal jargon. Since plaintiffs are giving up their right to sue, it is important that they understand what they are doing and the ramifications of their actions.

Second, this act requires that State attorneys general, or other responsible State government officials, be notified of any proposed class settlement that would affect the residents of their State. This provision helps protect class members because such notice would provide these State officials with an opportunity to object if the settlement terms are unfair for their citizens.

Third, this act disallows bounty payments to lead plaintiffs so lawyers looking for victims cannot promise them unwarranted payoffs to be their excuse for filing a suit. The bill also prevents class action settlements that discriminate on the basis of geography so that one plaintiff does not receive more money than other class members who have been equally injured just because that plaintiff lives near the courthouse.

Fourth, the act requires that courts closely scrutinize settlements where the plaintiffs only receive coupons or noncash awards while the lawyers get the bulk of the money. The bill requires the judge to make a written finding that the settlement is fair and reasonable for class members. A court will still be able to find that a noncash settlement, as in the case of injunctive relief banning some type of bad conduct, is fair and reasonable, but a court would also be able to throw out sham settlements where lawyers get big paychecks while the plaintiffs get nothing or, as I have said before, worthless or almost worthless coupons.

The bill also requires the judicial conference to report back to Congress on best practices in class action cases and how to best ensure fairness of a class action settlement. Finally, the Class Action Fairness Act allows more class action lawsuits to be removed from State court to Federal court, either by a defendant or even by an unnamed class member. However, the bill is drafted to ensure that truly local disputes would continue to be litigated in State court. Current law provides that class lawyers can avoid removal of a class action to Federal court if the individual claims are $75,000 or less, even if hundreds of millions of dollars in total are at stake, or if just one class member is from the same State as the defendant.

Our bill would eliminate the ''complete diversity'' rule but leave in State court class actions with fewer than 100 plaintiffs, class actions that allow less than $5 million, class actions in which a State entity is a primary defendant, and class actions brought against a company in its home State if two-thirds or more of the class members are residents of that State.

We have been working on finding a fair solution to the class action problem for several years. For the past four Congresses, Senator KOHL, Senator HATCH, and others have joined me, as the main sponsor of this bill, in studying the problems with the class action system and working on a way to deal with such egregious abuses of our tort system.

Over the years, the House and Senate Judiciary Committees have convened numerous hearings on these class action abuses, making very obvious the need for reform. The House has passed similar versions of the class action bill in several Congresses, and they have done it with strong bipartisan support, so frankly I don't understand why we are running up against opposition on the other side to even bringing this bill up for discussion.

In the Senate, in the 105th Congress, I held hearings in the Judiciary Committee's Administrative Oversight Subcommittee and then marked up the first Grassley-Kohl class action bill. In the 106th Congress my subcommittee held another hearing on class actions and the Judiciary Committee marked up and reported out class action legislation. The Judiciary Committee held a hearing on class actions in the 107th Congress, and in this Congress the Judiciary Committee marked up the language of the bill we are considering today.

Chairman HATCH, Senator KOHL, and I worked closely with Senator FEINSTEIN of California to make sure that more in-State class actions stayed in State court. We also worked with Senator SPECTER to make sure his concerns relative to class actions were also addressed.

The bill then was approved by the Judiciary Committee and it was approved on a solid, bipartisan vote. I wanted to elaborate on the history of this bill to show how much time Congress has spent on the problems with our class action system and all the work and all the compromises that have been put into this bipartisan bill.

The Class Action Fairness Act has garnered increasing support over the years and I expect it will receive even greater support now with the significant changes we have made in the Judiciary Committee several months ago. We need class action reform badly. Both plaintiffs and defendants alike are calling for change in the area of tort and class actions. The Class Action Fairness Act is a good, modest bill that will help curb many problems that have plagued the class action system. The bill will help class members know what their rights are, increase their members' protection, and ensure the approval of fair settlements. It will allow nationwide class actions to be heard in the proper forum, and that is the Federal courts, but keep primarily State class actions where they ought to be, in State court.

It will preserve the process, but put a stop to the more egregious abuses. It will also help to put a stop to the more frivolous lawsuits that are very much a drag on the economy.

I hope we can proceed to this bill. We are very happy to consider amendments. This bill is something that has had so much work on it over the last four Congresses that it should move ahead. The situation has not improved any during that period of time. In fact, TV magazine-type programs are full of stories about continuous abuse of the tort class action system. We have situations where someone, a lowly county judge in some State, is making a decision that is applicable to all 50 States in a way that should not be done by one isolated judge. These are cases that should be decided at the Federal level and have something that is going to be a Federal policy applying to all 50 States done by a Federal court as opposed to a county court system.

There are a lot of things we can say about this bill, but it is about time. I would think there would be some embarrassment on the other side of the aisle, considering the fact of the bipartisan support of this bill in the House of Representatives and how it has come out of our Senate Judiciary Committee with solid, bipartisan support, considering modifications that have been

made for Democratic Senators who were not part of the original bipartisan coalition putting this bill together, that the legislative process is working, the Senate is working its will, and now we are up against what could be a stone wall of resistance that is unjustified.

I hope we can move forward. We will find out with votes very shortly.

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. MCCONNELL. 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. MCCONNELL. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. 1751, with all first-degree amendments relevant to the bill.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, reserving the right to object, this is a very important piece of legislation. A significant majority of Senators on this side of the aisle want to do something about this legislation which is known as the class action legislation. But we are terribly disappointed with the procedure that has been used to get us to where we are. For example, Senator BREAUX has been one of our point people on this and has worked very hard to try to get the issues resolved. Everyone knows how fair he is and how he is the dealmaker here in the Senate.

For this and many other reasons, on behalf of many Senators on this side, we reluctantly object.

The PRESIDING OFFICER. Objection is heard.

CLOTURE MOTION

Mr. MCCONNELL. Mr. President, on behalf of the majority leader, I send a cloture motion to the desk to the pending motion to proceed.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to S. 1751, a bill to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes.

Bill Frist, Orrin G. Hatch, Charles Grassley, George Allen, Kay Bailey Hutchison, Rick Santorum, Susan M. Collins, Elizabeth Dole, Lindsey Graham of South Carolina, Wayne Allard, Pat Roberts, John Ensign, Thad Cochran, John Warner, Jon Kyl, John E. Sununu, Saxby Chambliss.

Mr. MCCONNELL. Mr. President, the vote on the motion to invoke cloture will occur on Wednesday of this week.

I now ask unanimous consent that the live quorum as required under rule XXII be waived.

Mr. REID. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that there be a period of morning business with Senators speaking for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

LVMPD VOLUNTEER PROGRAM

Mr. REID. Mr. President, I rise today to pay tribute to a group of people who are giving their time and energy to make southern Nevada a better place to live.

Like every other city in the Nation, the city of Las Vegas faces the challenge of providing essential services on a tight budget. And the most essential service of all is public safety.

This challenge is particularly difficult in the Las Vegas area, which is adding more than 6,000 new residents a month. While the national average is about 2.5 police officers for every thousand residents, we have only 1.7 officers per thousand in Clark County.

Simply put, we need more police officers in Las Vegas and Clark County. There is no easy answer to this problem—but fortunately there are hundreds of people who have become part of the solution.

The Las Vegas police department sponsors a Metro Volunteer Program that allows citizens to assist police officers in a variety of tasks, from assisting tourists to arranging for abandoned vehicles to be towed.

Some of these volunteers visit schools to present programs on safety and crime prevention, while others compile databases that are used to track crimes and solve cases.

For every hour that a volunteer performs one of these tasks, that is another hour that a sworn police officer is out on the street fighting crime.

Over the past year, 318 volunteers contributed more than 42,000 hours of service to the Las Vegas Metro Police Department. That is the equivalent of 21 full-time police officers on the street, who would not be there otherwise.

In this way, the Metro Volunteer Program is making our community safer. So I salute the volunteers on behalf of all of the citizens of Clark County. I also salute Sharon Harding, the coordinator of the Metro Volunteer Program, and Sheriff Bill Young, who is always looking for ways to better protect and serve the citizens of Clark County.

ELECTIONS IN AZERBAIJAN

Mr. MCCAIN. Mr. President, on October 15, citizens of Azerbaijan went to the polls to elect their next president. The months and days leading up to the election were characterized by extremely biased media attention for the pro-presidential Yeni Azerbaijan Party, YAP, and government-sponsored intimidation and harassment of the opposition parties. The U.S. Government and the OSCE expressed serious concern about the preelection environment to the highest levels of Azerbaijan's Government. Our advice went largely unheeded, and grave levels of government interference and intimidation continued through election day.

I traveled to Azerbaijan just before the election to meet with Azerbaijani political leaders to discuss these concerns. I told then-Prime Minister Ilham Aliyev in the clearest possible terms that the international community was carefully watching his actions and expected a democratic outcome. I also met with a range of opposition leaders and assured them that we shared their concerns and were working to encourage the government to hold elections consistent with internationally recognized standards.

On election day, the OSCE and U.S. government brought in over 600 international election observers and deployed them nationwide. Although a number of areas were peaceful and orderly, observers noted many violations of the new Unified Election Code, UEC. Violations included ballot stuffing, multiple voting, harassment at the polling station by authorities, incomplete voter lists, and a lack of regard for the procedural process of ballot tabulation.

The undemocratic and blatant disregard for the UEC in both the preelection period and on election day led to civil unrest in Baku as the final ballot counts were being made public. The night of the election and the following days showed citizens coming together in protest in large numbers in response to the election's failure to meet international standards. Reports continue to come in of severe and sometimes fatal violence against journalists and political activists. Not only has the government has not met its obligation to uphold law and order, but the government's security forces are largely responsible for the violence.

This presidential election was a chance for Azerbaijan to demonstrate its commitment to the democratic process. Despite the new election code, the ruling party chose to retain power at all costs and to ensure that its candidate received nothing short of an overwhelming victory. The United States will have to review its interest in deepening strategic relations with an Azerbaijani regime that does not enjoy the full legitimacy a free and fair election confers. We should step up American assistance to the democratic opposition in Azerbaijan and continue to work to deepen civil society as a bulwark against the state. The government in Baku must know that the United States values our relations with

the people of Azerbaijan but cannot turn a blind eye to an election that demonstrated such shortcomings, including state-directed violence against political opponents. Improved U.S.-Azerbaijan relations require a new commitment to political pluralism, and a rejection of political violence, on the part of a government that has failed this important test of democratic legitimacy.

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 my own backyard in Portland, OR. Early in the morning on Sunday, September 21, 2003, two men who identified themselves as skinheads, stabbed one African-American man and threatened another with a gun. Sadly, these two racially motivated crimes were committed by young men—both in their early twenties—with hate in their hearts.

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.

IN RECOGNITION OF PHILIP BONGIORNO

Mr. SPECTER. Mr. President, I rise today to recognize Philip Bongiorno, a Pennsylvania native and church leader of the Assemblies of God whose life work has been to serve the people of his state, of his country, and of the world.

Born in Erie, PA, on September 22, 1932, Reverend Bongiorno entered Eastern Bible Institute in Green Lane, PA, in 1951 and subsequently graduated in 1955. In 1952, Reverend Bongiorno married his wife of 51 years and began his ministry as an Assemblies of God evangelist.

Numerous Pennsylvania communities have been the beneficiaries of Reverend Bongiorno's dedicated service. From 1956 to 1978, he led congregations in Milesburg, Punxsutawney, Sarver, and Harrisburg. In 1961, colleagues recognized his leadership by electing Reverend Bongiorno as Sectional Presbyter. He was elected to the Board of Directors of Teen Challenge in 1971, where he continues to serve, and again in 1976 to the Board of Trustees of Valley Forge Christian College, the successor college of his alma mater. It was there that he faithfully served until 2002. In addition, Reverend Bongiorno, as District Superintendent, was the denominational leader from 1978 to 2002 for all English-speaking Assemblies of God congregations in Pennsylvania and Delaware.

In his honor, the Penn-Del District of the Assemblies of God has named its Carlisle, PA—based conference center after him and in recognition of his 26 years of service and leadership, the Valley Forge Christian College has affixed his name to the first new student residence hall constructed on the campus grounds.

Philip Bongiorno is honored today in the U.S. Senate because he has been faithful to his calling, he has served selflessly and widely, and he has led with distinction.

VOTE EXPLANATION

Mr. JOHNSON. Mr. President. I was unavoidably detained and absent from the Senate on the evening of Thursday, October 2, and I missed one voting during that time. I would like to state for the RECORD how I would have voted.

I would have voted ''nay'' on rollcall vote No. 376, a Stevens motion to table the Dodd-Corzine amendment which provided an additional $322 million for battlefield clearance and safety equipment for U.S. forces in Iraq; and offsets by reducing the amount provided for reconstruction in Iraq by $322 million.

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. VOINOVICH (for himself and Mr. DEWINE):

S. 1758. A bill to require the Secretary of the Treasury to analyze and report on the exchange rate policies of the People's Republic of China, and to require that additional tariffs be imposed on products of that country on the basis of the rate of manipulation by that country of the rate of exchange between the currency of that country and the United States dollar; to the Committee on Finance.

By Mr. BUNNING:

S. 1759. A bill to amend the Internal Revenue Code of 1986 to reduce the holding period to 12 months for purposes of determining whether horses are section 1231 assets; to the Committee on Finance.

By Mr. COLEMAN:

S. 1760. A bill to amend title 35, United States Code, with respect to patent fees, and for other purposes; to the Committee on the Judiciary.

By Ms. CANTWELL (for herself, Mr. SMITH, Mrs. MURRAY, Mrs. FEINSTEIN, and Mr. WYDEN):

S. 1761. A bill to provide guidelines for the release of Low-Income Home Energy Assistance Program contingency funds; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CRAPO (for himself, Mr. BAYH, and Mr. ROCKEFELLER):

S. 1762. A bill to amend title II of the social Security Act to eliminate the five-month waiting period in the disability insurance program, and for other purposes; to the Committee on Finance.

ADDITIONAL COSPONSORS

S. 59

At the request of Mr. INOUYE, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 59, a bill to amend title 10, United States Code, to permit former members of the Armed Forces who have a service-connected disability rated as total to travel on military aircraft in the same manner and to the same extent as retired members of the Armed Forces are entitled to travel on such aircraft.

S. 300

At the request of Mr. KERRY, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 300, a bill to award a congressional gold medal to Jackie Robinson (posthumously), in recognition of his many contributions to the Nation, and to express the sense of Congress that there should be a national day in recognition of Jackie Robinson.

S. 560

At the request of Mr. CRAIG, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 560 , a bill to impose tariff-rate quotas on certain casein and milk protein concentrates.

S. 854

At the request of Mr. COLEMAN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 854 , a bill to authorize a comprehensive program of support for victims of torture, and for other purposes.

S. 982

At the request of Mrs. BOXER, the names of the Senator from North Carolina (Mrs. DOLE) and the Senator from New Mexico (Mr. DOMENICI) were added as cosponsors of S. 982, a bill to halt Syrian support for terrorism, end its occupation of Lebanon, stop its development of weapons of mass destruction, cease its illegal importation of Iraqi oil, and hold Syria accountable for its role in the Middle East, and for other purposes.

S. 985

At the request of Mr. DODD, the name of the Senator from Pennsylvania (Mr. SPECTER) 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. 1180

At the request of Mr. SANTORUM, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 1180, a bill to amend the Internal Revenue Code of 1986 to modify the work opportunity credit and the welfare-to-work credit.

S. 1414

At the request of Mr. HAGEL, his name was added as a cosponsor of S.

1414, a bill to restore second amendment rights in the District of Columbia.

S. 1465

At the request of Mr. FRIST, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1465, a bill to authorize the President to award a gold medal on behalf of Congress honoring Wilma G. Rudolph, in recognition of her enduring contributions to humanity and women's athletics in the United States and the world.

S. 1531

At the request of Mr. HATCH, the names of the Senator from New Hampshire (Mr. SUNUNU), the Senator from Indiana (Mr. BAYH), the Senator from New Hampshire (Mr. GREGG) , the Senator from Montana (Mr. BAUCUS), the Senator from Florida (Mr. NELSON), the Senator from Maryland (Ms. MIKULSKI) and the Senator from Alaska (Ms. MURKOWSKI) 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. 1558

At the request of Mr. ALLARD, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 1558, a bill to restore religious freedoms.

S. 1612

At the request of Ms. COLLINS, the names of the Senator from Georgia (Mr. MILLER) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 1612, a bill to establish a technology, equipment, and information transfer within the Department of Homeland Security.

S. 1708

At the request of Mr. KENNEDY, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S . 1708, a bill to provide extended unemployment benefits to displaced workers, and to make other improvements in the unemployment insurance system.

S. 1751

At the request of Mr. CORNYN, his name was added as a cosponsor of S. 1751, a bill to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes.

S. 1756

At the request of Mr. CONRAD, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from Mississippi (Mr. LOTT) were added as cosponsors of S. 1756, a bill to amend the Internal Revenue Code of 1986 to protect the health benefits of retired miners and to restore stability and equity to the financing of the United Mine Workers of America Combined Benefit Fund by providing additional sources of revenue to the Fund, and for other purposes.

S. CON. RES. 21

At the request of Mr. BUNNING, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. Con. Res. 21, a concurrent resolution expressing the sense of the Congress that community inclusion and enhanced lives for individuals with mental retardation or other developmental disabilities is at serious risk because of the crisis in recruiting and retaining direct support professionals, which impedes the availability of a stable, quality direct support workforce.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. VOINOVICH (for himself and Mr. DEWINE):

S. 1758. A bill to require the Secretary of the Treasury to analyze and report on the exchange rate policies of the People's Republic of China, and to require that additional tariffs be imposed on products of that country on the basis of the rate of manipulation by that country of the rate of exchange between the currency of that country and the United States dollar; to the Committee on Finance.

Mr. VOINOVICH. Mr. President, today Senator DEWINE and I have introduced legislation that will help level the playing field for American manufacturers futilely struggling to keep pace with their Chinese competitors. My legislation, the Currency Harmonization Initiative Through Neutralizing Action (CHINA) Act of 2003, would allow for the use of tariffs to punish China for unfair trade practices that makes Chinese exports cheaper, in effect subsidizing them, and U.S. exports more expensive. Representatives ENGLISH, BALLENGER, and MARK GREEN, my colleagues on the other side of the Capitol, have already introduced this legislation in that body.

I am deeply concerned with the harm that the People's Republic of China (China) is doing to our economy by pegging the value of its currency, the renminbi, to the U.S. dollar because Ohio is a manufacturing State. Manufacturing contributes to the quality of life in Ohio by providing more than one million jobs for Ohio workers, an annual payroll of more than $45 billion, the second highest weekly earnings of any economic sector, support for local communities and schools with more than $1 billion in corporate franchise and personal property taxes, and more than $26 billion in products to more than 196 countries.

After a significant recession in 2001, the 2002–2003 manufacturing recovery has been the slowest on record; during this time, roughly 2.7 million jobs have been lost. In Ohio, we have lost 170,000 manufacturing jobs since July 2000—that's nearly 16 percent or one out of six. Over the past year, I have held numerous listening sessions throughout the State of Ohio to hear from these manufacturers and see what they attribute this loss of jobs to. Overwhelming, I have heard that China, and particularly its policy of pegging its currency to the dollar, is one of their top concerns and is costing Ohio manufacturing jobs. It is these concerns which have led me to introduce this legislation.

If the value of the renminbi is allowed to float freely, as the currencies of our other major trading partners do, it would reflect China's enormous trade surplus and increase significantly in value. China's systematic undervaluation of its currency makes its exports less expensive and puts U.S. workers at a severe disadvantage. This is both unfair and unacceptable.

I have long advocated free trade, provided it is fair trade. China's currency policy clearly tilts the international playing field against workers in Ohio and across the entire United states. This is unacceptable. As a major international trading nation, China's currency should be allowed to float and to have its value reflect its net trade positions with other nations. This is only fair.

My bill will help level the playing field by requiring the Secretary of the Treasury, within sixty days of enactment, to analyze and report to Congress whether China is manipulating its currency to achieve an advantage in trade. If the Secretary finds manipulation, the report to Congress will indicate the degree of manipulation against the dollar. Within thirty days after reporting manipulation to Congress, the Secretary is required to levy tariffs equal to the percentage of manipulation found. This is in addition to tariffs currently in place on Chinese imports.

Furthermore, the Treasury Secretary is directed to report to Congress thereafter on a yearly basis from date of enactment. Finally, the legislation expresses the sense of Congress that the Administration should pursue all means available (WTO, IMF and Sections 301–310 of the Trade ACt of 1974) to remedy China's currency manipulation.

If we are to stop the hemorrhaging of American manufacturing jobs, we must take strong measures to persuade China to abandon its peg policy and allow its currency to be set in the free and open marketplace. This is exactly what my legislation does.

I would ask that my colleagues, especially from those States that are feeling the effects of this manufacturing crisis deeply, support this legislation and consider cosponsoring it.

By Mr. COLEMAN:

S. 1760. A bill to amend title 35, United States Code, with respect to patent fees, and for other purposes; to the Committee on the Judiciary.

Mr. COLEMAN. Mr. President, I ask unanimous consent that the bill I introduce today to amend title 35, U.S. Code, to modernize patent and trademark fees, be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1760

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 ''United States Patent and Trademark Fee Modernization Act of 2003''.

SEC. 2. FEES FOR PATENT SERVICES.

(a) GENERAL PATENT FEES.—Section 41(a) of title 35, United States Code, is amended to read as follows:

''(a) GENERAL FEES.—The Director shall charge the following fees:

''(1) FILING AND BASIC NATIONAL FEES.—

''(A) On filing each application for an original patent, except for design, plant, or provisional applications, $300.

''(B) On filing each application for an original design patent, $200.

''(C) On filing each application for an original plant patent, $200.

''(D) On filing each provisional application for an original patent, $200.

''(E) On filing each application for the reissue of a patent, $300.

''(F) The basic national fee for each international application filed under the treaty defined in section 351(a) of this title entering the national stage under section 371 of this title, $300.

''(G) In addition, excluding any sequence listing or computer program listing filed in an electronic medium as prescribed by the Director, for any application the specification and drawings of which exceed 100 sheets of paper (or equivalent as prescribed by the Director if filed in an electronic medium), $250 for each additional 50 sheets of paper (or equivalent as prescribed by the Director if filed in an electronic medium) or fraction thereof.

''(2) EXCESS CLAIMS FEES.—In addition to the fee specified in paragraph (1)—

''(A) on filing or on presentation at any other time, $200 for each claim in independent form in excess of 3;

''(B) on filing or on presentation at any other time, $50 for each claim (whether dependent or independent) in excess of 20; and

''(C) for each application containing a multiple dependent claim, $360.

For the purpose of computing fees under this paragraph, a multiple dependent claim referred to in section 112 of this title or any claim depending therefrom shall be considered as separate dependent claims in accordance with the number of claims to which reference is made. The Director may by regulation provide for a refund of any part of the fee specified in this paragraph for any claim that is canceled before an examination on the merits, as prescribed by the Director, has been made of the application under section 131 of this title. Errors in payment of the additional fees under this paragraph may be rectified in accordance with regulations prescribed by the Director.

''(3) EXAMINATION FEES.—

''(A) For examination of each application for an original patent, except for design, plant, provisional, or international applications, $200.

''(B) For examination of each application for an original design patent, $130.

''(C) For examination of each application for an original plant patent, $160.

''(D) For examination of the national stage of each international application, $200.

''(E) For examination of each application for the reissue of a patent, $600.

The provisions of section 111(a)(3) of this title relating to the payment of the fee for filing the application shall apply to the payment of the fee specified in this paragraph with respect to an application filed under section 111(a) of this title. The provisions of section 371(d) of this title relating to the payment of the national fee shall apply to the payment of the fee specified in this paragraph with respect to an international application. The Director may by regulation provide for a refund of any part of the fee specified in this paragraph for any applicant who files a written declaration of express abandonment as prescribed by the Director before an examination has been made of the application under section 131 of this title, and for any applicant who provides a search report that meets the conditions prescribed by the Director.

''(4) ISSUE FEES.—

''(A) For issuing each original patent, except for design or plant patents, $1,400.

''(B) For issuing each original design patent, $800.

''(C) For issuing each original plant patent, $1,100.

''(D) For issuing each reissue patent, $1,400.

''(5) DISCLAIMER FEE.—On filing each disclaimer, $130.

''(6) APPEAL FEES.—

''(A) On filing an appeal from the examiner to the Board of Patent Appeals and Interferences, $500.

''(B) In addition, on filing a brief in support of the appeal, $500, and on requesting an oral hearing in the appeal before the Board of Patent Appeals and Interferences, $1,000.

''(7) REVIVAL FEES.—On filing each petition for the revival of an unintentionally abandoned application for a patent, for the unintentionally delayed payment of the fee for issuing each patent, or for an unintentionally delayed response by the patent owner in any reexamination proceeding, $1,500, unless the petition is filed under section 133 or 151 of this title, in which case the fee shall be $500.

''(8) EXTENSION FEES.—For petitions for 1-month extensions of time to take actions required by the Director in an application—

''(A) on filing a first petition, $120;

''(B) on filing a second petition, $330; and

''(C) on filing a third or subsequent petition, $570.''.

(b) PATENT MAINTENANCE FEES.—Section 41(b) of title 35, United States Code, is amended to read as follows:

''(b) MAINTENANCE FEES.—The Director shall charge the following fees for maintaining in force all patents based on applications filed on or after December 12, 1980:

''(1) 3 years and 6 months after grant, $900.

''(2) 7 years and 6 months after grant, $2,300.

''(3) 11 years and 6 months after grant, $3,800.

Unless payment of the applicable maintenance fee is received in the United States Patent and Trademark Office on or before the date the fee is due or within a grace period of 6 months thereafter, the patent will expire as of the end of such grace period. The Director may require the payment of a surcharge as a condition of accepting within such 6-month grace period the payment of an applicable maintenance fee. No fee may be established for maintaining a design or plant patent in force.''.

(c) PATENT SEARCH FEES.—Section 41(d) of title 35, United States Code, is amended to read as follows:

''(d) PATENT SEARCH AND OTHER FEES.—

''(1) PATENT SEARCH FEES.—(A) The Director shall charge a fee for the search of each application for a patent, except for provisional applications. The Director shall establish the fees charged under this paragraph to recover an amount not to exceed the estimated average cost to the Office of searching applications for patent either by acquiring a search report from a qualified search authority, or by causing a search by Office personnel to be made, of each application for patent.

''(B) For purposes of determining the fees to be established under this paragraph, the cost to the Office of causing a search of an application to be made by Office personnel shall be deemed to be—

''(i) $500 for each application for an original patent, except for design, plant, provisional, or international applications;

''(ii) $100 for each application for an original design patent;

''(iii) $300 for each application for an original plant patent;

''(iv) $500 for the national stage of each international application; and

''(v) $500 for each application for the reissue of a patent.

''(C) The provisions of section 111(a)(3) of this title relating to the payment of the fee for filing the application shall apply to the payment of the fee specified in this paragraph with respect to an application filed under section 111(a) of this title. The provisions of section 371(d) of this title relating to the payment of the national fee shall apply to the payment of the fee specified in this paragraph with respect to an international application.

''(D) The Director may by regulation provide for a refund of any part of the fee specified in this paragraph for any applicant who files a written declaration of express abandonment as prescribed by the Director before an examination has been made of the application under section 131 of this title, and for any applicant who provides a search report that meets the conditions prescribed by the Director.

''(E) For purposes of subparagraph (A), a 'qualified search authority' may not include a commercial entity unless—

''(i) the Director conducts a pilot program of limited scope, conducted over a period of not more than 18 months, which demonstrates that searches by commercial entities of the available prior art relating to the subject matter of inventions claimed in patent applications—

''(I) are accurate; and

''(II) meet or exceed the standards of searches conducted by and used by the Patent and Trademark Office during the patent examination process;

''(ii) the Director submits a report on the results of the pilot program to the Congress and the Patent Public Advisory Committee that includes—

''(I) a description of the scope and duration of the pilot program;

''(II) the identity of each commercial entity participating in the pilot program;

''(III) an explanation of the methodology used to evaluate the accuracy and quality of the search reports; and

''(IV) an assessment of the effects that the pilot program, as compared to searches conducted by the Patent and Trademark Office, had and will have on—

''(aa) patentability determinations;

''(bb) productivity of the Patent and Trademark Office;

''(cc) costs to the Patent and Trademark Office;

''(dd) costs to patent applicants; and

''(ee) other relevant factors;

''(iii) the Patent Public Advisory Committee reviews and analyzes the Director's report under clause (ii) and the results of the pilot program and submits a separate report on its analysis to the Director and the Congress that includes—

''(I) an independent evaluation of the effects that the pilot program, as compared to searches conducted by the Patent and Trademark Office, had and will have on the factors set forth in clause (ii)(IV); and

''(II) an analysis of the reasonableness, appropriateness, and effectiveness of the methods used in the pilot program to make the evaluations required under clause (ii)(IV); and

''(iv) the Congress does not, during the 1-year period beginning on the date on which the Patent Public Advisory Committee submits its report to the Congress under clause (iii), enact a law prohibiting searches by commercial entities of the available prior art relating to the subject matter of inventions claimed in patent applications.

''(2) OTHER FEES.—The Director shall establish fees for all other processing, services, or materials relating to patents not specified in this section to recover the estimated average cost to the Office of such processing, services, or materials, except that the Director shall charge the following fees for the following services:

''(A) For recording a document affecting title, $40 per property.

''(B) For each photocopy, $.25 per page.

''(C) For each black and white copy of a patent, $3.

The yearly fee for providing a library specified in section 12 of this title with uncertified printed copies of the specifications and drawings for all patents in that year shall be $50.''.

(d) ADJUSTMENTS.—Section 41(f) of title 35, United States Code, shall apply to the fees established under the amendments made by this section, beginning in fiscal year 2005.

(e) CONFORMING AMENDMENTS.—

(1) Section 41 of title 35, United States Code, is amended—

(A) in subsection (c), by striking ''(c)(1)'' and inserting ''(c) LATE PAYMENT OF FEES.—(1)'';

(B) in subsection (e), by striking ''(e)'' and inserting ''(e) WAIVERS OF CERTAIN FEES.—'';

(C) in subsection (f), by striking ''(f)'' and inserting ''(f) ADJUSTMENTS IN FEES.—'';

(D) in subsection (g), by striking ''(g)'' and inserting ''(g) EFFECTIVE DATES OF FEES.—'';

(E) in subsection (h), by striking ''(h)(1)'' and inserting ''(h) REDUCTIONS IN FEES FOR CERTAIN ENTITIES.—(1)''; and

(F) in subsection (i), by striking ''(i)(1)'' and inserting ''(i) SEARCH SYSTEMS.—(1)''.

(2) Section 119(e)(2) of title 35, United States Code, is amended by striking ''subparagraph (A) or (C) of''.

SEC. 3. ADJUSTMENT OF TRADEMARK FEES.

(a) FEE FOR FILING APPLICATION.—The fee under section 31(a) of the Trademark Act of 1946 (15 U.S.C. 1113(a)) for filing an electronic application for the registration of a trademark shall be $325. If the trademark application is filed on paper, the fee shall be $375. The Director may reduce the fee for filing an electronic application for the registration of a trademark to $275 for any applicant who prosecutes the application through electronic means under such conditions as may be prescribed by the Director. Beginning in fiscal year 2005, the provisions of the second and third sentences of section 31(a) of the Trademark Act of 1946 shall apply to the fees established under this section.

(b) REFERENCE TO TRADEMARK ACT OF 1946.—For purposes of this section, the ''Trademark Act of 1946'' refers to the Act entitled ''An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes.'', approved July 5, 1946 (15 U.S.C. 1051 et seq.).

SEC. 4. CORRECTION OF ERRONEOUS NAMING OF OFFICER.

(a) CORRECTION.—Section 13203(a) of the 21st Century Department of Justice Appropriations Authorization Act (Public Law 107–273; 116 Stat. 1902) is amended—

(1) in the subsection heading, by striking ''COMMISSIONER'' and inserting ''DIRECTOR''; and

(2) in paragraphs (1) and (2), by striking ''Commissioner'' each place it appears and inserting ''Director''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall be effective as of the date of the enactment of Public Law 107–273.

SEC. 5. PATENT AND TRADEMARK OFFICE FUNDING.

Section 42 of title 35, United States Code, is amended—

(1) in subsection (b), by striking ''Appropriation''; and

(2) in subsection (c), in the first sentence—

(A) by striking ''To the extent'' and all that follows through ''fees'' and inserting ''Fees''; and

(B) by striking ''shall be collected by and shall be available to the Director'' and inserting ''shall be collected by the Director and shall be available until expended''.

SEC. 6. EFFECTIVE DATE, APPLICABILITY, AND TRANSITIONAL PROVISION.

(a) EFFECTIVE DATE.—Except as provided in section 4 and this section, this Act and the amendments made by this Act shall take effect on October 1, 2003, or the date of the enactment of this Act, whichever is later.

(b) APPLICABILITY.—

(1)(A) Except as provided in subparagraphs (B) and (C), the amendments made by section 2 shall apply to all patents, whenever granted, and to all patent applications pending on or filed after the effective date set forth in subsection (a) of this section.

(B)(i) Except as provided in clause (ii), sections 41(a)(1), 41(a)(3), and 41(d)(1) of title 35, United States Code, as amended by this Act, shall apply only to—

(I) applications for patents filed under section 111(a) of title 35, United States Code, on or after the effective date set forth in subsection (a) of this section, and

(II) international applications entering the national stage under section 371 of title 35, United States Code, for which the basic national fee specified in section 41 of title 35, United States Code, was not paid before the effective date set forth in subsection (a) of this section.

(ii) Section 41(a)(1)(D) of title 35, United States Code as amended by this Act, shall apply only to applications for patent filed under section 111(b) of title 35, United States Code, before, on, or after the effective date set forth in subsection (a) of this section in which the filing fee specified in section 41 of title 35, United States Code, was not paid before the effective date set forth in subsection (a) of this section.

(C) Section 41(a)(2) of title 35, United States Code, as amended by this Act, shall apply only to the extent that the number of excess claims, after giving effect to any cancellation of claims, is in excess of the number of claims for which the excess claims fee specified in section 41 of title 35, United States Code, was paid before the effective date set forth in subsection (a) of this section.

(2) The amendments made by section 3 shall apply to all applications for the registration of a trademark filed or amended on or after the effective date set forth in subsection (a) of this section.

(c) TRANSITIONAL PROVISIONS.—

(1) SEARCH FEES.—During the period beginning on the effective date set forth in subsection (a) of this section and ending on the date on which the Director establishes search fees under the authority provided in section 41(d)(1) of title 35, United States Code, the Director shall charge—

(A) for the search of each application for an original patent, except for design, plant, provisional, or international application, $500;

(B) for the search of each application for an original design patent, $100;

(C) for the search of each application for an original plant patent, $300;

(D) for the search of the national stage of each international application, $500; and

(E) for the search of each application for the reissue of a patent, $500.

(2) TIMING OF FEES.—The provisions of section 111(a)(3) of title 35, United States Code, relating to the payment of the fee for filing the application shall apply to the payment of the fee specified in paragraph (1) with respect to an application filed under section 111(a) of title 35, United States Code. The provisions of section 371(d) of title 35, United States Code, relating to the payment of the national fee shall apply to the payment of the fee specified in paragraph (1) with respect to an international application.

(3) REFUNDS.—The Director may by regulation provide for a refund of any part of the fee specified in paragraph (1) for any applicant who files a written declaration of express abandonment as prescribed by the Director before an examination has been made of the application under section 131 of title 35, United States Code, and for any applicant who provides a search report that meets the conditions prescribed by the Director.

(d) EXISTING APPROPRIATIONS.—The provisions of any appropriation Act that make amounts available pursuant to section 42(c) of title 35, United States Code, and are in effect on the effective date set forth in subsection (a) shall cease to be effective on that effective date.

SEC. 7. DEFINITION.

In this Act, the term ''Director'' means the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

SEC. 8. CLERICAL AMENDMENT.

Subsection (c) of section 311 of title 35, United States Code, is amended by aligning the text with the text of subsection (a) of such section.

By Ms. CANTWELL (for herself, Mr. SMITH, Mrs. MURRAY, Mrs. FEINSTEIN, and Mr. WYDEN):

S. 1761. A bill to provide guidelines for the release of Low-Income Home Energy Assistance Program contingency funds; to the Committee on Health, Education, Labor, and Pensions.

Ms. CANTWELL. Mr. President, I rise today to introduce the Low-Income Home Energy Assistance Program (LIHEAP) Emergency Reform Act, which will put in place guidelines for the release of LIHEAP contingency funds.

The LIHEAP program, created in 1981, is the primary vehicle by which the Federal Government, through block grants to States, provides energy assistance to low-income families. I applaud the provisions contained in pending energy legislation that will raise the LIHEAP authorization from $2 billion to $3.4 billion for Fiscal Years 2004 through 2006. As in most parts of the country, demand for LIHEAP dollars far outpaces the supply in my home State of Washington, where, even when fully funded under the current authorization, only 19 percent of eligible families receive home energy assistance.

The legislation I'm introducing today, however, deals not with the

block-grant portion of the current program, in which allocations to States are determined via formula. Rather, it applies to the contingency fund, which was also authorized in 1981 ''to meet the additional home energy assistance needs of one or more States arising from a natural disaster or other emergency.'' As my colleagues are aware, this money is not released according to formula but solely at the discretion of the Health and Human Services Secretary.

The LIHEAP Emergency Reform Act does four things, designed to provide clarity to States that are in the unfortunate position of suffering from an emergency, as defined in the LIHEAP statute. My legislation: gives Governors the explicit authority to apply to the HHS Secretary for the release of LIHEAP contingency funds; adds transparency to the release of emergency money by directing HHS, in cooperation with the States and Department of Energy, to put in place procedures for the equitable consideration of these applications; requires HHS to include in these procedures the consideration of regional differences in sources of energy supply for low-income households, relative energy price trends and relevant weather-related factors such as drought; and finally, directs HHS to grant States' applications within 30 days unless the Secretary certifies that an emergency, as defined in the statute, has not been demonstrated.

Since 1990, a total of $2.67 billion in LIHEAP contingency funds have been distributed. And while there is no doubt in my mind that, in all cases, this money has helped meet the needs of low-income families across this Nation, I believe there have also been widely varying eligibility rules leading to instances in which HHS has overlooked very real energy emergencies.

In the Pacific Northwest, for example, we have over the past two years suffered from an unprecedented rise in retail energy rates, the burden of which has fallen disproportionately on low-income families. In fact, today, Washington State families at or below the 50 percent Federal poverty level spend 34 percent or more of their annual income on home energy bills. That is a huge burden, especially in view of our rising unemployment rate and the severe downturn in our economy.

Unfortunately, Northwest States have not received emergency LIHEAP funds consistent with their needs. In part, I believe this is because of the perception that our rates will, notwithstanding any increases we might suffer, always be lower, and because this money has traditionally been used to defray the costs of natural gas and home heating oil in the Midwest and Northeast.

This legislation requires HHS to consider regional factors such as the fact that home heating oil prices are not relevant to Washington State's low-income families, 77 percent of which have homes reliant on electricity.

In addition, it directs HHS to consider regional rather than absolute, price trends. This is a very important point, because, regardless of how low a State's prices might be compared to its neighbor's, a drastic run up in rates has devastating impacts when its manufacturing base, residential homes and truly its entire economy are built upon access to an affordable power supply.

In summary, LIHEAP Emergency Reform Act provides additional certainty to states across the country.

I understand that the Senate Health, Education, Labor and Pensions (HELP) Committee will soon consider legislation to reauthorize the LIHEAP program. As my colleagues may recall, the provisions of the LIHEAP Emergency Reform Act were originally included in the Senate energy bill, now the subject of conference committee deliberations. During floor debate on that bill, I was pleased that the distinguished Chairman and Ranking Member of the HELP Committee, Senators GREGG and KENNEDY, agreed to examine the contingency fund issue during reauthorization of the LIHEAP program. I believe that clear rules for the release of LIHEAP contingency funds will ensure that, in the unfortunate event of an energy emergency, low-income families will receive much-needed assistance in keeping the lights and the heat turned on, which is precisely what Congress intends when it appropriates money to the LIHEAP contingency fund. I believe the LIHEAP Emergency Reform Act will help provide this additional certainty.

AUTHORITY FOR COMMITTEES TO MEET

SPECIAL COMMITTEE ON AGING

Mr. HATCH. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet on Monday, October 20, 2003, from 1:30 p.m.–4 p.m., in Dirksen 628 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. HATCH. Mr. President, I ask unanimous consent the following staffers be granted privilege of the floor during the pendency of the class action fairness debate: Rebecca Seidel, Harold Kim, Ryan Triplette, Jay Greissing from Senator HATCH's staff; and Rita Lari and Matt Reed from Senator GRASSLEY's staff.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. I ask unanimous consent Lindsey Kiser and Chip Roy, members of my staff, be given floor privileges during the duration of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, I ask unanimous consent that Doug MacCleery, an employee of the Department of Agriculture who has been detailed to the Agriculture Committee, and Eric Steiner, a fellow on the committee staff, be granted privileges of the floor during today's session.

The PRESIDENT pro tempore. Without objection, it is so ordered.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR IRAQ AND AFGHANISTAN SECURITY AND RECONSTRUCTION ACT, 2004

On Friday, October 17, 2003, the Senate passed H.R. 3289, as amended, as follows:

H.R. 3289

Resolved, That the bill from the House of Representatives (H.R. 3289) entitled ''An Act making emergency supplemental appropriations for defense and for the reconstruction of Iraq and Afghanistan for the fiscal year ending September 30, 2004, and for other purposes.'', do pass with the following amendment:

Strike out all after the enacting clause and insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2003, and for other purposes, namely:

TITLE I—NATIONAL SECURITY

CHAPTER 1

DEPARTMENT OF DEFENSE

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for ''Military Personnel, Army'', $12,858,870,000.

MILITARY PERSONNEL, NAVY

For an additional amount for ''Military Personnel, Navy'', $816,100,000.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for ''Military Personnel, Marine Corps'', $753,190,000.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for ''Military Personnel, Air Force'', $3,384,700,000.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for ''Operation and Maintenance, Army'', $24,946,464,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 502 of House Concurrent Resolution 95, the concurrent resolution on the budget for fiscal year 2004: Provided further, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in House Concurrent Resolution 95, the concurrent resolution on the budget for fiscal year 2004, is transmitted by the President to the Congress.

OPERATION AND MAINTENANCE, NAVY

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Operation and Maintenance, Navy'', $1,976,258,000, of which up to $80,000,000 may be transferred to the Department of Homeland Security for Coast Guard Operations.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for ''Operation and Maintenance, Marine Corps'', $1,198,981,000.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for ''Operation and Maintenance, Air Force'', $5,516,368,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for ''Operation and Maintenance, Defense-Wide'', $4,218,452,000, of which—

(1) not to exceed $15,000,000 may be used for the CINC Initiative Fund account, to be used primarily in Iraq and Afghanistan; and

(2) $1,000,000,000, to remain available until expended, may be used, notwithstanding any other provision of law, for payments to reimburse Pakistan, Jordan, and other key cooperating nations, for logistical, military, and other support provided, or to be provided, to United States military operations: Provided, That such payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: Provided further, That the Secretary of Defense shall provide quarterly reports to the Committees on Appropriations on the use of these funds.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for ''Operation and Maintenance, Marine Corps Reserve'', $16,000,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for ''Operation and Maintenance, Air Force Reserve'', $53,000,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Air National Guard'', $214,000,000.

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

For an additional amount for ''Overseas Humanitarian, Disaster, and Civic Aid'', $35,500,000.

IRAQ FREEDOM FUND

(TRANSFER OF FUNDS)

For ''Iraq Freedom Fund'', $1,988,600,000, to remain available for transfer until September 30, 2005, for the purposes authorized under this heading in Public Law 108–11: Provided, That the Secretary of Defense may transfer the funds provided herein to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster Assistance, and Civic Aid; procurement; military construction; the Defense Health Program; and working capital funds: Provided further, That funds transferred shall be merged with and be available for the same purposes and for the same time period as the appropriation or fund to which transferred: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the Secretary of Defense shall, not fewer than 5 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer: Provided further, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation: Provided further, That not less than $4,000,000 shall be transferred to ''Office of the Inspector General'' for financial and performance audits of funds apportioned to the Department of Defense from the Iraq Relief and Reconstruction Fund.

PROCUREMENT

MISSILE PROCUREMENT, ARMY

For an additional amount for ''Missile Procurement, Army'', $6,200,000, to remain available until September 30, 2006.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for ''Procurement of Weapons and Tracked Combat Vehicles, Army'', $104,000,000, to remain available until September 30, 2006: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 502 of House Concurrent Resolution 95, the concurrent resolution on the budget for fiscal year 2004: Provided further, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in House Concurrent Resolution 95, the concurrent resolution on the budget for fiscal year 2004, is transmitted by the President to the Congress.

OTHER PROCUREMENT, ARMY

For an additional amount for ''Other Procurement, Army'', $1,078,687,000, to remain available until September 30, 2006: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 502 of House Concurrent Resolution 95, the concurrent resolution on the budget for fiscal year 2004: Provided further, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in House Concurrent Resolution 95, the concurrent resolution on the budget for fiscal year 2004, is transmitted by the President to the Congress.

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for ''Aircraft Procurement, Navy'', $128,600,000, to remain available until September 30, 2006.

OTHER PROCUREMENT, NAVY

For an additional amount for ''Other Procurement, Navy'', $76,357,000, to remain available until September 30, 2006.

PROCUREMENT, MARINE CORPS

For an additional amount for ''Procurement, Marine Corps'', $123,397,000, to remain available until September 30, 2006.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for ''Aircraft Procurement, Air Force'', $40,972,000, to remain available until September 30, 2006.

MISSILE PROCUREMENT, AIR FORCE

For an additional amount for ''Missile Procurement, Air Force'', $20,450,000, to remain available until September 30, 2006.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for ''Other Procurement, Air Force'', $3,441,006,000, to remain available until September 30, 2006.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for ''Procurement, Defense-Wide'', $435,635,000, to remain available until September 30, 2006.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for ''Research, Development, Test and Evaluation, Navy'', $34,000,000, to remain available until September 30, 2005.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for ''Research, Development, Test and Evaluation, Air Force'', $39,070,000, to remain available until September 30, 2005.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for ''Research, Development, Test and Evaluation, Defense-Wide'', $265,817,000, to remain available until September 30, 2005.

REVOLVING AND MANAGEMENT FUNDS

WORKING CAPITAL FUND, DEFENSE-WIDE

For an additional amount for ''Working Capital Fund, Defense-Wide'', $600,000,000.

NATIONAL DEFENSE SEALIFT FUND

For an additional amount for ''National Defense Sealift Fund'', $24,000,000, to remain available until expended.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for ''Defense Health Program'', $658,380,000 for Operation and maintenance.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

For an additional amount for ''Drug Interdiction and Counter-Drug Activities, Defense'', $73,000,000: Provided, That these funds may be used only for such activities related to Afghanistan: Provided further, That the Secretary of Defense may transfer the funds provided herein only to appropriations for military personnel; operation and maintenance; procurement; and research, development, test, and evaluation: Provided further, That the funds transferred shall be merged with and be available for the same purposes and for the same time period, as the appropriation to which transferred: Provided further, That the transfer authority provided in this paragraph is in addition to any other transfer authority available to the Department of Defense: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

RELATED AGENCIES

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Intelligence Community Management Account'', $21,500,000, to remain available until September 30, 2005; of which $3,000,000 may be transferred to and merged with the Department of Energy, ''Other Defense Activities'', and $15,500,000 may be transferred to and merged with the Federal Bureau of Investigation, ''Salaries and Expenses''.

CHAPTER 2

MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, ARMY

For an additional amount for '''Military Construction, Army'', $119,900,000, to remain available until September 30, 2008: Provided, That such funds may be obligated and expended to carry out military construction projects not otherwise authorized by law.

MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for ''Military Construction, Air Force'', $292,550,000, to remain available until September 30, 2008: Provided, That such funds may be obligated and expended to carry out military construction projects not otherwise authorized by law.

CHAPTER 3

GENERAL PROVISIONS, THIS TITLE

SEC. 301. Section 202(b) of the Afghanistan Freedom Support Act of 2002 (Public Law 107–327) is amended by striking ''$300,000,000'' and inserting ''$450,000,000''.

SEC. 302. Upon his determination that such action is necessary in the national interest, the

Secretary of Defense may transfer between appropriations up to $2,500,000,000 of the funds made available in this title, and in addition such funds as necessary, not to exceed $5,000,000,000, as approved by the House and Senate Appropriations Committees, Subcommittees on Defense: Provided, That the Secretary shall notify the Congress promptly of each transfer made pursuant to this authority: Provided further, That the transfer authority provided in this section is in addition to any other transfer authority available to the Department of Defense: Provided further, That the authority in this section is subject to the same terms and conditions as the authority provided in section 8005 of the Department of Defense Appropriations Act, 2004.

SEC. 303. Funds appropriated in this title, or made available by transfer of funds in or pursuant to this title, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414).

SEC. 304. None of the funds available to the Department of Defense may be obligated to implement any action which alters the command responsibility or permanent assignment of forces until 90 days after such plan has been provided to the congressional defense committees.

SEC. 305. Sections 1318 and 1319 of Public Law 108–11 shall remain in effect during fiscal year 2004.

SEC. 306. From October 1, 2003 through September 30, 2004, (a) the rates of pay authorized by section 310(a) of title 37, United States Code, shall be increased to $225; and (b) the rates of pay authorized by section 427(a)(1) of title 37, United States Code, shall be increased to $250.

SEC. 307. (a) Section 1313 of Public Law 108–11 is amended by adding the word, ''unobligated'', before ''balances''.

(b) After October 31, 2003, adjustments to obligations that would have been properly chargeable to the Defense Emergency Response Fund shall be charged to any current appropriation account of the Department of Defense available for the same purpose.

SEC. 308. Within 30 days after the enactment of this Act, the Secretary of Defense shall report to the Committees on Appropriations on progress to implement the terms of section 8082 of the Department of Defense Appropriations Act, 2004.

SEC. 309. None of the funds provided in this title may be used to finance programs or activities denied by Congress in fiscal year 2003 or 2004 appropriations to the Department of Defense or to initiate a procurement or research, development, test and evaluation new start program without prior notification to the congressional defense committees.

SEC. 310. During the current fiscal year, funds available to the Department of Defense for operation and maintenance may be used, notwithstanding any other provision of law, to provide supplies, services, transportation, including airlift and sealift, and other logistical support to coalition forces supporting military and stability operations in Iraq: Provided, That the Secretary of Defense shall provide quarterly reports to the Committees on Appropriations regarding support provided under this section.

SEC. 311. Notwithstanding any other provision of law, from funds available to the Department of Defense for operation and maintenance in fiscal year 2004, not to exceed $200,000,000 may be used by the Secretary of Defense, with the concurrence of the Secretary of State, to provide assistance only to the New Iraqi Army and the Afghan National Army to enhance their capability to combat terrorism and to support U.S. military operations in Iraq and Afghanistan: Provided, That such assistance may include the provision of equipment, supplies, services, training and funding: Provided further, That the authority to provide assistance under this section is in addition to any other authority to provide assistance to foreign nations: Provided further, That the Secretary of Defense shall notify Congress not less than 15 days before providing assistance under the authority of this section.

SEC. 312. (a) REPORT ON MILITARY READINESS IMPLICATIONS OF OPERATION IRAQI FREEDOM.—

(1) The Secretary of Defense shall submit to the congressional defense committees a report assessing the implications for United States military readiness of the participation of United States ground combat forces in Operation Iraqi Freedom.

(2) The report shall be submitted not later than 30 days after the date of the enactment of this Act.

(b) MATTERS TO BE INCLUDED.—The report under subsection (a) shall include the following:

(1) An estimate of the total number of forces required to carry out Operation Iraqi Freedom, including forces required for a rotation base.

(2) An estimate of the expected duration of the operation.

(3) An estimate of the cost of the operation together with an explanation of how the Secretary will use the funds provided for the operation, and an assessment of how such proposed funding plan would affect overall military readiness.

(4) An assessment of how readily forces participating in the operation could be redeployed to additional overlapping major conflicts while providing for the President the option to call for victory in one of those conflicts, as well as to conduct a limited number of smaller-scale contingency operations, including an analysis of the availability of strategic lift, the likely condition of equipment, and the extent of retraining necessary to facilitate such a redeployment.

(5) An assessment of the effect of the operation on the general combat readiness and deployability of combat units to defend the homeland and for the Global War on Terrorism.

(6) An assessment of the effect of the operation on the four 2001 Quadrennial Defense Review defense policy goals, namely assuring allies and friends, dissuading future military competitors, deterring threats and coercion against United States interests and, if deterrence fails, decisively defeating any adversary.

(7) An assessment of the effect the operation would have on the general combat readiness and deployability of combat units not designated to be part of the operation including active forces, reserve, and National Guard.

(8) For current deployment and subsequent rotations, an assessment of the number and type of combat support and combat service support units required from active forces, reserve, and National Guard, and the expected duration of each rotation.

(9) An assessment of the degree to which the operation will require the use of reserve component units and personnel and the use and timing of involuntary Selected Reserve callup authority as provided by section 12304 of title 10, United States Code.

(10) An assessment of the anticipated annual cost of equipment refurbishment and replacement resulting from the operation.

(11) An assessment of how the increased operational tempo associated with the operation would affect the mission capable readiness rates and overall health of both strategic and theater airlift assets.

(12) An assessment of the effect the operation will have on the ability of the United States Armed Forces, including the active forces, reserve, and National Guard, to meet recruiting goals.

(13) An assessment of the effect of the operation on training infrastructure and instrumentation of United States training ranges, including the active forces, reserve, and National Guard.

(14) An assessment of the effect the operation will have on retention among active forces, reserve, and National Guard.

(15) An assessment of the effect of the operation on quality of life issues for active forces, reserve, and National Guard.

(c) FORM OF REPORT.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(d) CONGRESSIONAL DEFENSE COMMITTEES DEFINED.—In this section, the term ''congressional defense committees'' means—

(1) the Committees on Armed Services and Appropriations of the Senate; and

(2) the Committees on Armed Services and Appropriations of the House of Representatives.

SEC. 313. (a) Section 1075 of title 10, United States Code, is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''When''; and

(2) by striking the second sentence and inserting the following:

''(b) EXCEPTIONS.—Subsection (a) shall not apply to any of the following:

''(1) An enlisted member, or former enlisted member, of a uniformed service who is entitled to retired or retainer pay or equivalent pay.

''(2) An officer or former officer of a uniformed service, or an enlisted member or former enlisted member of a uniformed service not described in paragraph (1), who is hospitalized under section 1074 of this title because of an injury or disease incurred (as determined under criteria prescribed by the Secretary of Defense)—

''(A) as a direct result of armed conflict;

''(B) while engaged in hazardous service;

''(C) in the performance of duty under conditions simulating war; or

''(D) through an instrumentality of war.''.

(b) Section 1075(b) of title 10, United States Code, as added by subsection (a), shall take effect as of September 11, 2001, and shall apply with respect to injuries or diseases incurred on or after that date.

SEC. 314. (a) TRANSFER AUTHORITY.—Subject to subsection (b), the Secretary of Defense may transfer not more than $150,000,000 of the funds appropriated in this title to the contingency construction account, authorized under section 2804 of title 10, United States Code, to carry out military construction projects not otherwise authorized by law. Funds so transferred shall be merged with and be available for the same purposes and the same time period as the appropriation to which transferred. The transfer authority under this section is in addition to any other transfer authority available to the Department of Defense.

(b) CONDITIONS ON TRANSFER.—A transfer of funds under subsection (a) may not be made until the end of the 7-day period beginning on the date the Secretary of Defense submits written notice to the appropriate committees of Congress certifying that the transfer is necessary to respond to, or protect against, acts or threatened acts of terrorism or to support Department of Defense operations in Iraq, and specifying the amounts and purposes of the transfer, including a list of proposed projects and their estimated costs.

(c) NOTICE OF OBLIGATIONS.—Notwithstanding section 2804(b) of title 10, United States Code, when a decision is made to carry out a military construction project using funds transferred to the contingency construction account under subsection (a), the Secretary of Defense shall submit written notice to the appropriate committees of Congress no later than 15 days after the obligation of the funds for the project, specifying the source of the transferred funds and the estimated cost of the project, including form 1391.

(d) DEFINITIONS.—For purposes of this section, the terms ''appropriate committees of Congress'', ''military construction'', and ''military installation'' have the meanings given such terms in section 2801 of title 10, United States Code, except that, with respect to military construction in a foreign country, the term ''military installation'' includes not only buildings, structures, and other improvements to real property under the operational control of the Secretary of a military department or the Secretary of Defense, but also any building, structure, or other improvement to real property to be used by the Armed Forces, regardless of whether such

use is anticipated to be temporary or of longer duration; and further excepting that ''appropriate committees of Congress'' shall include the Subcommittees on Military Construction of the Committees on Appropriations of the Senate and House of Representatives.

SEC. 315. COMMENDING THE ARMED FORCES FOR EFFORTS IN OPERATION ENDURING FREEDOM AND OPERATION IRAQI FREEDOM. (a) PURPOSE.—Recognizing and commending the members of the United States Armed Forces and their leaders, and the allies of the United States and their armed forces, who participated in Operation Enduring Freedom in Afghanistan and Operation Iraqi Freedom in Iraq and recognizing the continuing dedication of military families and employers and defense civilians and contractors and the countless communities and patriotic organizations that lent their support to the Armed Forces during those operations.

(b) FINDINGS.—The Senate finds that—

(1) the September 11, 2001, terrorist attacks on the United States, which killed thousands of people from the United States and other countries in New York, Virginia, and Pennsylvania, inaugurated the Global War on Terrorism;

(2) the intelligence community quickly identified Al Qaeda as a terrorist organization with global reach and the President determined that United States national security required the elimination of the Al Qaeda terrorist organization;

(3) the Taliban regime of Afghanistan had long harbored Al Qaeda, providing members of that organization a safe haven from which to attack the United States and its friends and allies, and the refusal of that regime to discontinue its support for international terrorism and surrender Al Qaeda's leaders to the United States made it a threat to international peace and security;

(4) Saddam Hussein and his regime's longstanding sponsorship of international terrorism, active pursuit of weapons of mass destruction, use of such weapons against Iraq's own citizens and neighboring countries, aggression against Iraq's neighbors, and brutal repression of Iraq's population made Saddam Hussein and his regime a threat to international peace and security;

(5) the United States pursued sustained diplomatic, political, and economic efforts to remove those threats peacefully;

(6) on October 7, 2001, the Armed Forces of the United States and its coalition allies launched military operations in Afghanistan, designated as Operation Enduring Freedom, that quickly caused the collapse of the Taliban regime, the elimination of Afghanistan's terrorist infrastructure, and the capture of significant and numerous members of Al Qaeda;

(7) on March 19, 2003, the Armed Forces of the United States and its coalition allies launched military operations, designated as Operation Iraqi Freedom, that quickly caused the collapse of Saddam Hussein's regime, the elimination of Iraq's terrorist infrastructure, the end of Iraq's illicit and illegal programs to acquire weapons of mass destruction, and the capture of significant international terrorists;

(8) in those two campaigns in the Global War on Terrorism, as of September 27, 2003, nearly 165,000 members of the United States Armed Forces, comprised of active, reserve, and National Guard members and units, had mobilized for Operation Enduring Freedom and Operation Iraqi Freedom;

(9) success in those two campaigns in the Global War on Terrorism would not have been possible without the dedication, courage, and service of the members of the United States Armed Forces and the military and irregular forces of the friends and allies of the United States;

(10) the support, love, and commitment from the families of United States service personnel participating in those two operations, as well as that of the communities and patriotic organizations which provided support through the United Services Organization (USO), Operation Dear Abby, and Operation UpLink, helped to sustain those service personnel and enabled them to eliminate significant threats to United States national security while liberating oppressed peoples from dictatorial regimes;

(11) the civilian employees of the Department of Defense, through their hard work and dedication, enabled United States military forces to quickly and effectively achieve the United States military missions in Afghanistan and Iraq;

(12) the commitment of companies making their employees available for military service, the creativity and initiative of contractors equipping the Nation's Armed Forces with the best and most modern equipment, and the ingenuity of service companies assisting with the global overseas deployment of the Armed Forces demonstrates that the entrepreneurial spirit of the United States is an extraordinarily valuable defense asset; and

(13) the Nation should pause to recognize with appropriate tributes and days of remembrance the sacrifice of those members of the Armed Forces who died or were wounded in Operation Enduring Freedom and Operation Iraqi Freedom, as well as all who served in or supported either of those operations.

(c) SENSE OF THE SENATE.—It is the sense of the Senate that the Senate—

(1) conveys its deepest sympathy and condolences to the families and friends of the members of United States and coalition forces who have been injured, wounded, or killed during Operation Enduring Freedom and Operation Iraqi Freedom;

(2) commends President George W. Bush, Secretary of Defense Donald H. Rumsfeld, and United States Central Command commander General Tommy Franks, United States Army, for their planning and execution of enormously successful military campaigns in Operation Enduring Freedom and Operation Iraqi Freedom;

(3) expresses its highest commendation and most sincere appreciation to the members of the United States Armed Forces who participated in Operation Enduring Freedom and Operation Iraqi Freedom;

(4) commends the Department of Defense civilian employees and the defense contractor personnel whose skills made possible the equipping of the greatest armed force in the annals of modern military endeavor;

(5) supports the efforts of communities across the Nation—

(A) to prepare appropriate homecoming ceremonies to honor and welcome home the members of the Armed Forces participating in Operation Enduring Freedom and Operation Iraqi Freedom and to recognize their contributions to United States homeland security and to the Global War on Terrorism; and

(B) to prepare appropriate ceremonies to commemorate with tributes and days of remembrance the service and sacrifice of those service members killed or wounded during those operations;

(6) expresses the deep gratitude of the Nation to the 21 steadfast allies in Operation Enduring Freedom and to the 49 coalition members in Operation Iraqi Freedom, especially the United Kingdom, Australia, and Poland, whose forces, support, and contributions were invaluable and unforgettable; and

(7) recommits the United States to ensuring the safety of the United States homeland, to preventing weapons of mass destruction from reaching the hands of terrorists, and to helping the people of Iraq and Afghanistan build free and vibrant democratic societies.

SEC. 316. (a) In addition to other purposes for which funds in the Iraq Freedom Fund are available, such funds shall also be available for reimbursing a member of the Armed Forces for the cost of air fare incurred by the member for any travel by the member within the United States that is commenced during fiscal year 2003 or fiscal year 2004 and is completed during either such fiscal year while the member is on rest and recuperation leave from deployment overseas in support of Operation Iraqi Freedom and Operation Enduring Freedom, but only for one round trip by air between two locations within the United States.

(b) It is the sense of Congress that the commercial airline industry should, to the maximum extent practicable, charge members of the Armed Forces on rest and recuperation leave as described in subsection (a) and their families specially discounted, lowest available fares for air travel in connection with such leave and that any restrictions and limitations imposed by the airlines in connection with the air fares charged for such travel should be minimal.

SEC. 317. (a) Section 1074a of title 10, United States Code, is amended by adding at the end the following new subsection:

''(f)(1) At any time after the Secretary concerned notifies members of the Ready Reserve that the members are to be called or ordered to active duty, the administering Secretaries may provide to each such member any medical and dental screening and care that is necessary to ensure that the member meets the applicable medical and dental standards for deployment.

''(2) The Secretary concerned shall promptly transmit to each member of the Ready Reserve eligible for screening and care under this subsection a notification of eligibility for such screening and care.

''(3) A member provided medical or dental screening or care under paragraph (1) may not be charged for the screening or care.

''(4) Screening and care may not be provided under this section after September 30, 2004.''.

(b) The benefits provided under the amendment made by subsection (a) shall be provided only within funds available under this Act.

SEC. 318. (a) Chapter 55 of title 10, United States Code, is amended by inserting after section 1076a the following new section:

''§ 1076b. TRICARE program: coverage for members of the Ready Reserve

''(a) ELIGIBILITY.—Each member of the Selected Reserve of the Ready Reserve and each member of the Individual Ready Reserve described in section 10144(b) of this title is eligible, subject to subsection (h), to enroll in TRICARE and receive benefits under such enrollment for any period that the member—

''(1) is an eligible unemployment compensation recipient; or

''(2) is not eligible for health care benefits under an employer-sponsored health benefits plan.

''(b) TYPES OF COVERAGE.—(1) A member eligible under subsection (a) may enroll for either of the following types of coverage:

''(A) Self alone coverage.

''(B) Self and family coverage.

''(2) An enrollment by a member for self and family covers the member and the dependents of the member who are described in subparagraph (A), (D), or (I) of section 1072(2) of this title.

''(c) OPEN ENROLLMENT PERIODS.—The Secretary of Defense shall provide for at least one open enrollment period each year. During an open enrollment period, a member eligible under subsection (a) may enroll in the TRICARE program or change or terminate an enrollment in the TRICARE program.

''(d) SCOPE OF CARE.—(1) A member and the dependents of a member enrolled in the TRICARE program under this section shall be entitled to the same benefits under this chapter as a member of the uniformed services on active duty or a dependent of such a member, respectively.

''(2) Section 1074(c) of this title shall apply with respect to a member enrolled in the TRICARE program under this section.

''(e) PREMIUMS.—(1) The Secretary of Defense shall charge premiums for coverage pursuant to

enrollments under this section. The Secretary shall prescribe for each of the TRICARE program options a premium for self alone coverage and a premium for self and family coverage.

''(2) The monthly amount of the premium in effect for a month for a type of coverage under this section shall be the amount equal to 28 percent of the total amount determined by the Secretary on an appropriate actuarial basis as being reasonable for the coverage.

''(3) The premiums payable by a member under this subsection may be deducted and withheld from basic pay payable to the member under section 204 of title 37 or from compensation payable to the member under section 206 of such title. The Secretary shall prescribe the requirements and procedures applicable to the payment of premiums by members not entitled to such basic pay or compensation.

''(4) Amounts collected as premiums under this subsection shall be credited to the appropriation available for the Defense Health Program Account under section 1100 of this title, shall be merged with sums in such Account that are available for the fiscal year in which collected, and shall be available under subparagraph (B) of such section for such fiscal year.

''(f) OTHER CHARGES.—A person who receives health care pursuant to an enrollment in a TRICARE program option under this section, including a member who receives such health care, shall be subject to the same deductibles, copayments, and other nonpremium charges for health care as apply under this chapter for health care provided under the same TRICARE program option to dependents described in subparagraph (A), (D), or (I) of section 1072(2) of this title.

''(g) TERMINATION OF ENROLLMENT.—(1) A member enrolled in the TRICARE program under this section may terminate the enrollment only during an open enrollment period provided under subsection (c), except as provided in subsection (h).

''(2) An enrollment of a member for self alone or for self and family under this section shall terminate on the first day of the first month beginning after the date on which the member ceases to be eligible under subsection (a).

''(3) The enrollment of a member under this section may be terminated on the basis of failure to pay the premium charged the member under this section.

''(h) RELATIONSHIP TO TRANSITION TRICARE COVERAGE UPON SEPARATION FROM ACTIVE DUTY.—(1) A member may not enroll in the TRICARE program under this section while entitled to transitional health care under subsection (a) of section 1145 of this title or while authorized to receive health care under subsection (c) of such section.

''(2) A member who enrolls in the TRICARE program under this section within 90 days after the date of the termination of the member's entitlement or eligibility to receive health care under subsection (a) or (c) of section 1145 of this title may terminate the enrollment at any time within one year after the date of the enrollment.

''(i) CERTIFICATION OF NONCOVERAGE BY OTHER HEALTH BENEFITS PLAN.—The Secretary of Defense may require a member to submit any certification that the Secretary considers appropriate to substantiate the member's assertion that the member is not covered for health care benefits under any other health benefits plan.

''(j) ELIGIBLE UNEMPLOYMENT COMPENSATION RECIPIENT DEFINED.—In this section, the term 'eligible unemployment compensation recipient' means, with respect to any month, any individual who is determined eligible for any day of such month for unemployment compensation under State law (as defined in section 205(9) of the Federal-State Extended Unemployment Compensation Act of 1970), including Federal unemployment compensation laws administered through the State.

''(k) REGULATIONS.—The Secretary of Defense, in consultation with the other administering Secretaries, shall prescribe regulations for the administration of this section.

''(l) TERMINATION OF AUTHORITY.—An enrollment in TRICARE under this section may not continue after September 30, 2004.''.

(b) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1076a the following new item:

''1076b. TRICARE program: coverage for members of the Ready Reserve.''.

(c) The benefits provided under section 1076b of title 10, United States Code (as added by subsection (a)), shall be provided only within funds available under this Act.

SEC. 319. (a)(1) Chapter 55 of title 10, United States Code, is amended by inserting after section 1078a the following new section:

''§ 1078b. Continuation of non-TRICARE health benefits plan coverage for certain Reserves called or ordered to active duty and their dependents

''(a) PAYMENT OF PREMIUMS.—The Secretary concerned shall pay the applicable premium to continue in force any qualified health benefits plan coverage for an eligible reserve component member for the benefits coverage continuation period if timely elected by the member in accordance with regulations prescribed under subsection (j).

''(b) ELIGIBLE MEMBER.—A member of a reserve component is eligible for payment of the applicable premium for continuation of qualified health benefits plan coverage under subsection (a) while serving on active duty pursuant to a call or order issued under a provision of law referred to in section 101(a)(13)(B) of this title during a war or national emergency declared by the President or Congress.

''(c) QUALIFIED HEALTH BENEFITS PLAN COVERAGE.—For the purposes of this section, health benefits plan coverage for a member called or ordered to active duty is qualified health benefits plan coverage if—

''(1) the coverage was in force on the date on which the Secretary notified the member that issuance of the call or order was pending or, if no such notification was provided, the date of the call or order;

''(2) on such date, the coverage applied to the member and dependents of the member described in subparagraph (A), (D), or (I) of section 1072(2) of this title; and

''(3) the coverage has not lapsed.

''(d) APPLICABLE PREMIUM.—The applicable premium payable under this section for continuation of health benefits plan coverage in the case of a member is the amount of the premium payable by the member for the coverage of the member and dependents.

''(e) MAXIMUM AMOUNT.—The total amount that the Department of Defense may pay for the applicable premium of a health benefits plan for a member under this section in a fiscal year may not exceed the amount determined by multiplying—

''(1) the sum of one plus the number of the member's dependents covered by the health benefits plan, by

''(2) the per capita cost of providing TRICARE coverage and benefits for dependents under this chapter for such fiscal year, as determined by the Secretary of Defense.

''(f) BENEFITS COVERAGE CONTINUATION PERIOD.—The benefits coverage continuation period under this section for qualified health benefits plan coverage in the case of a member called or ordered to active duty is the period that—

''(1) begins on the date of the call or order; and

''(2) ends on the earlier of—

''(A) the date on which the member's eligibility for transitional health care under section 1145(a) of this title terminates under paragraph (3) of such section;

''(B) the date on which the member elects to terminate the continued qualified health benefits plan coverage of the dependents of the member; or

''(C) September 30, 2004.

''(g) EXTENSION OF PERIOD OF COBRA COVERAGE.—Notwithstanding any other provision of law—

''(1) any period of coverage under a COBRA continuation provision (as defined in section 9832(d)(1) of the Internal Revenue Code of 1986) for a member under this section shall be deemed to be equal to the benefits coverage continuation period for such member under this section; and

''(2) with respect to the election of any period of coverage under a COBRA continuation provision (as so defined), rules similar to the rules under section 4980B(f)(5)(C) of such Code shall apply.

''(h) NONDUPLICATION OF BENEFITS.—A dependent of a member who is eligible for benefits under qualified health benefits plan coverage paid on behalf of a member by the Secretary concerned under this section is not eligible for benefits under the TRICARE program during a period of the coverage for which so paid.

''(i) REVOCABILITY OF ELECTION.—A member who makes an election under subsection (a) may revoke the election. Upon such a revocation, the member's dependents shall become eligible for benefits under the TRICARE program as provided for under this chapter.

''(j) REGULATIONS.—The Secretary of Defense shall prescribe regulations for carrying out this section. The regulations shall include such requirements for making an election of payment of applicable premiums as the Secretary considers appropriate.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1078a the following new item:

''1078b. Continuation of non-TRICARE health benefits plan coverage for certain Reserves called or ordered to active duty and their dependents.''.

(b) Section 1078b of title 10, United States Code (as added by subsection (a)), shall apply with respect to calls or orders of members of reserve components of the Armed Forces to active duty as described in subsection (b) of such section, that are issued by the Secretary of a military department before, on, or after the date of the enactment of this Act, but only with respect to qualified health benefits plan coverage (as described in subsection (c) of such section) that is in effect on or after the date of the enactment of this Act.

(c) The benefits provided under section 1078b of title 10, United States Code (as added by subsection (a)), shall be provided only within funds available under this Act.

SEC. 320. (a) Section 1074 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(d)(1) For the purposes of this chapter, a member of a reserve component of the armed forces who is issued a delayed-effective-date active-duty order, or is covered by such an order, shall be treated as being on active duty for a period of more than 30 days beginning on the later of the date that is—

''(A) the date of the issuance of such order; or

''(B) 90 days before date on which the period of active duty is to commence under such order for that member.

''(2) In this subsection, the term 'delayed-effective-date active-duty order' means an order to active duty for a period of more than 30 days in support of a contingency operation under a provision of law referred to in section 101(a)(13)(B) of this title that provides for active-duty service to begin under such order on a date after the date of the issuance of the order.

''(3) This section shall cease to be effective on September 30, 2004.''.

(b) The benefits provided under the amendment made by subsection (a) shall be provided only within funds available under this Act.

SEC. 321. (a) Subject to subsection (b), during the period beginning on the date of the enactment of this Act and ending on September 30, 2004, section 1145(a) of title 10, United States Code, shall be administered by substituting for paragraph (3) the following:

''(3) Transitional health care for a member under subsection (a) shall be available for 180 days beginning on the date on which the member is separated from active duty.''.

(b)(1) Subsection (a) shall apply with respect to separations from active duty that take effect on or after the date of the enactment of this Act.

(2) Beginning on October 1, 2004, the period for which a member is provided transitional health care benefits under section 1145(a) of title 10, United States Code, shall be adjusted as necessary to comply with the limits provided under paragraph (3) of such section.

(c) The benefits provided under the amendment made by subsection (a) shall be provided only within funds available under this Act.

SEC. 322. (a) Of the funds provided in this title under the heading ''IRAQ FREEDOM FUND'' up to $191,100,000 be available for the procurement of Up-Armored High Mobility Multipurpose Wheeled Vehicles in addition to the number of such vehicles for which funds are provided within the amount specified under such heading.

(b) The Secretary of the Army shall reevaluate the requirements of the Army for armored security vehicles and the options available to the Army for procuring armored security vehicles to meet the validated requirements.

SEC. 323. (a) Of the amounts appropriated by chapter 1 of this title under the heading ''OPERATION AND MAINTENANCE, ARMY'' and available for the operating expenses of the Coalition Provisional Authority (CPA), $10,000,000 shall be available for the establishment of the Office of the Inspector General of the Coalition Provisional Authority and for related operating expenses of the Office.

(b) The Office of the Inspector General of the Coalition Provisional Authority shall be established not later than 30 days after the date of the enactment of this Act.

(c)(1) The head of the Office of the Inspector General of the Coalition Provisional Authority shall be the Inspector General of the Coalition Provisional Authority.

(2) The Inspector General shall be appointed by the President in accordance with, and shall otherwise be subject to the provisions of, section 3 of the Inspector General Act of 1978 (5 U.S.C. App.), except that the person nominated for appointment as Inspector General may assume the duties of the office on an acting basis pending the advice and consent of the Senate.

(3) The Inspector General shall have the duties, responsibilities, and authorities of inspectors general under the Inspector General Act of 1978. In carrying out such duties, responsibilities, and authorities, the Inspector General shall coordinate with, and receive the cooperation of, the Inspector General of the Department of Defense.

(d)(1) Except as provided in paragraph (2), not later than 75 days after the date of the enactment of this Act, and every 10 days thereafter, the Inspector General of the Coalition Provisional Authority shall submit to the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and International Relations of the House of Representatives a report that sets forth—

(A) an assessment of the financial controls of the Coalition Provisional Authority;

(B) a description of any financial irregularities that may have occurred in the activities of the Authority;

(C) a description of—

(i) any irregularities relating to the administration of laws providing for full and open competition in contracting (as defined in section 4(6) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(6))); and

(ii) any other irregularities related to procurement;

(D) a description of any actions taken by the Inspector General to improve such financial controls or address such financial irregularities;

(E) a description of the programmatic goals of the Coalition Provisional Authority; and

(F) an assessment of the performance of the Coalition Provisional Authority, including progress made by the Coalition Provisional Authority in facilitating a transition to levels of security, stability, and self-government in Iraq sufficient to make the presence of the Coalition Provisional Authority no longer necessary.

(2) The Inspector General of the Department of Defense shall prepare and submit the reports otherwise required to be submitted by the Inspector General of the Coalition Provisional Authority under paragraph (1) until the earlier of—

(A) the date that is 150 days after the date of the enactment of this Act; or

(B) the date on which a determination is made by the Inspector General of the Coalition Provisional Authority that the Office of the Inspector General of the Coalition Provisional Authority is capable of preparing timely, accurate, and complete reports in compliance with the requirements under paragraph (1).

(3) The reports under this subsection are in addition to the semiannual reports required of the Inspector General by section 5 of the Inspector General Act of 1978 and any other reports required of the Inspector General by law.

(4) The Inspector General of the Coalition Provisional Authority (or the Inspector General of the Department of Defense, as applicable) shall publish each report under this subsection on the Internet website of the Coalition Provisional Authority.

(e) The Office of the Inspector General of the Coalition Provisional Authority shall terminate on the first day that both of the following conditions have been met:

(1) the Coalition Provisional Authority has transferred responsibility for governing Iraq to an indigenous Iraqi government; and

(2) a United States mission to Iraq, under the direction and guidance of the Secretary of State, has undertaken to perform the responsibility for administering United States assistance efforts in Iraq.

SEC. 324. REPORT ON REPLACEMENT OF U.S. TROOPS. (a) FINDINGS.—The Senate finds that:

(1) The Coalition Provisional Authority states that 80 percent of Iraq is a permissive environment with people returning to a normal pace of life, while 20 percent is less permissive with entrenched Saddam loyalists, international terrorists and general lawlessness hindering recovery efforts.

(2) On September 9, Deputy Secretary of Defense John Wolfowitz testified, ''. . . the predominantly Shia south [of Iraq] has been stable and I would say far more stable than most prewar predications would have given you. And the mixed Arab, Turkish, Kurdish north has also been remarkably stable, again, contrary to fears that many of us had that we might face large-scale ethnic conflict.''.

(3) On September 14, Secretary of State Colin Powell stated, ''We see attacks against our coalition on a daily basis . . . but in many parts of the country things are quite secure and stable.''.

(4) The Coalition Provisional Authority states that a major focus of its security efforts has been to increase Iraqi participation in and responsibility for a safe and secure Iraq.

(5) On September 14, Secretary of Defense Donald Rumsfeld stated, ''90 percent of the people in Iraq are now living in an area that's governed by a city council, or a village council.''.

(6) The Coalition Provisional Authority reports that 60,000 Iraqis are now assisting in security, including 46,000 Iraqi police nationwide.

(7) Of the 160,000 coalition military personnel serving in Iraq, 20,000 are comprised of non-United States forces.

(b) REPORT.—Beginning 30 days after the enactment of this Act, the President or his designee shall submit a monthly report to Congress detailing—

(1) the areas of Iraq determined to be largely secure and stable; and

(2) the extent to which United States troops have been replaced by non-United States coalition forces, United Nation forces, or Iraqi forces in the areas determined to be largely secure and stable under this subsection.

SEC. 325. (a) Congress makes the following findings:

(1) During Operation Desert Shield and Operation Desert Storm (in this section, collectively referred to as the ''First Gulf War''), the regime of Saddam Hussein committed grave human rights abuses and acts of terrorism against the people of Iraq and citizens of the United States.

(2) United States citizens who were taken prisoner by the regime of Saddam Hussein during the First Gulf War were brutally tortured and forced to endure severe physical trauma and emotional abuse.

(3) The regime of Saddam Hussein used civilian citizens of the United States who were working in the Persian Gulf region before and during the First Gulf War as so-called human shields, threatening the personal safety and emotional well-being of such civilians.

(4) Congress has recognized and authorized the right of United States citizens, including prisoners of war, to hold terrorist states, such as Iraq during the regime of Saddam Hussein, liable for injuries caused by such states.

(5) The United States district courts are authorized to adjudicate cases brought by individuals injured by terrorist states.

(b) It is the sense of Congress that—

(1) notwithstanding section 1503 of the Emergency Wartime Supplemental Appropriations Act, 2003 (Public Law 108–11; 117 Stat. 579) and any other provision of law, a citizen of the United States who was a prisoner of war or who was used by the regime of Saddam Hussein and by Iraq as a so-called human shield during the First Gulf War should have the opportunity to have any claim for damages caused by the regime of Saddam Hussein and by Iraq incurred by such citizen fully adjudicated in the appropriate United States district court;

(2) any judgment for such damages awarded to such citizen, or the family of such citizen, should be fully enforced; and

(3) the Attorney General should enter into negotiations with each such citizen, or the family of each such citizen, to develop a fair and reasonable method of providing compensation for the damages each such citizen incurred, including using assets of the regime of Saddam Hussein held by the Government of the United States or any other appropriate sources to provide such compensation.

SEC. 326. (a) FINDINGS.—Congress makes the following findings:

(1) The National Guard and Reserves have served the Nation in times of national crises for more than 200 years. The National Guard and Reserves are a critical component of homeland security and national defense.

(2) The current deployments of many members of the National Guard and Reserve have made them absent from their communities for an abnormally long time. This has diminished the ability of the National Guard to conduct its State missions.

(3) Many members of the National Guard and Reserves have been on active duty for more than a year, and many more have had their tours of active duty involuntarily extended while overseas.

(b) REPORT ON UTILIZATION OF NATIONAL GUARD AND RESERVES.—(1) Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and

House of Representatives a report on the utilization of the National Guard and Reserves in support of contingency operations during fiscal year 2004.

(2) The report under this subsection shall include the following:

(A) Information on each National Guard and Reserve unit currently deployed, including—

(i) the unit name or designation;

(ii) the number of personnel deployed;

(iii) the projected return date to home station; and

(iv) the schedule, if any, for the replacement of the unit with a Regular or multinational unit.

(B) Information on current operations tempo, including—

(i) the length of deployment of each National Guard and Reserve unit currently deployed, organized by unit and by State;

(ii) in the case of each National Guard and Reserve unit on active duty during the two-year period ending on the date of the report, the aggregate amount of time on active duty during such two-year period; and

(iii) the percentage of National Guard and Reserve forces in the total deployed force in each current domestic and overseas contingency operation.

(C) Information on current recruitment and retention of National Guard and Reserve personnel, including—

(i) any shortfalls in recruitment and retention;

(ii) any plans to address such shortfalls or otherwise to improve recruitment or retention; and

(iii) the effects on recruitment and retention over the long term of extended periods of activation of National Guard or Reserve personnel.

(3) The report under this subsection shall be organized in a format that permits a ready assessment of the deployment of the National Guard and Reserves by State, by various geographic regions of the United States, and by Armed Force.

(c) REPORT ON EFFECTS OF UTILIZATION OF NATIONAL GUARD AND RESERVES ON LAW ENFORCEMENT AND HOMELAND SECURITY.—(1) Not later than 60 days after the date of the enactment of this Act, the Secretary of Homeland Security shall, in consultation with the chief executive officers of the States, submit to Congress a report on the effects of the deployment of the National Guard and Reserves on law enforcement and homeland security in the United States.

(2) The report under this subsection shall include the following:

(A) The number of civilian first responders on active duty with the National Guard or Reserves who are currently deployed overseas.

(B) The number of first responder personnel of the National Guard or Reserves who are currently deployed overseas.

(C) An assessment by State of the ability of the States to respond to emergencies without currently deployed National Guard personnel.

SEC. 327. (a) FINDINGS.—Congress makes the following findings:

(1) The Iraq Survey Group is charged with investigating the weapons of mass destruction programs of Iraq.

(2) The Special Advisor to the Director of Central Intelligence for Strategy and Iraq heads the efforts of the Iraq Survey Group.

(b) QUARTERLY REPORTS ON STATUS OF EFFORTS OF IRAQ SURVEY GROUP.—Not later than January 1, 2004, and every three months thereafter through September 30, 2004, the Special Advisor to the Director of Central Intelligence for Strategy and Iraq shall submit to the appropriate committees of Congress a comprehensive written report on the status of the efforts of the Iraq Survey Group to account for the programs of Iraq on weapons of mass destruction and related delivery systems.

(c) FORM OF REPORT.—Each report required by subsection (b) shall be submitted in both classified and unclassified form.

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Select Committee on Intelligence and the Subcommittee on Defense of the Committee on Appropriations of the Senate; and

(2) the Permanent Select Committee on Intelligence and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

SEC. 328. (a) In the administration of laws and policies on the period for which members of reserve components of the Armed Forces called or ordered to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code, are deployed outside the United States, the deployment shall be considered to have begun on the first day of the active-duty service to which called or ordered and shall be considered to have ended on the last day of the active-duty service to which called or ordered.

(b) The Secretary of Defense may waive the requirements of subsection (a) in any case in which the Secretary determines that it is necessary to do so to respond to a national security emergency or to meet dire operational requirements of the Armed Forces.

SEC. 329. Of the amounts appropriated by this title, $10,000,000 shall be available only for the Family Readiness Program of the National Guard.

SEC. 330. (a) FINDINGS.—Congress makes the following findings:

(1) The Committee on Armed Services of the Senate specified in Senate Report 107–151 to accompany S. 2514 (107th Congress) that the Chief of Naval Operations submit to the congressional defense committees a report, not later than June 2, 2003, on the plans of the Navy for basing aircraft carriers through 2015.

(2) As of October 16, 2003, the report has not been submitted.

(b) REPORT ON AIRCRAFT CARRIER BASING PLANS THROUGH 2020.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the plans of the Navy for basing aircraft carriers through 2020.

SEC. 331. (a) In addition to the strengths authorized by law for personnel of the Army as of September 30, 2004, pursuant to paragraphs (1) and (2) of section 115(a) of title 10, United States Code, the Army is hereby authorized an additional strength of 10,000 personnel as of such date, which the Secretary of the Army may allocate as the Secretary determines appropriate among the personnel strengths required by such section to be authorized annually under subparagraphs (A) and (B) of paragraph (1) of such section and paragraph (2) of such section.

(b) The additional personnel authorized under subsection (a) shall be trained, incorporated into an appropriate force structure, and used to perform constabulary duty in such specialties as military police, light infantry, civil affairs, and special forces, and in any other military occupational specialty that is appropriate for constabulary duty.

(c) Of the amount appropriated under chapter 1 of this title for the Iraq Freedom Fund, $409,000,000 shall be available for necessary expenses for the additional personnel authorized under subsection (a).

SEC. 332. (a) SHORT TITLE.—This section may be cited as the ''Reservists Pay Security Act of 2003''.

(b) NONREDUCTION IN PAY WHILE FEDERAL EMPLOYEE IS PERFORMING ACTIVE SERVICE IN THE UNIFORMED SERVICES OR NATIONAL GUARD.—

(1) IN GENERAL.—Subchapter IV of chapter 55 of title 5, United States Code, is amended by adding at the end the following:

''§ 5538. Nonreduction in pay while serving in the uniformed services or National Guard

''(a) An employee who is absent from a position of employment with the Federal Government in order to perform active duty in the uniformed services pursuant to a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10 shall be entitled, while serving on active duty, to receive, for each pay period described in subsection (b), an amount equal to the amount by which—

''(1) the amount of basic pay which would otherwise have been payable to such employee for such pay period if such employee's civilian employment with the Government had not been interrupted by that service, exceeds (if at all)

''(2) the amount of pay and allowances which (as determined under subsection (d))—

''(A) is payable to such employee for that service; and

''(B) is allocable to such pay period.

''(b)(1) Amounts under this section shall be payable with respect to each pay period (which would otherwise apply if the employee's civilian employment had not been interrupted)—

''(A) during which such employee is entitled to reemployment rights under chapter 43 of title 38 with respect to the position from which such employee is absent (as referred to in subsection (a)); and

''(B) for which such employee does not otherwise receive basic pay (including by taking any annual, military, or other paid leave) to which such employee is entitled by virtue of such employee's civilian employment with the Government.

''(2) For purposes of this section, the period during which an employee is entitled to reemployment rights under chapter 43 of title 38—

''(A) shall be determined disregarding the provisions of section 4312(d) of title 38; and

''(B) shall include any period of time specified in section 4312(e) of title 38 within which an employee may report or apply for employment or reemployment following completion of the service on active duty to which called or ordered as described in subsection (a).

''(c) Any amount payable under this section to an employee shall be paid—

''(1) by such employee's employing agency;

''(2) from the appropriation or fund which would be used to pay the employee if such employee were in a pay status; and

''(3) to the extent practicable, at the same time and in the same manner as would basic pay if such employee's civilian employment had not been interrupted.

''(d) The Office of Personnel Management shall, in consultation with Secretary of Defense, prescribe any regulations necessary to carry out the preceding provisions of this section.

''(e)(1) The head of each agency referred to in section 2302(a)(2)(C)(ii) shall, in consultation with the Office, prescribe procedures to ensure that the rights under this section apply to the employees of such agency.

''(2) The Administrator of the Federal Aviation Administration shall, in consultation with the Office, prescribe procedures to ensure that the rights under this section apply to the employees of that agency.

''(f) In this section—

''(1) the terms 'employee', 'Federal Government', and 'uniformed services' have the same respective meanings as given them in section 4303 of title 38;

''(2) the term 'employing agency', as used with respect to an employee entitled to any payments under this section, means the agency or other entity of the Government (including an agency referred to in section 2302(a)(2)(C)(ii)) with respect to which such employee has reemployment rights under chapter 43 of title 38; and

''(3) the term 'basic pay' includes any amount payable under section 5304.''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 55 of title 5, United States Code, is amended by inserting after the item relating to section 5537 the following:

''5538. Nonreduction in pay while serving in the uniformed services or National Guard.''.

(3) EFFECTIVE PERIOD.—The amendments made by this section shall apply with respect to pay periods (as described in section 5538(b) of title 5, United States Code, as amended by this section) beginning on or after the date of enactment of this section and ending September 30, 2004.

SEC. 333. (a) FINDINGS.—Congress makes the following findings:

(1) That on October 7, 2001, the Armed Forces of the United States and its coalition allies launched military operations in Afghanistan, designated as Operation Enduring Freedom, that quickly caused the collapse of the Taliban regime, the elimination of Afghanistan's terrorist infrastructure and the capture of significant and numerous members of Al Qaeda.

(2) That on March 19, 2003, the Armed Forces of the United States and its coalition allies launched military operations, designated as Operation Iraqi Freedom, that quickly caused the collapse of Saddam Hussein's regime, the elimination of Iraq's terrorist infrastructure, the end of Iraq's illicit and illegal programs to acquire weapons of mass destruction, and the capture of significant international terrorists.

(3) That success in those two campaigns in the Global War on Terrorism would not have been possible without the dedication, courage, and service of the members of the United States Armed Forces and their coalition partners.

(4) That throughout the proud military history of our Nation, we have recognized our brave men and women of the Armed Forces by awarding them service medals for personal bravery and other leadership actions and for their service in military operations abroad and for support operations at home and abroad.

(5) That historically the President has relied on senior military officers to recommend the personal and theater campaign medals and that, in keeping with these longstanding traditions, the Joint Chiefs of Staff and the combatant commanders, including General Tommy Franks, United States Army, former Commander of the United States Central Command, recommended the awards described below in recognition of the worldwide nature of the current conflict.

(6) That following the advice of his senior military and civilian defense leaders, President Bush, by Executive Order 13289 on March 12, 2003, established the Global War on Terrorism Expeditionary Medal to be awarded to service members who serve in military operations to combat terrorism on or after September 11, 2001, including, but not limited to actions in Operation Enduring Freedom and Operation Iraqi Freedom, in such locations as Afghanistan, Iraq, the Republic of the Philippines, and elsewhere in Southwest Asia, in recognition of the sacrifice and contributions military members make in the global war on terrorism.

(7) That eligibility for the Global War on Terrorism Expeditionary Medal is predicated on deployment abroad for 30 days or more in support of Global War on Terrorism operations on or after September 11, 2001.

(8) That by the same Executive Order, the President established the Global War on Terrorism Service Medical recognizing duty in Operation Noble Eagle and the homeland defense mission against further terrorist attacks, and which recognizes duty in support of military operations performed in areas that do not qualify for the Global War on Terrorism Expeditionary Medal.

(9) That implementing regulations for eligibility have not been issued by the Secretary of Defense.

(b) SENSE OF THE SENATE ON THE AWARD OF CAMPAIGN MEDAL.—It is the sense of the Senate that the Secretary of Defense should, on an expedited basis, issue the necessary regulations to implement these awards and ensure that any person who renders qualifying service with the Armed Forces in those phases of the Global War on Terrorism including Operation Iraqi Freedom, Operation Enduring Freedom and Operation Noble Eagle should promptly receive these awards.

SEC. 334. Notwithstanding any other provision of law, the Federal share of the cost of any disaster relief payment made under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) for damage caused by Hurricane Isabel shall be 90 percent.

SEC. 335. Of the funds appropriated by this Act, $500,000,000 shall be available for repair or replacement of Department of Defense and National Aeronautics and Space Administration infrastructure damaged or destroyed by Hurricane Isabel, related flooding, or other related natural forces: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 502 of House Concurrent Resolution 95 (108th Congress): Provided further, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes the designation of the entire amount of the request as an emergency requirement as defined in House Concurrent Resolution 95, the concurrent resolution on the budget for fiscal year 2004, is transmitted by the President to the Congress.

TITLE II—INTERNATIONAL AFFAIRS

CHAPTER 1

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

(INCLUDING RESCISSION)

Of the funds provided under this heading in Public Law 108–11 (117 Stat. 561), $35,800,000 are rescinded.

For an additional amount for ''Diplomatic and Consular Programs'', $35,800,000, to remain available until September 30, 2005.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For an additional amount for ''Emergencies in the Diplomatic and Consular Service'', $90,500,000, to remain available until expended: Provided, That of the funds made available under this heading, $50,000,000 shall only be available for rewards: Provided further, That of the funds made available under this heading, $32,000,000 is for the reimbursement of the City of New York for costs associated with the protection of foreign missions and officials during the heightened state of alert following the September 11, 2001, terrorist attacks on the United States: Provided further, That of the funds made available under this heading, $8,500,000 is for costs associated with the 2003 Free Trade Area of the Americas Ministerial meeting: Provided further, That of the funds previously appropriated under this heading, $2,000,000 is for rewards for an indictee of the Special Court for Sierra Leone: Provided further, That of prior year unobligated balances available under this heading, $8,451,000 shall be transferred to and merged with the appropriation for ''Diplomatic and Consular Programs'' and shall be available only for the Border Security Program: Provided further, That the entire amount shall be available only to the extent that an official budget request for $90,500,000, that includes designation of the entire amount of the request as an emergency requirement as defined in House Concurrent Resolution 95, the concurrent resolution on the budget for fiscal year 2004, is transmitted by the President to the Congress.

CHAPTER 2

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

For an additional amount for ''Operating Expenses of the United States Agency for International Development'', $40,000,000, of which not less than $4,000,000 shall be transferred to and merged with ''Operating Expenses of the United States Agency for International Development Office of Inspector General'' for financial and performance audits of the Iraq Relief and Reconstruction Fund and other assistance to Iraq, to remain available until September 30, 2005.

CAPITAL INVESTMENT FUND

For an additional amount for ''Capital Investment Fund'', $60,500,000, to remain available until expended: Provided, That the entire amount shall be available only to the extent that an official budget request for $60,500,000, that includes designation of the entire amount of the request as an emergency requirement as defined in House Concurrent Resolution 98 (108th Congress), the concurrent resolution on the budget for fiscal year 2004, is transmitted by the President to the Congress.

OTHER BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

IRAQ RELIEF AND RECONSTRUCTION FUND

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for security, rehabilitation and reconstruction in Iraq, $18,449,000,000, to remain available until expended, to be allocated as follows: $3,243,000,000 for security and law enforcement; $1,318,000,000 for justice, public safety infrastructure, and civil society; $5,560,000,000 for the electric sector; $1,900,000,000 for oil infrastructure; $4,332,000,000 for water resources and sanitation; $500,000,000 for transportation and telecommunications; $370,000,000 for roads, bridges, and construction; $793,000,000 for health care; $153,000,000 for private sector development; and $280,000,000 for education, refugees, human rights, democracy, and governance: Provided, That of the funds made available pursuant to the previous proviso, not less than $100,000,000 shall be made available for democracy building activities in Iraq: Provided further, That none of the funds appropriated under this heading may be allocated for any capital project, including construction of a prison, hospital, housing community, railroad, or government building, until the Coalition Provisional Authority submits a report to the Committees on Appropriations describing in detail the estimated costs (including the costs of consultants, design, materials, shipping, and labor) on which the request for funds for such project is based: Provided further, That in order to control costs, to the maximum extent practicable Iraqis with the necessary qualifications should be consulted and utilized in the design and implementation of programs, projects, and activities funded under this heading: Provided further, That the Administrator of the United States Agency for International Development (USAID) shall seek to ensure that programs, projects, and activities administered by USAID in Iraq and Afghanistan comply fully with USAID's ''Policy Paper: Disability'' issued on September 12, 1997: Provided further, That the Administrator shall submit a report to the Committees on Appropriations not later than December 31, 2004, describing the manner in which the needs of people with disabilities were met in the development and implementation of USAID programs, projects, and activities in Iraq and Afghanistan in fiscal year 2004: Provided further, That the Administrator, not later than 180 days after enactment of this Act and in consultation, as appropriate, with other appropriate departments and agencies, the Architectural and Transportation Barriers Compliance Board, and nongovernmental organizations with expertise in the needs of people with disabilities, shall develop and implement appropriate standards for access for people with disabilities for construction projects funded by USAID: Provided further, That of the funds appropriated under this heading, assistance shall

be made available for Iraqi civilians who have suffered losses as a result of military operations: Provided further, That not later than 90 days after enactment of this Act the Secretary of State, in consultation with the Secretary of Defense, shall submit a report to the Committees on Appropriations describing the progress made toward indicting and trying leaders of the former Iraqi regime for war crimes, genocide, or crimes against humanity: Provided further, That notwithstanding any provision of this chapter, none of the funds appropriated under this heading may be made available to enter into any contract or follow-on contract that uses other than full and open competitive contracting procedures as defined in 41 U.S.C. 403(6): Provided further, That the President may waive the requirements of the previous proviso if he determines that it is necessary to do so as a result of unforeseen or emergency circumstances: Provided further, That the President may reallocate funds provided under this heading: Provided further, That these funds may be transferred to any Federal account for any Federal Government activity to accomplish the purposes provided herein: Provided further, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization, may be credited to this Fund and used for such purposes: Provided further, That funds appropriated under this heading or transferred or reallocated under provisions of this chapter or section 632 of the Foreign Assistance Act of 1961 that are made available for assistance for Iraq shall be subject to notifications of the Committees on Appropriations, except that the notifications shall be transmitted at least 5 days in advance of the obligation of funds: Provided further, That the Coalition Provisional Authority shall work, in conjunction with relevant Iraqi officials, to ensure that a new Iraqi constitution preserves full rights to religious freedom for all individuals, including a prohibition on laws that would criminalize blasphemy and apostasy: Provided further, That not later than 90 days after enactment of this Act and every 90 days thereafter until the ratification of a new Iraqi constitution, the President shall report to the appropriate Committees of the Congress, on efforts by the Coalition Provisional Authority and relevant Iraqi officials to ensure that the Iraqi constitution preserves religious freedom: Provided further, That funds appropriated under this heading shall be made available to the General Accounting Office for an audit of all funds appropriated under this Act, including tracking the expenditure of appropriated funds, a comparison of the amounts appropriated under this Act to the amount actually expended, and a determination of whether the funds appropriated in this Act are expended as intended by Congress: Provided further, That of the funds appropriated under this heading, up to $13,000,000 may be made available to facilitate inter-ethnic and inter-religious dialogue, conflict resolution activities, support rule of law programs, and train Iraqi leaders in democratic principles.

ECONOMIC SUPPORT FUND

For an additional amount for ''Economic Support Fund'', $422,000,000, to remain available until September 30, 2005, for accelerated assistance for Afghanistan: Provided, That these funds are available notwithstanding section 660 of the Foreign Assistance Act of 1961, and section 620(q) of that Act or any comparable provision of law: Provided further, That these funds may be used for activities related to disarmament, demobilization, and reintegration of militia combatants, including registration of such combatants, notwithstanding section 531(e) of the Foreign Assistance Act of 1961: Provided further, That not to exceed $200,000,000 appropriated under this heading in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2004, may be used for the costs, as defined in section 502 of the Congressional Budget Act of 1974, of modifying direct loans and guarantees for Pakistan: Provided further, That amounts that are made available under the previous proviso for the cost of modifying direct loans and guarantees shall not be considered ''assistance'' for the purposes of provisions of law limiting assistance to a country.

UNITED STATES EMERGENCY FUND FOR COMPLEX FOREIGN CRISES

For necessary expenses to enable the President to respond to or prevent unforeseen complex foreign crises, $200,000,000, which shall be made available for assistance for Liberia, of which $100,000,000 shall be derived by transfer from funds appropriated under any other heading of this Chapter: Provided, That funds appropriated under this heading, shall remain available until expended, and may be made available only pursuant to a determination, after consultation with the Committees on Appropriations, by the President that it is in the national interest to furnish assistance on such terms and conditions as he may determine for such purposes, including support for peace and humanitarian intervention operations: Provided further, That none of these funds shall be available to respond to natural disasters: Provided further, That from these funds the President may make allocations to Federal agencies to carry out the authorities provided under this heading: Provided further, That funds appropriated under this heading shall be subject to the same conditions as those contained under the same heading in chapter 5 of title I of S. 762, as reported by the Committee on Appropriations on April 1, 2003: Provided further, That the President may furnish assistance under this heading notwithstanding any other provision of law: Provided further, That the provisions of section 553 of Division E of Public Law 108–7, or any comparable provision of law enacted subsequent to the enactment of that Act, shall be applicable to funds appropriated under this heading: Provided further, That funds appropriated under this heading shall be subject to the regular notification procedures of the Committees on Appropriations, except that notifications shall be transmitted at least 5 days in advance of the obligations of funds: Provided further, That the requirements of the previous proviso may be waived if failure to do so would pose a substantial risk to human health and welfare: Provided further, That in case of any such waiver, notification to the Committees on Appropriations shall be provided as early as practicable, but in no event later than 3 days after taking the action to which such notification requirement was applicable, in the context of such circumstances necessitating such waiver: Provided further, That any notification provided pursuant to such waiver shall contain an explanation of the emergency circumstances.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For an additional amount for ''International Narcotics Control and Law Enforcement'', $120,000,000, to remain available until September 30, 2004, for accelerated assistance for Afghanistan.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For an additional amount for ''Nonproliferation, Anti-Terrorism, Demining and Related Programs'', $35,000,000, for accelerated assistance for Afghanistan.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

For an additional amount for the ''Foreign Military Financing Program'', $222,000,000, for accelerated assistance for Afghanistan.

PEACEKEEPING OPERATIONS

For an additional amount for ''Peacekeeping Operations'', $50,000,000, to support the global war on terrorism.

CHAPTER 3

GENERAL PROVISIONS, THIS TITLE

SEC. 2301. In addition to transfer authority otherwise provided in chapter 2 of this title, any appropriation made available in chapter 2 of this title may be transferred between such appropriations, to be available for the same purposes and the same time as the appropriation to which transferred: Provided, That the total amount transferred pursuant to this section shall not exceed $200,000,000: Provided further, That the Secretary of State shall consult with the Committees on Appropriations prior to exercising the authority contained in this section: Provided further, That funds made available pursuant to the authority of this section shall be subject to the regular notification procedures of the Committees on Appropriations, except that notification shall be transmitted at least 5 days in advance of the obligation of funds.

SEC. 2302. Assistance or other financing under chapter 2 of this title may be provided for Iraq, notwithstanding any other provision of law: Provided, That funds made available for Iraq pursuant to this authority shall be subject to the regular reprogramming notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961, except that notification shall be transmitted at least 5 days in advance of obligation: Provided further, That the notification requirements of this section may be waived if failure to do so would pose a substantial risk to human health or welfare: Provided further, That in case of any such waiver, notification to the appropriate congressional committees shall be provided as early as practicable, but in no event later than 3 days after taking the action to which such notification requirement was applicable, in the context of circumstances necessitating such waiver: Provided further, That any notification provided pursuant to such a waiver shall contain an explanation of the emergency circumstances.

SEC. 2303. Funds made available in chapter 2 of this title are made available notwithstanding section 10 of Public Law 91–672 and section 15 of the State Department Basic Authorities Act of 1956, as amended.

SEC. 2304. Section 1503 of Public Law 108–11 is amended by, in the last proviso, striking ''2004'' and inserting in lieu thereof ''2005''.

SEC. 2305. Section 1504 of Public Law 108–11 is amended by—

(1) in the first proviso, striking the first proviso, and inserting in lieu thereof: ''Provided, That subject to the determination and notification requirements of this section, exports are authorized to Iraq of lethal military equipment designated by the Secretary of State for use by a reconstituted (or interim) Iraqi military, private security force, other official Iraqi security forces or police forces, or forces from other countries in Iraq that support United States efforts in Iraq:''; and

(2) in the last proviso, striking ''2004'' and inserting in lieu thereof ''2005''.

SEC. 2306. Public Law 107–57 is amended—

(1) in section 1(b), by striking ''2003'' wherever appearing (including in the caption), and inserting in lieu thereof ''2004'';

(2) in section 3(2), by striking ''Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2002, as is'' and inserting in lieu thereof ''annual foreign operations, export

financing, and related programs appropriations Acts for fiscal years 2002, 2003, and 2004, as are''; and

(3) in section 6, by striking ''2003'' and inserting in lieu thereof ''2004''.

SEC. 2307. Notwithstanding any other provision of law, the Overseas Private Investment Corporation is authorized to undertake any program authorized by title IV of the Foreign Assistance Act of 1961 in Iraq.

SEC. 2308. Funds appropriated by chapter 2 of this title under the headings ''Economic Support Fund'', ''International Narcotics Control and Law Enforcement'', Peacekeeping Operations'', and ''Foreign Military Financing Program'' shall be subject to the regular notification procedures of the Committees on Appropriations.

SEC. 2309. (a) The Coalition Provisional Authority (CPA) shall, on a monthly basis, submit a report to the Committees on Appropriations which details, for the preceding month, Iraqi oil production and oil revenues, and uses of such revenues.

(b) The first report required by subsection (a) shall be submitted not later than 30 days after enactment of this Act.

(c) The reports required by this section shall also be made publicly available in both English and Arabic, including through the CPA's Internet website.

SEC. 2310. (a) REPORTS OF COALITION PROVISIONAL AUTHORITY.—Not later than January 1, 2004, and every 90 days thereafter, the Administrator of the Coalition Provisional Authority (CPA) shall submit to the Committees on Appropriations and Armed Services of the Senate and the House of Representatives a report on all obligations, expenditures, and revenues associated with reconstruction, rehabilitation, and security activities in Iraq during the preceding 90 days, including the following:

(1) Obligations and expenditures of appropriated funds.

(2) A project-by-project and program-by-program accounting of the costs incurred to date for the reconstruction of Iraq, together with the estimate of the Authority of the costs to complete each project and each program.

(3) Revenues attributable to or consisting of funds provided by foreign nations or international organizations, and any obligations or expenditures of such revenues.

(4) Revenues attributable to or consisting of foreign assets seized or frozen, and any obligations or expenditures of such revenues.

(5) Operating expenses of the Authority and of any other agencies or entities receiving funds appropriated by title.

(b) COMPTROLLER GENERAL AUDIT, INVESTIGATIONS, AND REPORTS.—(1) The Comptroller General of the United States shall conduct an ongoing audit of the Coalition Provisional Authority, and may conduct such additional investigations as the Comptroller General, in consultation with the Committees on Appropriations, considers appropriate, to evaluate the reconstruction, rehabilitation, and security activities in Iraq.

(2) In conducting the audit and any investigations under paragraph (1), the Comptroller General shall have access to any information and records created or maintained by the Authority, or by any other entity receiving appropriated funds for reconstruction, rehabilitation, or security activities in Iraq, that the Comptroller General considers appropriate to conduct the audit or investigations.

(3) Not later than 120 days after the date of the enactment of this Act, the Comptroller General shall submit to the Committees on Appropriations and Armed Services of the Senate and the House of Representatives a report on the audit and any investigations conducted under paragraph (1). The report shall include information as follows:

(A) A detailed description of the organization and authorities of the Authority.

(B) A detailed description of the relationship between the Authority and other Federal agencies, including the Department of Defense, the Department of State, the Executive Office of the President, and the National Security Council.

(C) A detailed description of the extent of the use of private contractors to assist in Authority operations and to carry out reconstruction, rehabilitation, or security activities in Iraq, including an assessment of—

(i) the nature of the contract vehicles used to perform the work, including the extent of competition used in entering into the contracts and the amount of profit provided in the contracts;

(ii) the nature of the task orders or other work orders used to perform the work, including the extent to which performance-based, cost-based, and fixed-price task orders were used;

(iii) the reasonableness of the rates charged by such contractors, including an assessment of the impact on rates of a greater reliance on Iraqi labor or other possible sources of supply;

(iv) the extent to which such contractors performed work themselves and, to the extent that subcontractors were utilized, how such subcontractors were selected; and

(v) the extent to which the Authority or such contractors relied upon consultants to assist in projects or programs, the amount paid for such consulting services, and whether such consulting services were obtained pursuant to full and open competition.

(D) A detailed description of the measures adopted by the Authority and other Federal agencies to monitor and prevent waste, fraud, and abuse in the expenditure of appropriated funds in the carrying out of reconstruction, rehabilitation, and security activities in Iraq.

(E) A certification by the Comptroller General as to whether or not the Comptroller General had adequate access to relevant information to make informed judgments on the matters covered by the report.

(4) The Comptroller General shall from time to time submit to the Committees on Appropriations and Armed Services of the Senate and the House of Representatives a supplemental report on the audit, and any further investigations, conducted under paragraph (1). Each such report shall include such updates of the previous reports under this subsection as the Comptroller General considers appropriate to keep Congress fully and currently apprised on the reconstruction, rehabilitation, and security activities in Iraq.

SEC. 2311. None of the funds made available by this Act or any unexpended funds provided in Public Law 108–11 may be made available to pay any costs associated with debts incurred by the former government of Saddam Hussein.

SEC. 2312. Title III of Public Law 107–327 is amended as follows by inserting the following new section:

''SEC. 304. REPORTS.

''The Secretary of State shall submit reports to the Committees on Foreign Relations and Appropriations of the Senate, and the Committees on International Relations and Appropriations of the House of Representatives on progress made in accomplishing the 'Purposes of Assistance' set forth in section 102 of this Act utilizing assistance provided by the United States for Afghanistan. The first report shall be submitted no later than December 31, 2003, and subsequent reports shall be submitted in conjunction with reports required under section 303 of this title and thereafter through December 31, 2004.''.

SEC. 2313. (a) NEW OFFENSE.—

(1) IN GENERAL.—Chapter 47 of title 18, 5 United States Code, is amended by adding at the end the following:

''SEC. 1037. WAR PROFITEERING AND FRAUD RELATING TO MILITARY ACTION, RELIEF, AND RECONSTRUCTION EFFORTS IN IRAQ.

''(a) Whoever, in any matter involving a contract or the provision of goods or services, directly or indirectly, in connection with the war, military action, or relief or reconstruction activities in Iraq, knowingly and willfully—

''(1) executes or attempts to execute a scheme or artifice to defraud the United States or Iraq;

''(2) falsifies, conceals, or covers up by any trick, scheme or device a material fact;

''(3) makes any materially false, fictitious, or fraudulent statements or representations, or makes or uses any materially false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry; or

''(4) materially overvalues any good or service with the specific intent to excessively profit from the war, military action, or relief or reconstruction activities in Iraq;

shall be fined not more than $1,000,000 or imprisoned not more than 20 years, or both. In lieu of a fine otherwise authorized by this section, a defendant who derives profits or other proceeds from an offense under this section may be fined not more than twice the gross profits or other proceeds.

''(b) EXTRATERRITORIAL JURISDICTION.—There is extraterritorial Federal jurisdiction over an offense under this section.

''(c) VENUE.—A prosecution for an offense under this section may be brought—

''(1) as authorized by Chapter 211 of Title 18;

''(2) in any district where any act in furtherance of the offense took place; or

''(3) in any district where any party to the contract or provider of goods or services is located.''.

(2) CHAPTER ANALYSIS.—The chapter analysis for chapter 47 of title 18, United States Code, is amended by inserting at the end the following:

''1037. War profiteering and fraud relating to military action, relief, and reconstruction efforts in Iraq.''

(b) FORFEITURE.—Section 981(a)(1)(C) of title 18, United States Code, is amended by inserting after ''1032,'' the following: ''1037,''.

(c) MONEY LAUNDERING.—Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting before '', section 1111'' the following: '', section 1037 War Profiteering and Fraud Relating to Military Action, Relief, and Reconstruction Efforts in Iraq)''.

(d) EXPIRATION OF AUTHORITIES.—The authorities contained in this amendment shall expire upon the date that major combat operations in Iraq cease and desist, the Coalition Provisional Authority transfers responsibility for governing Iraq to an indigenous Iraqi government, and a U.S. mission to Iraq, under the direction and guidance of the Secretary of State, is responsible for U.S. assistance efforts in Iraq.

SEC. 2314. Not later than 120 days after the date of the enactment of this Act, the President shall submit to Congress a report on the efforts of the Government of the United States to increase the resources contributed by foreign countries and international organizations to the reconstruction of Iraq and the feasibility of repayment of funds contributed for infrastructure projects in Iraq. The report shall include—

(1) a description of efforts by the Government of the United States to increase the resources contributed by foreign countries and international organizations to the reconstruction of Iraq;

(2) an accounting of the funds contributed to assist in the reconstruction of Iraq, disaggregated by donor;

(3) an assessment of the effect that—

(A) the bilateral debts incurred during the regime of Saddam Hussein have on Iraq's ability to finance essential programs to rebuild infrastructure and restore critical public services, including health care and education, in Iraq; and

(B) forgiveness of such debts would have on the reconstruction and long-term prosperity in Iraq;

(4) a description of any commitment by a foreign country or international organization to forgive any part of a debt owed by Iraq if such debt was incurred during the regime of Saddam Hussein; and

(5) an assessment of the feasibility of repayment by Iraq—

(A) of bilateral debts incurred during the regime of Saddam Hussein; and

(B) of the funds contributed by the United States to finance infrastructure projects in Iraq.

SEC. 2315. (a) Not later than April 30, 2004, the Secretary of Defense shall submit a certification to Congress of the amount that Iraq will pay, or that will be paid on behalf of Iraq, during fiscal year 2004 to a foreign country to service a debt incurred by Iraq during the regime of Saddam Hussein, including any amount used for the payment of principal, interest, or fees associated with such debt. Such certification shall include—

(1) the actual amount spent for such purpose during the period from October 1, 2003 through March 31, 2004; and

(2) the estimated amount that the Secretary reasonably believes will be used for such purpose during the period from April 1, 2004 through September 30, 2004.

(b) On May 1, 2004, the Director of the Office of Management and Budget shall administratively reserve, out of the unobligated balance of the funds appropriated in this title under the subheading ''IRAQ RELIEF AND RECONSTRUCTION FUND'' under the heading ''OTHER BILATERAL ECONOMIC ASSISTANCE FUNDS APPROPRIATED TO THE PRESIDENT'', the amount that is equal to the sum of the amount certified under paragraph (1) of subsection (a) and the estimated amount certified under paragraph (2) of such subsection. The amount so reserved may not be obligated or expended on or after such date.

(c) The Director of the Office of Management and Budget shall impose such restrictions and conditions as the Director determines necessary to ensure that, in the apportionment of amounts appropriated as described in subsection (b), the balance of the total amount so appropriated that remains unobligated on May 1, 2004, exceeds the amount that is to be reserved under subsection (b).

(d) It is the sense of Congress that each country that is owed a debt by Iraq that was incurred during the regime of Saddam Hussein should forgive such debt, including any amount owed by Iraq for the principal, interest, and fees associated with such debt.

SEC. 2316. (a) Congress finds that—

(1) in a speech delivered to the United Nations on September 23, 2003, President George W. Bush appealed to the international community to take action to make the world a safer and better place;

(2) in that speech, President Bush emphasized the responsibility of the international community to help the people of Iraq rebuild their country into a free and democratic state;

(3) for a plan for Iraq's future to be appropriate, the provisions of that plan must be consistent with the best interests of the Iraqi people;

(4) premature self-government could make the Iraqi state inherently weak and could serve as an invitation for terrorists to sabotage the development of a democratic, economically prosperous Iraq.

(b) It is the sense of Congress that—

(1) arbitrary deadlines should not be set for the dissolution of the Coalition Provisional Authority or the transfer of its authority to an Iraqi governing authority; and

(2) no such dissolution or transfer of authority should occur until the ratification of an Iraqi constitution and the establishment of an elected government in Iraq.

SEC. 2317. GENERAL ACCOUNTING OFFICE REVIEW. (a) The Comptroller General of the United States shall—

(1) review the effectiveness of relief and reconstruction activities conducted by the Coalition Provisional Authority (hereafter in this section ''CPA'') from funds made available under the ''Iraq Relief and Reconstruction Fund'' in this title, including by providing analyses of—

(A) the degree to which the CPA is meeting the relief and reconstruction goals and objectives in the major sectors funded under this title, and is enhancing indigenous capabilities;

(B) compliance by the CPA and the Government departments with Federal laws governing competition in contracting; and

(C) the degree to which the CPA is expending funds economically and efficiently, including through use of local contractors;

(2) report quarterly to the appropriate congressional committees on the results of the review conducted under paragraph (1).

(b) In this section, the term ''appropriate congressional committees'' means—

(1) the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate; and

(2) the Committees on Appropriations, Armed Services, and International Relations of the House of Representatives.

SEC. 2318. None of the funds appropriated or otherwise made available by this Act under the heading ''IRAQ RELIEF AND RECONSTRUCTION FUND'', or under any other heading, may be obligated or expended for the purpose of arming, training, or employing individuals under the age of 18 years for the Facilities Protection Service, to carry out any function similar to the functions performed by the Service, or for any other security force.

SEC. 2319. (a) Of the amounts appropriated under the subheading ''IRAQ RELIEF AND RECONSTRUCTION FUND''—

(1) the $5,136,000,000 allocated for security, including public safety requirements, national security, and justice shall be used to rebuild Iraq's security services;

(2) $5,168,000,000 shall be available for the purposes, other than security, set out under such subheading; and

(3) $10,000,000,000 shall be available to the President to use as loans to Iraq for the purposes, other than security, set out under such subheading until the date on which the President submits the certification described in subsection (c).

(b) The President shall submit a notification to Congress if, of the amounts referred to in paragraphs (1) and (2) of subsection (a), an amount in excess of $250,000,000 is used for any single purpose in Iraq.

(c)(1) The certification referred to in subsection (a)(3) is a certification submitted to Congress by the President stating that not less than 90 percent of the total amount of the bilateral debt incurred by the regime of Saddam Hussein has been forgiven by the countries owed such debt.

(2) On the date that the President submits the certification described in paragraph (1)—

(A) the unobligated balance of the $10,000,000,000 referred to in subsection (a)(3) may be obligated and expended with no requirement that such amount be provided as loans to Iraq; and

(B) the President may waive repayment of any amount made as a loan under subsection (a)(3) prior to such date.

(d) The head of the Coalition Provisional Authority shall ensure that the amounts appropriated under the subheading ''IRAQ RELIEF AND RECONSTRUCTION FUND'', are expended, whether by the United States or by the Governing Counsel in Iraq, for the purposes set out under such subheading and in a manner that the head of the Coalition Provisional Authority does not find objectionable.

(e) It is the sense of Congress that each country that is owed bilateral debt by Iraq that was incurred by the regime of Saddam Hussein should—

(1) forgive such debt; and

(2) provide robust amounts of reconstruction aid to Iraq during the conference of donors scheduled to begin on October 23, 2003, in Madrid, Spain and during other conferences of donors of foreign aid.

(f) In this section:

(1) The term ''amounts appropriated under the subheading 'IRAQ RELIEF AND RECONSTRUCTION FUND'' means the amounts appropriated by chapter 2 of this title under the subheading ''IRAQ RELIEF AND RECONSTRUCTION FUND'' under the heading ''OTHER BILATERAL ECONOMIC ASSISTANCE FUNDS APPROPRIATED TO THE PRESIDENT''.

(2) The term ''Coalition Provisional Authority'' means the entity charged by the President with directing reconstruction efforts in Iraq.

SEC. 2320. (a) Congress makes the following findings:

(1) A coalition of allied countries led by the United States entered Iraq on March 19, 2003, to liberate the people of Iraq from the tyrannical rule of Saddam Hussein and the Baathist party and to remove a threat to global security and stability.

(2) Achieving stability in Iraq will require substantial monetary investments to develop a secure environment and improve the physical infrastructure.

(3) A stable and prosperous Iraq is important to peace and economic development in the Middle East and elsewhere.

(4) As of October 2003, the United States has provided the majority of the personnel and financial contributions to the effort to rebuild Iraq.

(5) Congress fully supports efforts to establish a stable economic, social, and political environment in Iraq.

(6) The President is currently seeking to increase global participation in the effort to stabilize and reconstruct Iraq.

(7) While the United States should aid the people of Iraq, the participation of the people of Iraq in the reconstruction effort is essential for the success of such effort.

(b) It is the sense of Congress that the President should—

(1) make every effort to increase the level of financial commitment from other nations to improve the physical, political, economic, and social infrastructure of Iraq; and

(2) seek to provide aid from the United States to Iraq in a manner that promotes economic growth in Iraq and limits the long-term cost to taxpayers in the United States.

SEC. 2321. (a) INITIAL REPORT ON RELIEF AND RECONSTRUCTION.—Not later than 60 days after the date of enactment of this Act, the President shall submit to Congress a report on the United States strategy for activities related to post-conflict security, humanitarian assistance, governance, and reconstruction to be undertaken as a result of Operation Iraqi Freedom. The report shall include information on the following:

(1) The distribution of duties and responsibilities regarding such activities among the agencies of the United States Government, including the Department of State, the United States Agency for International Development, and the Department of Defense.

(2) A plan describing the roles and responsibilities of foreign governments and international organizations, including the United Nations, in carrying out such activities.

(3) A strategy for coordinating such activities among the United States Government, foreign governments, and international organizations, including the United Nations.

(4) A strategy for distributing the responsibility for paying costs associated with reconstruction activities in Iraq among the United States Government, foreign governments, and international organizations, including the United Nations, and for actions to be taken by the President to secure increased international participation in peacekeeping and security efforts in Iraq.

(5) A comprehensive strategy for completing the reconstruction of Iraq, estimated timelines for the completion of significant reconstruction milestones, and estimates for Iraqi oil production.

(b) SUBSEQUENT REPORTS ON RELIEF AND RECONSTRUCTION.—(1) Not later than 60 days after the submittal of the report required by subsection (a), and every 60 days thereafter until all funds provided by this title are expended, the President shall submit to Congress a report that includes information as follows:

(A) A list of all activities undertaken related to reconstruction in Iraq, and a corresponding list of the funds obligated in connection with such activities, during the preceding 60 days.

(B) A list of the significant activities related to reconstruction in Iraq that the President anticipates initiating during the ensuing 60-day period, including—

(i) the estimated cost of carrying out the proposed activities; and

(ii) the source of the funds that will be used to pay such costs.

(C) Updated strategies, objectives, and timelines if significant changes are proposed regarding matters included in the report required under subsection (a), or in any previous report under this subsection.

(2) Each report under this subsection shall include information on the following:

(A) The expenditures for, and progress made toward, the restoration of basic services in Iraq such as water, electricity, sewer, oil infrastructure, a national police force, an Iraqi army, and judicial systems.

(B) The significant goals intended to be achieved by such expenditures.

(C) The progress made toward securing increased international participation in peacekeeping efforts and in the economic and political reconstruction of Iraq.

(D) The progress made toward securing Iraqi borders.

(E) The progress made toward securing self-government for the Iraqi people and the establishment of a democratically elected government.

(F) The progress made in securing and eliminating munitions caches, unexploded ordinance, and excess military equipment in Iraq.

(G) The measures taken to protect United States troops serving in Iraq.

SEC. 2322. REQUIREMENTS RELATING TO UNITED STATES ACTIVITIES IN AFGHANISTAN AND IRAQ. (a) GOVERNANCE.—Activities carried out by the United States with respect to the civilian governance of Afghanistan and Iraq shall, to the maximum extent practicable—

(1) include the perspectives and advice of women's organizations in Afghanistan and Iraq, respectively;

(2) promote the inclusion of a representative number of women in future legislative bodies to ensure that the full range of human rights for women are included and upheld in any constitution or legal institution of Afghanistan and Iraq, respectively; and

(3) encourage the appointment of women to high level positions within ministries in Afghanistan and Iraq, respectively.

(b) POST-CONFLICT RECONSTRUCTION AND DEVELOPMENT.—Activities carried out by the United States with respect to post-conflict stability in Afghanistan and Iraq shall, to the maximum extent practicable—

(1) encourage the United States organizations that receive funds made available by this Act to—

(A) partner with or create counterpart organizations led by Afghans and Iraqis, respectively; and

(B) to provide such counterpart organizations with significant financial resources, technical assistance, and capacity building;

(2) increase the access of women to, or ownership by women of, productive assets such as land, water, agricultural inputs, credit, and property in Afghanistan and Iraq, respectively;

(3) provide long-term financial assistance for education for girls and women in Afghanistan and Iraq, respectively; and

(4) integrate education and training programs for former combatants in Afghanistan and Iraq, respectively, with economic development programs to—

(A) encourage the reintegration of such former combatants into society; and

(B) promote post-conflict stability in Afghanistan and Iraq, respectively.

(c) MILITARY AND POLICE.—Activities carried out by the United States with respect to training for military and police forces in Afghanistan and Iraq shall—

(1) include training on the protection, rights, and particular needs of women and emphasize that violations of women's rights are intolerable and should be prosecuted; and

(2) encourage the personnel providing the training described in paragraph (1) to consult with women's organizations in Afghanistan and Iraq, respectively, to ensure that training content and materials are adequate, appropriate, and comprehensive.

TITLE III—LEAVE FOR MILITARY FAMILIES

SEC. 3001. SHORT TITLE. This title may be cited as the ''Military Families Leave Act of 2003''.

SEC. 3002. GENERAL REQUIREMENTS FOR LEAVE. (a) ENTITLEMENT TO LEAVE.—Section 102(a) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(a)) is amended by adding at the end the following:

''(3) ENTITLEMENT TO LEAVE DUE TO FAMILY MEMBER'S ACTIVE DUTY.—

''(A) IN GENERAL.—Subject to section 103(f), an eligible employee shall be entitled to a total of 12 workweeks of leave during any 12-month period because a spouse, son, daughter, or parent of the employee is a member of the Armed Forces—

''(i) on active duty in support of a contingency operation; or

''(ii) notified of an impending call or order to active duty in support of a contingency operation.

''(B) CONDITIONS AND TIME FOR TAKING LEAVE.—An eligible employee shall be entitled to take leave under subparagraph (A)—

''(i) while the employee's spouse, son, daughter, or parent (referred to in the subparagraph as the 'family member') is on active duty in support of a contingency operation, and, if the family member is a member of a reserve component of the Armed Forces, beginning when such family member receives notification of an impending call or order to active duty in support of a contingency operation; and

''(ii) only for issues relating to or resulting from such family member's—

''(I) service on active duty in support of a contingency operation; and

''(II) if a member of a reserve component of the Armed Forces—

''(aa) receipt of notification of an impending call or order to active duty in support of a contingency operation; and

''(bb) service on active duty in support of such operation.

''(4) LIMITATION.—No employee may take more than a total of 12 workweeks of leave under paragraphs (1) and (3) during any 12-month period.''.

(b) SCHEDULE.—Section 102(b)(1) of such Act (29 U.S.C. 2612(b)(1)) is amended by inserting after the second sentence the following: ''Leave under subsection (a)(3) may be taken intermittently or on a reduced leave schedule.''.

(c) SUBSTITUTION OF PAID LEAVE.—Section 102(d)(2)(A) of such Act (29 U.S.C. 2612(d)(2)(A)) is amended by inserting ''or subsection (a)(3)'' after ''subsection (a)(1)''.

(d) NOTICE.—Section 102(e) of such Act (29 U.S.C. 2612(e)) is amended by adding at the end the following:

''(3) NOTICE FOR LEAVE DUE TO FAMILY MEMBER'S ACTIVE DUTY.—An employee who intends to take leave under subsection (a)(3) shall provide such notice to the employer as is practicable.''.

(e) CERTIFICATION.—Section 103 of such Act (29 U.S.C. 2613) is amended by adding at the end the following:

''(f) CERTIFICATION FOR LEAVE DUE TO FAMILY MEMBER'S ACTIVE DUTY.—An employer may require that a request for leave under section 102(a)(3) be supported by a certification issued at such time and in such manner as the Secretary may by regulation prescribe.''.

SEC. 3003. LEAVE FOR CIVIL SERVICE EMPLOYEES. (a) ENTITLEMENT TO LEAVE.—Section 6382(a) of title 5, United States Code, is amended by adding at the end the following:

''(3)(A) Subject to section 6383(f), an eligible employee shall be entitled to a total of 12 workweeks of leave during any 12-month period because a spouse, son, daughter, or parent of the employee is a member of the Armed Forces—

''(i) on active duty in support of a contingency operation; or

''(ii) notified of an impending call or order to active duty in support of a contingency operation.

''(B) An eligible employee shall be entitled to take leave under subparagraph (A)—

''(i) while the employee's spouse, son, daughter, or parent (referred to in the subparagraph as the 'family member') is on active duty in support of a contingency operation, and, if the family member is a member of a reserve component of the Armed Forces, beginning when such family member receives notification of an impending call or order to active duty in support of a contingency operation; and

''(ii) only for issues relating to or resulting from such family member's—

''(I) service on active duty in support of a contingency operation; and

''(II) if a member of a reserve component of the Armed Forces—

''(aa) receipt of notification of an impending call or order to active duty in support of a contingency operation; and

''(bb) service on active duty in support of such operation.

''(4) No employee may take more than a total of 12 workweeks of leave under paragraphs (1) and (3) during any 12-month period.''.

(b) SCHEDULE.—Section 6382(b)(1) of such title is amended by inserting after the second sentence the following: ''Leave under subsection (a)(3) may be taken intermittently or on a reduced leave schedule.''.

(c) SUBSTITUTION OF PAID LEAVE.—Section 6382(d) of such title is amended by inserting ''or subsection (a)(3)'' after ''subsection (a)(1)''.

(d) NOTICE.—Section 6382(e) of such title is amended by adding at the end the following:

''(3) An employee who intends to take leave under subsection (a)(3) shall provide such notice to the employing agency as is practicable.''.

(e) CERTIFICATION.—Section 6383 of such title is amended by adding at the end the following:

''(f) An employing agency may require that a request for leave under section 6382(a)(3) be supported by a certification issued at such time and in such manner as the Office of Personnel Management may by regulation prescribe.''.

TITLE IV—DEPARTMENT OF VETERANS AFFAIRS

VETERANS HEALTH ADMINISTRATION

MEDICAL CARE

For an additional amount for medical care and related activities under this heading for fiscal year 2004, $1,300,000,000, to remain available until September 30, 2005.

TITLE V—GENERAL PROVISION, THIS ACT

SEC. 5001. Not later than 30 days after the date of the enactment of this Act, and every 90 days thereafter until December 31, 2007, the President shall submit to each Member of Congress a report on the projected total costs of United States operations in Iraq, including military operations and reconstruction efforts, through fiscal year 2008. The President shall include in each report after the initial report an explanation of any change in the total projected costs since the previous report.

SEC. 5002. The amounts provided in this Act are designated by the Congress as an emergency

requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress).

SEC. 5003. (a) None of the funds appropriated by this Act may be obligated or expended by the head of an executive agency for payments under any contract or other agreement described in subsection (b) that is not entered into with full and open competition unless, not later than 30 days after the date on which the contract or other agreement is entered into, such official—

(1) submits a report on the contract or other agreement to the Committees on Armed Services, on Governmental Affairs, and on Appropriations of the Senate, and the Committees on Armed Services, on Government Reform, and on Appropriations of the House of Representatives; and

(2) publishes such report in the Federal Register and the Commerce Business Daily.

(b) This section applies to any contract or other agreement in excess of $1,000,000 that is entered into with any public or private sector entity for any of the following purposes:

(1) To build or rebuild physical infrastructure of Iraq.

(2) To establish or reestablish a political or societal institution of Iraq.

(3) To provide products or services to the people of Iraq.

(4) To perform personnel support services in Iraq, including related construction and procurement of products, in support of members of the Armed Forces and United States civilian personnel.

(c) The report on a contract or other agreement of an executive agency under subsection (a) shall include the following information:

(1) The amount of the contract or other agreement.

(2) A brief discussion of the scope of the contract or other agreement.

(3) A discussion of how the executive agency identified, and solicited offers from, potential contractors to perform the contract, together with a list of the potential contractors that were issued solicitations for the offers.

(4) The justification and approval documents on which was based the determination to use procedures other than procedures that provide for full and open competition.

(d) The limitation on use of funds in subsection (a) shall not apply in the case of any contract or other agreement entered into by the head of an executive agency for which such official—

(1) either—

(A) withholds from publication and disclosure as described in such subsection any document or other collection of information that is classified for restricted access in accordance with an Executive order in the interest of national defense or foreign policy; or

(B) redacts any part so classified that is in a document or other collection of information not so classified before publication and disclosure of the document or other information as described in such subsection; and

(2) transmits an unredacted version of the document or other collection of information, respectively, to the chairman and ranking member of each of the Committees on Governmental Affairs and on Appropriations of the Senate, the Committees on Government Reform and on Appropriations of the House of Representatives, and the committees that the head of such executive agency determines has legislative jurisdiction for the operations of such executive agency to which the document or other collection of information relates.

(e)(1)(A) In the case of any contract or other agreement for which the Secretary of Defense determines that it is necessary to do so in the national security interests of the United States, the Secretary may waive the limitation in subsection (a), but only on a case-by-case basis.

(B) For each contract or other agreement for which the Secretary of Defense grants a waiver under this paragraph, the Secretary shall submit a notification of the contract or other agreement and the grant of the waiver, together with a discussion of the justification for the waiver, to the committees of Congress named in subsection (a)(1).

(2)(A) In the case of any contract or other agreement for which the Director of Central Intelligence determines that it is necessary to do so in the national security interests of the United States related to intelligence, the Director may waive the limitation in subsection (a), but only on a case-by-case basis.

(B) For each contract or other agreement for which the Director of Central Intelligence grants a waiver under this paragraph, the Director shall submit a notification of the contract or other agreement and of the grant of the waiver, together with a discussion of the justification for the waiver, to the Select Committee on Intelligence, the Committee on Appropriations, and the Committee on Governmental Affairs of the Senate and to the Permanent Select Committee on Intelligence, the Committee on Appropriations, and the Committee on Governmental Reform of the House of Representatives.

(f) Nothing in this section shall be construed as affecting obligations to disclose United States Government information under any other provision of law.

(g) In this section—

(1) the term ''full and open competition'' has the meaning given such term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403);

(2) the term ''executive agency'' has the meaning given such term in section 105 of title 5, United States Code, and includes the Coalition Provisional Authority for Iraq; and

(3) the term ''Coalition Provisional Authority for Iraq'' means the entity charged by the President with directing reconstruction efforts in Iraq.

SEC. 5004. (a) Congress finds that—

(1) Israel is a strategic ally of the United States in the Middle East;

(2) Israel recognizes the benefits of a democratic form of government;

(3) the policies and activities of the Government of Iraq under the Saddam Hussein regime contributed to security concerns in the Middle East, especially for Israel;

(4) the Arab Liberation Front was established by Iraqi Baathists, and supported by Saddam Hussein;

(5) the Government of Iraq under the Saddam Hussein regime assisted the Arab Liberation Front in distributing grants to the families of suicide bombers;

(6) the Government of Iraq under the Saddam Hussein regime aided Abu Abass, leader of the Palestinian Liberation Front, who was a mastermind of the hijacking of the Achille Lauro, an Italian cruise ship, and is responsible for the death of an American tourist aboard that ship; and

(7) Saddam Hussein attacked Israel during the 1990-1991 Persian Gulf War by launching 39 Scud missiles into that country and thereby causing multiple casualties.

(b) It is the sense of Congress that the removal of the Government of Iraq under Saddam Hussein enhanced the security of Israel and other United States allies.

SEC. 5005. (a) The Comptroller General shall conduct studies on the effectiveness and efficiency of the administration and performance of contracts in excess of $40,000,000 that are performed or are to be performed in, or relating to, Iraq and are paid out of funds made available under this Act or the Emergency Wartime Supplemental Appropriations Act, 2003 (Public Law 108–11). The studies shall specifically examine the profits, administrative overhead, management fees, and related expenditures for the management of subcontracts (and further subcontracting) under any such contract. In conducting studies under this section, the Comptroller General shall have access to any information and records created or maintained by the United States, or by any entity receiving funds for contracts studied under this section that the Comptroller General considers appropriate.

(b) Not later than 6 months after the date of enactment of this Act and again 4 months thereafter, the Comptroller Government shall submit to the Committees on Appropriations of the Senate and the House of Representatives a report that includes—

(1) an evaluation of the studies conducted under this section; and

(2) any recommendations for the improvement of the contracting process for contracts performed or to be performed in Iraq and for contracts generally, including the selection process, contract content, and oversight of the administration and performance of contracts.

SEC. 5006. Section 1605 of title 28, United States Code, is amended by adding a new subsection (h) as follows:

''(h) Notwithstanding any provision of the Algiers Accords, or any other international agreement, any United States citizen held hostage during the period between 1979 and 1981, and their spouses and children at the time, shall have a claim for money damages against a foreign state for personal injury that was caused by the foreign state's act of torture or hostage taking. Any provision in an international agreement, including the Algiers Accords that purports to bar such suit is abrogated. This subsection shall apply retroactively to any cause of action cited in section 1605(a)(7)(A) of title 28, United States Code.''.

SEC. 5007. (a) The Senate finds the following:

(1) When Saddam Hussein came to power in the 1970's Iraq was a prosperous county with no foreign debt and significant foreign cash reserves.

(2) Iraq's reserves were exhausted during the Iran-Iraq War in the 1980's and Iraq became a debtor nation.

(3) Today, the debts incurred by Saddam Hussein's regime are estimated to be as much as $150,000,000,000.

(4) A process has been put in place that will establish a new representative Iraqi government based on a democratic political system with a free market economy. The goal is a prosperous Iraq that is not a threat to its neighbors.

(5) For Iraq to be prosperous it must rebuild. In the near term the United States and other donor countries will provide grants to begin the process. In the longer term Iraq must be able to fully participate in the international financial system.

(6) It is impossible for Iraq to borrow funds in international financial markets based on its existing debt. Eliminating that debt will make possible Iraq's continued rebuilding toward a prosperous and stable nation. A prosperous nation is less likely to be a threat to its neighbors and to be a breeding ground for terrorists. A prosperous Iraq is more likely to be a positive force in the region and participant in the world economy.

(b) It is the sense of the Senate that all countries that hold debt from loans to the former Iraqi regime of Saddam Hussein should be urged to forgive their debt.

SEC. 5008. (a) FINDINGS.—The Senate finds that—

(1) in May 2002, the Federal Bureau of Investigation (FBI) issued a warning to law enforcement personnel to be alert to the potential use of shoulder-fired missiles against United States aircraft;

(2) in May 2002, Al Qaeda was suspected of firing a shoulder-fired missile at United States military aircraft near Prince Sultan Air Base in Saudi Arabia;

(3) in November 2002, an Israeli commercial jetliner was fired upon by a shoulder-fired missile shortly after take-off in Mombasa, Kenya;

(4) in August 2003, a weapons smuggler was arrested after agreeing to sell a Russian SA–18 to an undercover FBI agent posing as a Muslim extremist;

(5) during recent operations in Iraq, United States commercial airlines—as part of the Civil Reserve Air Fleet (CRAF)—flew nearly 2,000 flights carrying United States troops and supplies into Kuwait, Saudi Arabia, the United Arab Emirates, Qatar, and Bahrain;

(6) no United States commercial airliners are currently equipped with defenses against shoulder-fired missiles.

(b) PRIORITIZATION.—When counter measures against the threat of shoulder-fired missiles are deployed, the Secretary of Homeland Security, in conjunction with the Secretary of Defense and the Secretary of Transportation, shall make it a priority to equip the aircraft enrolled in the Civil Reserve Air Fleet.

SEC. 5009. Paragraph (1) of section 1314 of Public Law 108–11 is amended by inserting ''without fiscal year limitation'' after ''available'' the first place it appears.

This Act may be cited as the ''Emergency Supplemental Appropriations for Iraq and Afghanistan Security and Reconstruction Act, 2004''.

ORDERS FOR TUESDAY, OCTOBER 21, 2003

Mr. MCCONNELL. Mr. President, I ask unanimous consent that at 10:30 a.m. on Tuesday, October 21, the Senate proceed to the conference report to accompany S. 3, the partial-birth abortion ban legislation, and that it be considered under the following terms: 4 hours for debate equally divided between the two leaders or their designees, provided that following the use or yielding back of time, the Senate proceed to a vote on the adoption of the conference report with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, I only ask that the distinguished Senator modify his consent request to have that time on our side under Senator BOXER's control.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 tomorrow morning. 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 of morning business until 10:30 a.m., with the first half of that time controlled by the Democratic leader or his designee, and the second half of the time under the control of Senator HUTCHISON or her designee. I further ask unanimous consent that at 10:30 a.m., the Senate begin consideration of the conference report to accompany S. 3 as under the earlier consent. I also ask unanimous consent that the Senate recess from 12:30 until 2:15 p.m. for the weekly party conferences to meet. I further ask unanimous consent that following the vote on the conference report to accompany S. 3, the Senate resume debate on the motion to proceed to S. 1751.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

PROGRAM

Mr. MCCONNELL. Mr. President, tomorrow morning following the period of morning business, the Senate will begin consideration of the conference report to accompany the partial-birth abortion ban bill. Under that agreement, there will be up to 4 hours of debate, and therefore a vote on adoption of the conference report will occur sometime tomorrow afternoon. The vote on the conference report will be the first vote of the day.

Following that vote, the Senate will resume consideration of the motion to proceed to S. 1751, the class action reform bill.

As a reminder, cloture was filed on the motion to proceed to the bill just a few moments ago. That cloture vote will occur on Wednesday. Senators obviously will be notified when that vote is scheduled.

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 6:36 p.m., adjourned until Tuesday, October 21, 2003, at 9:30 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate October 20, 2003:

THE JUDICIARY

MARGARET CATHARINE RODGERS, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF FLORIDA.

EXTENSIONS OF REMARKS

CONGRATULATING THE PEOPLE OF TAIWAN

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 2003

Mr. LANTOS. Mr. Speaker, on the occasion of the national day of the Republic of China on Taiwan, I extend to the government and people my warmest congratulations and best wishes on this important occasion.

Mr. Speaker, over the past half century Taiwan has become an outpost of democracy in East Asia, and its business community has created a robust and innovative economy. Taiwan's political and economic development is a shining example of East Asia's extraordinary potential.

Under outstanding leaders, Taiwan has shown the desire and the ability to play an increasingly important role on the international stage. As my colleagues know, I have strongly supported the vigorous participation of the government and people of Taiwan in the international community. I support and encourage Taiwan to continue to work for full participation in international organizations such as the World Health Organization and other United Nations institutions.

Mr. Speaker, during over fifty years of cooperation between the United States and Taiwan, we have become valuable allies and friends. In recent years Taiwan has proven to be a consistent champion of human rights, environmental responsibility, and democracy. I particularly applaud Taiwan for its support of the United States in our war against global terrorism and for Taiwan's pledge of humanitarian assistance to Afghanistan and Iraq.

Mr. Speaker, I congratulate our friends, the people of Taiwan and the government of the Republic of China on Taiwan on this national day. We all wish them a future of continued prosperity, peace, freedom, and democracy.

HONORING JAMES W. HEAD

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 2003

Ms. LEE. Mr. Speaker, I rise today to honor James W. Head on the occasion of his retirement as President of the National Economic Development & Law Center (NEDLC). James has provided creative leadership and inspired vision for seventeen years. He leaves behind an organization that is nationally recognized for its success in creating strategies to address the economic and social conditions of low income and communities of color.

James is a pioneer in the community economic development (CED) movement. Along with being NEDLC's longest serving President, he served on the Board of Directors of the National Congress for Community Economic Development and led the formation and served on the Board of Directors of the California Community Economic Development Association, it's California statewide affiliate. During his tenure, the CED movement grew to encompass over 3,000 organizations.

Additionally, Mr. Head was instrumental in the expansion of the number of federally-funded legal services programs that provide CED representation and the formation and support of CED pro bono legal services within the private bar. He has also trained hundreds of law students in CED, and led the formation of numerous law school CED clinics and courses.

Within his field, James is a national leader in developing new strategies for securing jobs for disadvantaged persons. He promoted the sector concept, which links low-income and communities of color with regional labor markets. Under his leadership, the National Network of Sector Partners, an association of over 150 sector practitioners, was founded. Sector initiatives are being used by public agencies, community groups and Workforce Investment Boards across the county. As well, James is recognized for his work in developing new tools for investment in low-income communities. He played a key role in the creation of the Community Capital Investment Initiative, a model program that will result in the investment of millions of dollars in the San Francisco Bay Area's poorest communities.

Lastly, I would like to applaud Mr. Head for his efforts to promote the Community Reinvestment Act of 1977 as a tool for bringing new financial resources to impoverished communities. James chaired the Consumer Advisory Council of the Federal Reserve Board, promoting community banking and helping leaders understand the potential market in low-income areas. He served on the Board of Directors of the California Reinvestment Committee, a statewide advocacy organization that holds financial institutions accountable for meeting the banking needs of low-income communities.

On behalf of the 9th Congressional District of California, I take great pride in joining his friends and colleagues to salute an extraordinary leader, James W. Head.

CELEBRATING THE 20TH ANNIVERSARY OF PAUL VI CATHOLIC HIGH SCHOOL

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 2003

Mr. TOM DAVIS of Virginia. Mr. Speaker, I would like to honor the 20th anniversary of Paul VI Catholic High School on October 12, 2003.

Since opening in September 1983, Paul VI has been committed to graduating well-educated, responsible, and moral young adults. The Diocese of Arlington purchased the old 1934 Fairfax High School building to be administered by the Oblates of St. Francis de Sales according to the teachings of the Gospel of St. Francis de Sales. Paul VI quickly established an excellent academic reputation, helping it grow to its 1,200-student capacity; yet it is especially important to note that the school's mission extends far beyond academia. Faith, outreach, and extracurricular activity also have helped make Paul VI a unique, popular, and admired school community.

Spiritually, students are supported by an active Campus Ministry program which offers Masses, liturgies, and retreats, as well as opportunities for students to meet in healthy social situations. As many as 100 students a year have signed up to be part of the Campus Ministry Team, known for planning activities such as World Hunger Day in order to better empathize with others.

Service plays an equally large role at Paul VI. In 1999, the school was recognized as one of only three Virginia Service Learning Leader Schools. Freshmen and sophomores are required to donate time to helping their school, parish, or community. Juniors and seniors must choose a volunteer project of direct service to the poor, homeless, elderly, or dispossessed. In addition, senior government classes encourage students to volunteer for political candidates and become responsible American citizens.

Paul VI also has taken a leading role nationally as one of the first three Catholic schools in the nation with a program of modified inclusion for developmentally disabled high school students. Through another unique program, Paul VI students became the first high school students ever allowed to work with hospice patients in the Washington, DC, area. In a pilot program run by Hospice of Northern Virginia, seniors taking the Paul VI Death and Dying class are paired with Hospice patients to establish relationships and compile life histories for patients and their families.

Many clubs, sports teams and student organizations add yet another dimension to life at Paul VI. The school newspaper, yearbook, and literary magazine are rated in top categories among scholastic publications. Paul VI offers a successful athletic program with a number of sports teams and an extensive intramural program. Both girls and boys cross-country teams have won state championships; girls volleyball won the Washington Catholic Athletic Conference championships the past 4 years, and boys basketball won the WCAC title in 2003. Students at Paul VI also select a different charity each year to support. Their pledges greatly have helped organizations such as the Hospice of Northern Virginia, the Northern Virginia Training Center, and the American Heart Association.

Mr. Speaker, in closing, I would like to congratulate Paul VI Catholic High School on 20 years of excellence. With its alumni spanning the far comers of the world involved in the Peace Corps and armed services and holding a variety of other noble positions, Paul VI seems to be living out the words of its patron, Saint Francis de Sales, ''Do Ordinary Things

Extraordinarily Well.'' I call upon my colleagues to join me in applauding the Paul VI and its dedicated administration, faculty, staff, and students.

JOIN IN SUPPORTING THE CALIFORNIA MISSIONS PRESERVATION ACT

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 2003

Mr. LANTOS. Mr. Speaker, I would like to ask my colleagues to join me in supporting the California Missions Preservation Act. This legislation, which would authorize $10 million to repair some of our Nation's most important historical landmarks, promises to allow future generations to enjoy California's unique cultural heritage.

From San Diego to Sonoma, the missions of California dot the Pacific coast with beauty and tradition. They were constructed in the 18th and early 19th centuries by the Spanish government as a defense against Russians who, it was thought, desired to move south from the Bering Straight. Spain hoped the settlements would solidify its political authority, as well as extend its religious values into the New World.

Since the missions were built two hundred years ago, the Golden State has evolved from a sparsely populated frontier to the world's technological epicenter. The missions still stand, however, as a source of pride and tradition to all Californians. All 21 are California historical landmarks, and seven have national landmark status. The missions are the State's most popular historic sites, attracting an estimated 5.3 million sightseers last year. Some 745,000 of these visitors are schoolchildren. Mission visits are a valued part of California's fourth grade curriculum, as students build mission models and write research reports on this colorful aspect of California's history.

Mr. Speaker, my colleagues will no doubt be disappointed to learn that California's missions are in various states of decay and disrepair. At San Gabriel Archangel, east of Los Angeles, a termite-infested redwood beam crashed to the ground at the church's main entrance last year, forcing another five beams to be removed as a safety precaution. The beautiful mission at San Miguel has cracks in its façade that are large enough to fit several fingers. San Francisco's famous Mission Dolores is also slowly crumbling away.

Mr. Speaker, the passage of the California Missions Preservation Act, along with the significant fundraising efforts of the nonprofit California Missions Foundation, will enable us to preserve our State's historical legacy. I strongly encourage my colleagues to vote for its passage.

RECOGNIZING THE 10TH ANNIVERSARY OF THE ADVANCED LIGHT SOURCE RESEARCH CENTER

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 2003

Ms. LEE. Mr. Speaker, this Wednesday, October 22, 2003, marks the 10th anniversary of one of our Nation's premier scientific research centers, the Advanced Light Source (ALS), a Department of Energy facility located at Lawrence Berkeley National Laboratory. The 9th District of California is the proud home of this remarkable facility and many of the scientists, students and administrators at the ALS are my constituents.

The ALS is a national user facility that generates intense light for scientific and technological research. It produces light in the x-ray region of the electromagnetic spectrum that is one billion times brighter than the sun. As one of the world's brightest sources of ultraviolet and soft x-ray beams—and the world's first third-generation synchrotron light source in its energy range—the ALS makes previously impossible studies possible.

The light is directed along 27 different beamlines toward experimental workstations, giving a wide range of researchers almost simultaneous access to the light source. This extraordinary tool offers unprecedented opportunities for state-of-the art research in materials science, biology, chemistry, physics, and the environmental sciences. Ongoing research topics include the electronic structure of matter, protein crystallography, ozone photochemistry, x-ray microscopy of biological samples, and optics testing.

Since its inception in 1993, the ALS has been at the forefront of science. Among its many accomplishments, it has helped reveal how bacteria resist antibiotics, how inexpensive and efficient solar cells can be fabricated, and how strange substances like quasicrystals possess properties never before seen. And among the ALS's many distinguished users is Roderick MacKinnon, a biophysicist who recently won the Nobel Prize in Chemistry based in part on research conducted at ALS beamline 5.0.2. His prize-winning foray into the properties of ion channels in cell membranes could lead to potential treatments for diseases like cystic fibrosis, epilepsy, and heart arrhythmia.

In the future, the ALS will stay at the forefront of science thanks to the dedicated staff at Lawrence Berkeley Laboratory and the more than 1,200 scientists who each year travel from around the world to conduct cutting edge research.

I ask my colleagues to join me in congratulating the dedicated employees at Lawrence Berkeley Laboratory past and present who have worked so diligently to reap the full benefits of one of the world's great tools of science.

CELEBRATING THE 50TH ANNIVERSARY OF GARFIELD ELEMENTARY SCHOOL

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 2003

Mr. TOM DAVIS of Virginia. Mr. Speaker, I would like to honor the 50th anniversary of Garfield Elementary School on October 16, 2003.

Garfield Elementary School, located in the heart of Springfield, currently serves approximately 335 students in kindergarten through sixth grade. In 1952, the Garfield School was established to meet the educational needs of the rapidly emerging Springfield area of Fairfax County. First staffed with only seven teachers, Garfield conducted classes on the grounds of Franconia Elementary School under the supervision of then Franconia principal, Mr. James Robinson. The following year, in September 1953, Garfield opened its own school on Old Keen Mill Road, staffed with 18 faculty members and with Mr. Robinson as its first principal.

Since then, Garfield School has been renovated twice in order to better meet the needs of its students. First, in 1967–68 the library was refurbished, administrative offices were added, kindergarten and primary classes were created and a gymnasium was built. Later in 1989, a fresh look was added to the front of the building. And most recently in 2001, new state of the art windows were installed to help reduce the noise created by the ever-widening Old Keene Mill Road.

For the past 50 years Garfield has demonstrated great commitment to providing a high-quality learning environment for the students of Springfield. By placing emphasis on literacy, hands-on experience, critical thinking, cooperation, and cultural sensitivity, Garfield has exceeded all standards set by the Virginia Department of Education. Today, Garfield embraces a richly diverse cultural population and is known statewide for its language arts program. From humble beginnings, Garfield most certainly has emerged as an exemplary elementary school.

Mr. Speaker, in closing, I would like to congratulate Garfield Elementary School on their 50th anniversary and wish them continued success for the future. I call upon my colleagues to join me in applauding their dedication to excellence in the field of education.

IN MEMORY OF BARRY BERINGER, CHIEF COUNSEL FOR THE HOUSE COMMITTEE ON SCIENCE

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 2003

Mr. EHLERS. Mr. Speaker, I rise today in memory of Barry Beringer, chief counsel for the House Committee on Science, who passed away 3 weeks ago.

Barry served the Science Committee for 14 years, under three different Chairmen. He had an immense store of knowledge about the history and jurisdiction of the Committee. He was an invaluable asset in guiding bills through the legislative process, which at times can be cumbersome and confusing. I was always confident that Barry's thoughtful, careful work on parliamentary procedures would result in high-quality legislation and proper procedures.

Prior to joining the Science Committee, Mr. Beringer served as associate undersecretary for economic affairs in the U.S. Department of Commerce. He was a graduate of Dickinson College and active in the Arlington County Republican Committee. I will always remember Barry for his high ethical standards, and his kind way of always putting others' needs before his own. Mr. Beringer was a consummate gentleman, always polite and considerate, and had a wry, but always funny, sense of humor.

I extend my heartfelt condolences to Barry's wife, Bonnie, and their children Francis and

Katie. He will be missed by all of us who were privileged to work with him.

IN MEMORY OF BARRY BERINGER

HON. SHERWOOD BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 2003

Mr. BOEHLERT. Mr. Speaker, I want to draw attention today to Barry Beringer, who served on the House Science Committee for over a decade and was the Committee's Chief Counsel for eight years.

Tragically, Barry was taken from us on September 29, after a courageous fight with pancreatic cancer. Until the very end, Barry was committed to the work of the Science Committee. He remained intimately involved even when he could not make it into the office. He acted as a mentor to our associate counsel through frequent telephone conversations, and he always wanted to do more, even as he was struggling with the fatigue and other ordeals of his illness.

Barry had an enormous impact on all of us who worked with him on Capitol Hill—both as a chief counsel and as a person. Barry served as chief counsel under three Chairmen, and that was no accident. Everyone who knew Barry knew that he could be relied upon for sound and proper advice, that he did not shade his answers. We also knew that he knew the Committee history backwards and forwards, that no one would have a better sense of how to make use of precedent. And, above all, we knew that no one knew more people on the Hill and had better relationships with a wide variety of colleagues. Barry could draw upon these relationships for information, for guidance, for assistance. In all his years on the Hill, Barry made only friends.

The strengths Barry had as a colleague grew out of the strengths he had as a person. He could draw upon so many friends on Capitol Hill because of the warm and decent person he was. Barry did not spend his time ''networking'' or building relationships for utilitarian purposes. He had a network simply because everyone who dealt with him liked him. They knew he was a caring person and a straightforward one. He treated everyone with respect. That is all too rare around the Capitol, and many of the notes we have received about Barry since his death pointed to his basic friendliness and decency.

But those of us who worked with him most closely knew that there was far more to Barry than just a pleasant congeniality. He was smart, funny, passionate, caring and kind. He pursued his interests in politics and history with fervor and good humor.

Yet there was nothing he cared about so much as he cared about his family. He talked often about his wife, Bonnie, and was as proud (and worried) as any parent could be about how his son Francis and his daughter Katie were faring. No one could know Barry without knowing about his family, and Fran gave a moving eulogy for his father.

Barry's loss will be hardest, of course, on his family. But those of us who worked with him all these years will also always have him in our minds and hearts. We still look for Barry when we have a question, and are caught up short by his absence. We tell a joke and wait to hear his laughter, or his quip in response. We look to him to show us how to behave well in difficult situations, and have to rely instead on the memory of how he acted. But that memory will be kept with us and will help us always.

Barry was, among so many other things, a devoted and model public servant. I know this body will mourn his loss and feel his absence for years to come.

RECOGNIZING THE NEW PRESIDENT OF THE COLLEGE OF DUPAGE

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 2003

Mr. HYDE. Mr. Speaker, I rise today to recognize Dr. Sunil Chand as the new President of the College of DuPage in Glen Ellyn, Illinois. Dr. Chand, who began his new duties in July, is only the fourth president to serve at the college since it opened its doors in 1967.

Dr. Chand's career includes teaching and administrative leadership positions in India, his homeland, and in England and the United States. He earned his B.A. and M.A. in English at St. Stephen's College in Delhi, India, where he later taught English. He earned his Doctorate of Literature at Kent State.

Dr. Chand held a variety of positions at Triton College in Illinois, including Dean of Arts and Sciences. He also served as Vice President of Academic Services at Richmond College in London, England, before serving as Executive Vice President for Academic and Student Affairs at Cuyahoga Community College District in Cleveland, Ohio. From there, he moved to his new position at the College of DuPage.

Therefore, I take great pleasure in welcoming Dr. Chand to the Sixth Congressional District of Illinois, and I wish him and the College of DuPage continued success.

TRIBUTE TO MRS. MARGARET WILLIS

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 2003

Mr. VISCLOSKY. Mr. Speaker, I am pleased and honored to recognize the valuable services of Mrs. Margaret Willis, as she retires as a director of the Northeast-Midwest Institute. For the past 9 years, Margaret has provided commonsense leadership by arguing effectively for policies that protect the environment and provide valuable comfort and dignity for those who are less fortunate. She has also served as the Northwest-Midwest Institute's treasurer and has been very active on several committees of the organization.

Margaret Willis is from Chesterton, IN, and has formerly served as both a member of the Porter County Council, as well as a board member and officer of the Northern Indiana Commuter Transportation District. While serving as a Democrat County Council member, Margaret was also a liaison to the Porter County Health Board. She has been a true leader within my Northwest Indiana community by serving as an editor of the Chesterton Tribune, as well as several other local community organizations.

Before her dedicated work in government service, Margaret was the founder of the Indiana Coalition Against Sexual Assault within her community, which was the first support group in Porter County. She has given her time and efforts selflessly through many generous avenues. She has also served on the Chesterton Adult Learning Center Advisory Board, the Porter County League of Women's Voters, as well as the Porter/LaPorte County AIDS Task Force and the Duneland Sierra Club.

Mr. Speaker, I have personally served as vice-chair of the Northeast-Midwest Congressional Coalition. The Institute and Coalition provide many valuable information resources to both Republicans and Democrats. They help to ensure that the region's lawmakers advance Great Lakes restoration, brownfield redevelopment, as well as many other very important environmental issues. I ask that you and my other distinguished colleagues join with me in congratulating and applauding Margaret Willis for her sincere dedication and guidance to not only the Northeast-Midwest Institute, but for her lifetime of hard work and leadership to all members of her community.

OCTOBER SCHOOL OF THE MONTH

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 2003

Mrs. MCCARTHY of New York. Mr. Speaker, it's with great pride that I announce McVey Elementary School in the East Meadow Union Free School District as School of the Month in the Fourth Congressional District for October 2003.

The principal of McVey Elementary School is Dr. Rita Meyerowitz, Ellen Waldron is the Assistant Principal, and the Superintendent of Schools is Dr. Robert Dillon and its three Assistant Superintendents are Leon Camp, Lou DeAngelo, and Lynn Manouvrier. McVey Elementary School has over 832 students in grades kindergarten through grade 5, with over 100 dedicated staff members.

McVey Elementary School recently completed commemorative September 11 gardens, which is why, with their continued strong curriculum, I have chosen McVey as school of the month. Since 2001, the students have been taking part in the planting and caring for the gardens. The gardens were given names by the students and stones were engraved with patriotic names. The gardens allowed the opportunity for the students, and faculty, to remember the lost in their own way while constructing a memorial. Students gave much time and dedication towards this project and although some of the students have moved on to middle school, the garden will be there as a reminder of their work and more importantly as a tribute to those who lost their lives.

The learning begins in Kindergarten. McVey Elementary School has an activity called ''Dino-dig.'' This allows the students to learn about the history of dinosaurs and fossils while having fun. Education is about learning

but if children are enjoying themselves while in the classroom the participation and retention levels will be higher. McVey understands this and practices it for all grades.

Following the school motto, ''McVey all the way'', the Parent Teachers Association (PTA) will be hosting a blood drive. The school is out in front of the cause to help solve Long Island's blood shortage and hopefully other Long Island schools will follow their lead.

Mr. Speaker, the faculty and students, of McVey, along with the community, have created a wonderful learning environment. I am proud to name McVey Elementary School the school of the month for October 2003.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE AND FOR THE RECONSTRUCTION OF IRAQ AND AFGHANISTAN, 2004

SPEECH OF

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 17, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3289) making emergency supplemental appropriations for defense and for the reconstruction of Iraq and Afghanistan for the fiscal year ending September 30, 2004, and for other purposes:

Mr. COSTELLO. Mr. Chairman, I rise today in strong opposition to the process being used by the Republican Leadership to bring the Supplemental Appropriations bill before the House.

This process denies members from having the opportunity to consider or vote on the Obey substitute or to have two separate votes: one to provide the funds for our troops and the other to fund the reconstruction of Iraq.

Each Member of this body strongly supports our troops and will provide the necessary money, supplies, and equipment to ensure their safety. However, the President and the Republican Leadership has tied funding for our troops to funding for Iraq reconstruction. They know that tying the reconstruction money with the money for our troops makes it very difficult to vote no on this $87 billion package. This puts me and other members in a position to either vote for the entire package, which includes giving the President a blank check with little accountability for spending or risk having them accuse those who vote against the package as being unpatriotic or not supporting our troops. Both charges are not only false but also outrageous.

I voted against the resolution to give the President the authority to send our troops to war in Iraq. I did so because I believed that allowing the weapons inspectors to continue to do their job in Iraq would cost us nothing and would give us more time to attempt to bring the United Nations on board. The President should have assembled an international coalition similar to the coalition that his father put together to undertake Desert Shield and Desert Storm in 1990–1991. However, this President instead decided to go it alone and told the United Nations and other countries that they were either with us or against us. Unfortunately, when one country decides to go it alone as the President did with Iraq, American soldiers fight alone, die alone and the American taxpayers pay for it alone.

There was a great deal of national support at the start of the war with Iraq because the American public was told the operation would be short and that reconstruction would be financed with revenue generated from the oil in Iraq. In fact, Deputy Defense Secretary Paul Wolfowitz told congressional committees that American soldiers could be out of Iraq within 30–60 days and the vast revenue from the oil in Iraq could pay for the entire reconstruction of Iraq. The administration is now estimating that we could be in Iraq for the next five years and with this supplemental today, the American taxpayers will have already spent between $150–$200 billion.

Congress has already provided $103 billion in defense funding, over and above regular defense appropriations, for military operations in Afghanistan, for homeland defense, and, most recently in April's Emergency Wartime Supplemental appropriations bill for the war in Iraq. The deficit is growing to new highs and the government cannot keep spending at this rate.

Since coming to Congress, I have consistently and strongly supported our troops and national defense spending. I am extremely proud of our servicemen and woman that have sacrificed so much in Iraq and elsewhere around the world. I am very concerned about the safety of our troops, who are serving long tours in tough conditions. Our men and women in uniform and their families are going well beyond the call of duty.

It is disgraceful that the Bush Administration and my Republican colleagues would tie funding for our military with controversial and unaccounted reconstruction funding. It is important to note that the nonpartisan Congressional Research Service contradicts the administration's position that the $67 billion for the military is needed immediately. According to the study, the Army could finance operations through next April or May with the money already appropriated.

Mr. Chairman, I cannot in good conscience support giving this President or any president a blank check with little or no accountability. Therefore, I ask my colleagues to join me and reject the $86.9 billion Supplemental Appropriations bill and send it back to the committee with instructions to immediately bring the bill back to the floor as two separate bills today: one that provides funding for our troops, which would pass unanimously, and one that would provide for reconstruction. We should let the decision concerning money for reconstruction and who will profit from it stand on its own merits.

HONORING THE WORK AND DEDICATION OF JAY SANDELIN

HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 2003

Ms. GRANGER. Mr. Speaker, today I rise to recognize and honor a good friend, Jay Sandelin, for his outstanding contributions to the practice of osteopathic medicine, the Osteopathic Health System of Texas/Osteopathic Medical Center of Texas, and to the citizens of Fort Worth, Texas. Jay Sandelin not only exemplifies great leadership in his professional life, but has also shown leadership by being a current or past member of at least seventeen civic, trade, philanthropic, cultural, and business groups.

In 1989, Jay Sandelin was elected Chairman of the Board of Health Care of Texas, which comprises both the Osteopathic Health System of Texas and the Osteopathic Medical Center of Texas. During his time as Chairman of the Board, Mr. Sandelin helped influence the transition of Texas College of Osteopathic Medicine from a private institution to a state medical school, which has evolved into the University of North Texas Health Science Center. Previous to his work as Chairman of the Board, Mr. Sandelin served for many years on the boards of various osteopathic organizations in the course of a distinguished career in the financial services industry.

Mr. Sandelin's leadership has been vital in raising the profile of the osteopathic medical profession and its philosophy to a greater level of awareness and acceptance in North Texas and throughout the Nation. Because of his work, today I want to congratulate Jay Sandelin on an outstanding career and wish him well in his retirement.

IN RECOGNITION OF THE 2003 NATIONAL LEAGUE CHAMPIONS

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 2003

Mr. SHAW. Mr. Speaker, I rise today in recognition of Major League Baseball's 2003 National League Champions, the Florida Marlins. Earning the reputation of a team that does not quit or tire, the Marlins will now compete in their second World Series in only 10 short years. Down 3 games to 1 to the San Francisco Giants, the Marlins fought their way back earning two thrilling victories at home to the delight of thousands of South Florida fans. Many will never forget Game 4 of the National League Division Series where the Giants and Marlins battled back and forth to finally conclude on a spectacular play at home plate. Thanks to the solid hands of catcher Ivan ''Pudge'' Rodriquez, the Marlins were on their way to face the Chicago Cubs in the National League Championship Series.

The National League Championship Series garnered the excitement and thrill baseball fans have not witnessed in some time. Playing in famed Wrigley Field, the Marlins took Game 1 and headed home to the friendly confines of Pro Player Stadium with a split in the series.

Games 3 and 4 went the way of the Cubs resulting in a 3 to 1 deficit that looked monumental to overcome. However, under the leadership of Manager Jack McKeon and behind the arm of pitcher Josh Beckett, the Marlins and Beckett gave baseball fans an exciting two-hit, complete game shutout sending the series back to Chicago. Down 3 games to 2, the Marlin players were never swayed from their sheer competitive spirit and gamesmanship. With the undaunting task of facing Cubs ace Mark Prior, the Marlins battled the Cubs the entire game. However, with one out in the top of the eighth inning, a World Series berth seemed out of reach. Throughout the 2003 regular season and the postseason to date, the Marlins have fought back when trailing an opposing team. Game 6 was no different. In a span of 10 minutes, the Marlins had turned Game 6 from being down 3–0, to leading 8–3 due to the solid hitting of men like Juan Pierre, Pudge Rodriquez, Miguel Cabrera, Jeff Conine, Derek Lee, and utility fielder Mike Mordecai. The thrilling series was now deadlocked 3 games apiece.

Last night's Game 7 is every fan's postseason dream. Two teams tied and playing with everything on the line with the chance of being crowned National League Champions and a trip to the fall classic. As we all know, the Marlins came out swinging against Cubs star pitcher Kerry Wood. Despite losing a lead, the Marlins continued their case of consistent and timely hitting. In the end, the Marlins once again shocked the baseball world.

Mr. Speaker, this Marlins fan congratulates Chairman and CEO Jeffrey Loria, Skipper Jack McKeon, the Marlins coaching staff, MVP Pudge Rodriguez, each player and the entire Marlins organization and fans on a wonderful National League Series and much luck in the World Series.

FRANK RAFLO, HONORED BY KIWANIS INTERNATIONAL

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 2003

Mr. WOLF. Mr. Speaker, it is my pleasure today to recognize my constituent Mr. Frank Raflo, of Leesburg, VA, upon his receipt of ''The Hixon Award,'' the highest award presented by Kiwanis International.

Frank, referenced fondly by friends and associates as ''Mr. Leesburg,'' has earned the admiration of many for his tireless efforts on behalf of the community. Frank served Leesburg as mayor, county supervisor and chairman of the Loudoun County Board of Supervisors. Now in his early eighties he remains active on the Governor's Council of Virginia Towns and writes his weekly column ''Just Being Frank,'' for the Leesburg Today newspaper.

In 1957, Frank and some associates founded the Leesburg Kiwanis Club and soon after instituted the Leesburg Halloween Parade, said to be the largest of its kind east of the Mississippi River.

No recognition of Frank's contributions to the Leesburg community would be complete without mention of his wife Frances, a source of inspiration and encouragement.

I am proud to call attention to the achievements of Frank Raflo as he is honored with this prestigious award. On behalf of the people of Virginia's 10th Congressional District and the Leesburg community, I congratulate Frank for his outstanding contributions to the community.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE AND FOR THE RECONSTRUCTION OF IRAQ AND AFGHANISTAN, 2004

SPEECH OF

HON. CAROLYN C. KILPATRICK

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, October 17, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3289) making emergency supplemental appropriations for defense and for the reconstruction of Iraq and Afghanistan for the fiscal year ending September 30, 2004, and for other purposes:

Ms. KILPATRICK. Mr. Chairman, I rise for the purpose of responding to the comments of the gentleman from Pennsylvania, Congressman MURTHA. As the gentleman from Pennsylvania knows, I am interested in seeing that Army Air Force Exchange Service obtains adequate funding, so it can recover some of the losses it has incurred in supporting our troops in immediate combat areas. It is my understanding that the Committee intends to allocate $30 million of the funds allocated to the Army Operations and Maintenance account to the Amy Air Force Exchange Service, but I understand the needs of the AAFES is $40.5 million.

I was considering offering an amendment to increase the amount for AAFES by $10.5 million. However, it is my understanding that the Defense Appropriations Subcommittee shares my concern in this area and is willing to address the funding shortfall when we prepare an Omnibus Appropriations bill.

A BILL TO MODIFY THE APPLICATION OF THE PASSIVE LOSS LIMITATIONS TO TIMBER ACTIVITIES

HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 2003

Mr. HERGER. Mr. Speaker, I am introducing legislation today to help small and family owned timber owners comply with the passive activity rules as set out in the Internal Revenue Code and the Treasury Department regulations. The current rules require a taxpayer owning timber to devote at least 500 hours per year to the tree growing business or 100 hours of personal work under an unpredictable ''facts and circumstances'' test.

While the typical small grower assumes huge risk from pests, fire and wind and costs such as local property taxes, clearing and pest control, he or she would be hard pressed to devote even 100 hours a year to working in the forest. With little or no income in the years between harvests, small timber owners' expenditures become passive losses deductible many, many years in the future, severely impacting the owners' already modest cash flow.

My bill would provide a narrow exception to small (80 percent owned by no more than 5 people) and family timber owners. The bill would provide an exception for these taxpayers performing fewer than 100 hours or in the instance when the owners manage a third party to perform the needed services.

We must create a self-sustaining resource of trees to ensure raw materials for paper products as well as to provide a continuing supply of reasonably affordable building materials for consumers. And it is increasingly obvious that our most reliable source will be the millions of acres of privately owned forestlands. Timber farming is a long-term, high-risk venture, subject to the uncertainties of disease, fire and a highly unpredictable marketplace. My bill will ensure that small timber holders continue to be a viable part of this essential industry.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE AND FOR THE RECONSTRUCTION OF IRAQ AND AFGHANISTAN, 2004

SPEECH OF

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 17, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3289) making emergency supplemental appropriations for defense and for the reconstruction of Iraq and Afghanistan for the fiscal year ending September 30, 2004, and for other purposes:

Mr. MURTHA. Mr. Chairman, I want to respond to the concerns shared by the gentle lady from Michigan, Ms. KILPATRICK, and assure her that we do share her concerns. We agree that the AAFES and the other exchanges should be reimbursed for extraordinary costs serving in forward deployed areas. As the gentlelady knows, the Exchange Service is a nonappropriated fund activity. But there have been times when Congress has had to appropriate funds to help the exchange services with extraordinary costs for supporting our troops in immediate combat areas. This is one of those times. We agree that we need to do more to help the Exchange Services so our troops can have access to items we consider basic necessities here at home. We think we can take a look at this issue when we begin serious negotiations on an Onmibus Appropriations bill.

HONORING MICHAEL BRADY

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 2003

Mr. BISHOP of New York. Mr. Speaker, I rise today to honor Michael Brady, a dedicated and noteworthy humanitarian, who was a committed public servant to his community of Smithtown, Long Island. On August 28, 2003, Mike lost his battle with cancer, and left behind a legacy of caring for the youth of his community.

Mike Brady bravely served our country in the Vietnam War from 1962 to 1967 as a Navy Machinist mate 3rd Class on the USS *Long Beach*. Upon his return to New York, he became an active member of the Vietnam Veterans of America.

Mike Brady displayed an overwhelming concern for children that showed through his many actions. He was a co-founder of the Smithtown Veterans Youth Program. This valuable program provides the youth of Smithtown and the surrounding communities a safe place to go every weeknight of their summer vacation to enjoy friendship and fun. This program has been used as a nationwide model by veteran's organizations in an effort to fight drugs and keep America's youth drug-free.

Mike also worked with children as a little league coach. His patience and commitment to children made a difference in the lives of so many. The ancient saying that ''it takes a village to raise a child'' was one that Mike understood and embraced.

Mike Brady is described by his family and friends as a simple, caring person, who constantly gave back to the community with his service and dedication to every person he met. These admirable characteristics led Mike Brady to be honored as a recipient of the Chapel of Four Chaplains Humanitarian Award. He joins recipients such as Bob Hope and Ronald Reagan who received the award with the purpose of recognizing the service that a veteran provides to their comniunity above and beyond the call of duty.

Some people come into our lives and leave without a trace. Some stay for awhile and remain close to our hearts. And we are never, ever the same. Mike Brady has left his mark on the Smithtown Community and he will be missed.

HONORING RUSH ELEMENTARY ON THEIR 50TH ANNIVERSARY

HON. RANDY NEUGEBAUER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 2003

Mr. NEUGEBAUER. Mr. Speaker, it gives me great pleasure to rise today to celebrate Rush Elementary th School in Lubbock, Texas' 50th anniversary, which will occur on October 24th. Rush Elementary has played an intergral role in developin gand nurturing young students in West Texas for half a century. The faculty's contributions to the lives of young people have strengthened the foundation of the community and continue to be an invaluable resource.

The school strives to continue the spirit of connnunity service that was characteristic of George A. Rush, the school's namesake. Mr. Rush was a pioneering citizen who helped lay the foundation on which Lubbock was built. Mr. Rush served on the first Lubbock City Council and originally owned the 9.5 acres of land where the school is now built. By emphasizing community outreach, the facility has fostered in its students a spirit of serving others with dedication. We have been especially fortunate in my home, that my wife, Dana, attended Rush. Senate Majority Leader BILL FRIST's wife Karyn, also benefited from attending Rush during her elementary years.

Rush Elementary School was founded in 1953 and it only consisted of four classrooms in two temporary buildings with combined grade levels. The existing building opened on December 19, 1957. Mrs. Maggie Hammer served as the head teacher of the four teacher staff. In 1959 twelve classrooms were added, followed by a new gymnasium and an air-conditioning system in 1989, as well as technical upgrades to support a new computer system. Rush currently enrolls 580 students.

Today, as we celebrate the 50th anniversary of Rush Elementary School in Lubbock, Texas, I thank them for their service to the area. I am proud to join the citizens of Lubbock, and others who have benefited from the elementary school, in extending my deepest thanks and appreciation for all of their hard work. Our community would not be the same without the unparalleled contributions of the school and its dedicated faculty and staff.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE AND FOR THE RECONSTRUCTION OF IRAQ AND AFGHANISTAN, 2004

SPEECH OF

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 17, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3289) making emergency supplemental appropriations for defense and for the reconstruction of Iraq and Afghanistan for the fiscal year ending September 30, 2004, and for other purposes.

Mr. REYES. Mr. Chairman, tomorrow we will vote on spending 86.9 billion dollars of American taxpayers' hard-earned money on our ongoing military operations and reconstruction in Iraq and Afghanistan.

This massive request for supplemental funds to pay for our activities in Iraq and Afghanistan brings home—to the pocketbooks of every American taxpayer—the cost of our involvement in these countries.

If this bill passes tomorrow, we will have spent a total of 175 billion dollars on Iraq and Afghanistan—38 billion dollars more than we are spending for Federal health, education and labor programs here at home. And 47 billion dollars more than we are spending for our veterans, housing, economic development, NASA, environmental protection and scientific research here at home.

I am not going to argue about our activities in Afghanistan—they are wholly appropriate and necessary in order to dismantle the Al-Qaeda terrorist network.

However, Iraq is different.

We have gotten ourselves into a situation in Iraq that is both dangerous to our troops and critically important to our worldwide leadership duties and responsibilities. The situation is now so serious that, to me, it is less important that we arrived at this point by serious miscalculation, perhaps manipulation and half-truths, than to understand that ''failure is not an option.''

We have the most professional, most dedicated, best-trained and best-equipped military in the world. It is absolutely necessary that we supply anything and everything to support and ensure the safety and success of our troops. They represent the best this country has to offer, and their sacrifices should never be taken lightly or for granted. As commander in chief, the president committed them to this war, and now we must provide them with all the resources and support they need. I support every penny of this request that supports our troops. And in addition to supporting them this week, we must also remember to fully support and fund the veterans programs that they will rely on in the future.

The Administration is asking us to support a request for reconstruction in Iraq of 18.6 billion dollars that, according to Ambassador L. Paul Bremer (administrator of the Coalition Provisional Authority), is probably just the down payment. Bremer has indicated that reconstruction costs alone may top 60 to 70 billion dollars.

This bill would provide 5.7 billion dollars to rehabilitate Iraq's electric power infrastructure. In my district, which includes the city of El Paso, and in other districts on the U.S.-Mexican border, hundreds of thousands of our own citizens don't have electricity. Never mind that a failure in our own power grid caused a huge blackout in the Northeast recently, and that Hurricane Isabel left hundreds of thousands in the dark, while many of my colleagues were told by Federal disaster relief agencies that they don't have the funds to help.

Also included in this bill is 793 million dollars for health care programs and upgrades to hospitals and clinics. El Paso, a city of 700,000, is in desperate need of affordable health services and is in the midst of a health care crisis caused by severe budget cutbacks at the State and Federal levels.

This bill includes 4.3 billion dollars to expand access to safe drinking water and improve sanitation. Hundreds of thousands of people along our Nation's border don't have safe drinking water or sanitation services. In fact, nearly 5,000 households in the El Paso area lack complete plumbing.

This supplemental includes another 500 million dollars for transportation and telecommunications projects in Iraq. Meanwhile, more than 10,000 households in the El Paso area have no telephone service available for their use.

Mr. Speaker, there are those in the Administration who talk about our ''responsibility'' to provide these services to rebuild Iraq when we along the border are constantly told there is not enough money to assist in the development of these services here at home. What about the responsibility to our own citizens in our own country?

This Administration comes to us and the American people expecting to receive a blank check with no questions asked. It seems to think the tragedy of Sept. 11, 2001, can be used to ramrod anything and everything. It acts as though it is unpatriotic to ask for justification and accountability. Mr. Speaker, it is not unpatriotic to ask for justification and accountability for the taxpayers' money—it is one of the most patriotic actions a member of this body can take.

The request for funds to rebuild Iraq is bundled together in this bill with the money essential to support our troops. At the same time that their sons and daughters are being

wounded and killed in Iraq, the American people are being asked to pay the bill for programs and projects in Iraq that are desperately needed here.

I intend to support this flawed supplemental request, but only because the safety of our brave men and women in uniform depends on it.

RECOGNIZING AND HONORING AMERICA'S JEWISH COMMUNITY ON ITS 350TH ANNIVERSARY, AND SUPPORTING THE DESIGNATION OF AMERICAN JEWISH HISTORY MONTH

SPEECH OF

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 15, 2003

Mr. HASTINGS of Florida. Mr. Speaker, I rise today in support of H. Con. Res. 106, a concurrent resolution that recognizes the 350th anniversary of Jewish life in the United States. The resolution encourages all Americans to celebrate September 2004 as American Jewish History Month.

I am proud to represent notable Jewish American artists, musicians, doctors, spiritual leaders, entrepreneurs, lawyers, inventors, and authors that reside in South Florida. I wish to celebrate and honor 350 years of Jewish life in America with my Jewish friends, and, through this resolution, commemorate this landmark event with the Jewish community nationwide.

Mr. Speaker, the success of the American Jewish community is testament to the basic American rights to liberty, opportunity, and inclusion. These men and women of Jewish descent have substantially transformed the Nation and its communities.

American Jewish culture has played a critical role in the multi-dimensional evolution of this country. In part because of Judaism's emphasis on social justice and in part because of Jews' experience as a marginalized minority, Jews led many of the protest and social justice movements of the 1960s and 1970s. In turn, Judaism continues to respond to changes in American culture; feminism, environmentalism, and other social movements have influenced how many Jews practice their religion.

The story of Jews in America is also the story of America itself. Thus, it is only fitting that this Congress recognize the enormous contributions of the American Jewish Community to our Nation by designating an American Jewish History Month.

CONGRATULATING NED MCGINLEY FOR BEING HONORED AT THE ANCIENT ORDER OF HIBERNIANS NATIONAL PRESIDENT'S DINNER

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 2003

Mr. KANJORSKI. Mr. Speaker, I rise today to call the attention of the House of Representatives to Ned McGinley of Wilkes-Barre, Pennsylvania who will be honored at the Ancient Order of Hibernians National President's Dinner Saturday, October 25, 2003 at King's College in Wilkes-Barre.

I am proud to say that Mr. McGinley is the first National President of the Ancient Order of Hibernians who is from Northeastern Pennsylvania. Mr. McGinley earned this honor through his 25 years of leadership in the Ancient Order of the Hibernians, where he has served on its National Board as Director and National Organizer.

The Ancient Order of Hibernians is the oldest and largest Irish-Catholic organization in the United States. It was founded in New York with its roots in Northeastern Pennsylvania around 1836.

Mr. McGinley has proved that he is a strong leader and is involved in a variety of activities in the community. Mr. McGinley is a graduate of Wilkes College in Wilkes-Barre and worked as an educator there for over 30 years. He created a Division III wrestling program at King's College and was inducted into the Division III Wrestling Hall of Fame.

Mr. Speaker, it is a privilege and honor to represent a man who has displayed a lifetime leadership role in serving his community. I ask that my colleagues pay tribute to Ned McGinley as he receives this well deserved honor.

HONORING FRANCES ''FRANKIE'' BOCK FOR 28 YEARS OF VOLUNTEERISM

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 2003

Mr. MURTHA. Mr. Speaker, I rise before my colleagues today to honor a very special lady from the 12th Congressional District of Pennsylvania, Frankie Bock. With her visionary ideas and tireless work, she has touched the lives of countless people with her compassion and dedicated service to the terminally ill and their families in Southwestern Pennsylvania.

Caring for others is not just a concept to Frankie Bock; it has been a way of life for over 60 years. With three younger siblings and fragile parents who depended on her, 10-year-old Frankie was indoctrinated into care giving as a means of family survival. Eventually, as a young mother of six children of her own, Frankie somehow found time to become involved with Cub Scouts and also began teaching Sunday School at the First Lutheran Church. She would continue teaching for 35 years, while also serving in the Church's Bereavement Ministry. Volunteerism not only became a way of life for her, but would lead her to her true calling, hospice care.

In 1977, Frankie Bock saw a need and set out to fill it. She joined forces with Dr. Earl Shope, who had been providing hospice care on his own, visiting patients at their homes to comfort them. Together, they established Laurel Highland Hospice of Pennsylvania. The hospice movement worldwide was in its infancy at the time, but it was a natural transition for Frankie. Laurel Highland Hospice was the first rural hospice in the United States and the first formal hospice in Pennsylvania. Its name was changed to Windber Hospice after it was given a home by the Windber Hospital.

Frankie's calling was helping people when they most needed it—at the end of their lives, when they were suffering from pain and the knowledge that there was no hope for a cure for their illness. Their only hope was that someone would care; that someone could somehow ease the pain; that someone would understand.

Many of us, too many of us, know the anguish of losing a friend or a loved one to a fatal illness. To us, but moreover to those who are ill and suffering, people like Frankie are truly angels of mercy sent by God. From kindness, compassion and companionship to managing pain and sickness with needed medicines, to helping families prepare both emotionally and financially for what was to come, Frankie saw the enormous need and made all these things possible.

From its humble beginnings a generation ago, the Windber Hospice Program has reached impressive milestones. It has grown enormously and now serves a large portion of Southwestern Pennsylvania, to include six counties. Its impact reaches much farther, however. Because it inspired the establishment of numerous similar programs, it serves as a powerful example of just how much one person can truly make a difference in the lives of so many.

In 1981, the Windber Palliative Care Unit was opened, a direct result of the establishment of the hospice program Frankie and Earl started. Its newest facility was just dedicated in 2000. Presently, the program boasts 90 volunteers serving in the Palliative Care Unit, Home Care, Bereavement, and Pastoral Care. No one is denied services due to the lack of insurance or the inability to pay.

After more than 25 years and the recent passing of her dear friend and hospice cofounder Dr. Shope, Frankie continues to train hospice volunteers and touch the lives of hundreds of terminally ill patients, providing personal care to the dying and loving comfort to their families. She also volunteers her ''spare'' time to help further the cause of Children's Hospice International. Frankie and the volunteers at Windber Hospice hosted CHI's 14th World Congress in Johnstown recently. It was attended by 150 health care providers from around the world.

Few would argue that Frankie sets the standard for volunteerism and community service. Her name is familiar to many families in the area because so many of them at one time or another have had a loved one in the program. I felt her name should be heard here in Congress as well, because she embodies the best the American spirit has to offer.

Frankie, I cannot think of twenty-eight years better spent. Thank you, Frankie, for your amazing work on behalf of dying patients and their families.

TRIBUTE TO GERALD LOSEY IN APPRECIATION FOR HIS DEDICATED SERVICE TO HIS COMMUNITY

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 2003

Mr. STUPAK. Mr. Speaker, I rise today to congratulate and acknowledge Gerald Losey,

of Crystal Falls, Michigan for decades of devoted and effective service to his community.

Jerry is one of those people who saw the light and migrated up to Iron County in 1983, after making his mark near Flint through years of hard work as a political organizer and Democratic campaign worker. He was chairman of the Political Action Committee of the United Autoworkers Local 651 in Flint at AC Delco. He also served during this time as alternate committeeman, district committeeman and shop committeeman for Local 651.

Jerry served the DORT Federal Credit Union at AC Delco as a member of its board of directors, as chairman of the credit committee and as chairman of its building committee.

In 1960, Jerry was actively involved in John F. Kennedy's campaign for President in Genesee County and helped organize an extremely successful Democratic rally for JFK at the Atwood Stadium in Flint.

Aside from his union contributions, in the early 1960's Jerry organized the Vienna Township Democratic Club in the Flint area. His guidance of its grass roots activities resulted in the defeat of all but one of the long-standing Republican office holders in Vienna Township.

In the early 1980's, when Jerry learned that The Landing supper club in Crystal Falls, Michigan was for sale, he bought it and began his journey to becoming a respected businessman and fixture in Iron County community life. Jerry hosted many receptions for candidates and dinners for the Iron County Democratic Party at The Landing over the years until he sold the restaurant in December, 2000.

It was also during this time that Jerry met his lovely wife, Shelly, who is a happy part of his life today.

After coming to Iron County, Jerry eventually embarked on a campaign of his own and was elected to the Iron County Board of Commissioners. He served with distinction from 1990 through 1992, acting as vice chairman of the board and chair of its law enforcement committee.

During his tenure as a County Commissioner, Jerry served a number of community organizations, including the Dickinson-Iron District Health Department, the Iron County Department of Social Services, the Iron County Community Hospital and the Iron County Rodeo Committee.

He has also been president of the Iron County Trailblazers and actively participated in its snowmobile trail work. Jerry has been a member of the Iron County Fair Board, the Stambaugh Township Compensation Committee and the Executive Board of the Iron County Democratic Party.

Lower Michigan's loss has been northern Michigan's gain, and it is clear that Jerry Losey has become a vital and valued part of the Iron County community. He is a true example of dedication and service, which was recognized by his selection as the Burr Sherwood Vintage Democrat of 2003 by the Iron County Democratic Party. I am happy to join in the applause and congratulations for Gerald Losey in recognition of his lifetime of service to his fellow Michiganians.

HONORING RODERICK MACKINNON ON HIS RECEIPT OF THE 2003 NOBEL PRIZE IN CHEMISTRY

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 2003

Mr. BISHOP of New York. Mr. Speaker, I rise today to honor Dr. Roderick MacKinnon on his receipt of the 2003 Nobel Prize in chemistry for his research on the biophysics of cells, which revealed the intricate process of electrical signaling in human beings and other living organisms. Dr. MacKinnon conducted much of this research at the National Synchrotron Light Source at Brookhaven National Laboratory, a federal scientific research institution that is located within the First Congressional District of New York. His work has the potential to enhance the lives of millions, as it has contributed to a deeper understanding of such diseases as cystic fibrosis and heart arrhythmias, which will likely lead to more effective ways of treating these devastating illnesses.

Dr. MacKinnon's research focused on the study of ion channels, the pores through which vital materials—potassium, chloride, calcium and sodium ions—enter or leave the cells of the body. In 1998, Dr. MacKinnon was the first to determine the structure of an ion channel and, through a process called crystallography, produced exceptionally detailed portraits of the potassium ion structure. These high resolution ''snapshots'' not only revealed the basic structure of an ion channel, but also the process by which ions are expelled or admitted by cells. This process, electrical signaling, involves the rapid fire opening and closing of the channels to release ions and move electrical impulses from the brain in a wave to their destination in the body. Dr. MacKinnon's research determined the specific conditions that control whether ion channels are opened or closed, a process that puzzled researchers for over 50 years.

The discoveries made through Dr. MacKinnon's work offers researchers a renewed potential for understanding and curing illnesses derived from defective ion channels. Such diseases, many of which affect the kidneys, heart, muscles, and nervous system, cause ion channels to interfere with proper electrical signaling and can be fatal. Dr. MacKinnon's findings have refined the medical community's understanding of how ion channels slam shut or remain open and other critical bodily functions. This discovery offers important insight into the future development of drugs to control channels more precisely, and can potentially save human lives.

Dr. MacKinnon received a B.A. degree in biochemistry from Brandeis University in 1978 and an M.D. from Tufts University in 1982. He has served as a full faculty member at Harvard Medical School, professor and head of Laboratory Molecular Neurobiology and Biophyics at The Rockefeller University, and was appointed an investigator of the Howard Hughs Medical Institute. In recognition of his work on ion channel structure and function, Dr. MacKinnon received the 1999 Lasker Award, the 2000 Rosenstiel Award, and the 2001 Gairdner Award.

Mr. Speaker, I ask you and my other distinguished colleagues to join me in commending Dr. Roderick MacKinnon on his important accomplishments in the field of biophysics, and his receipt of the 2003 Nobel prize in Chemistry. Dr. MacKinnon's work represents a significant contribution to medical research, and offers great potential to finding cures to many of the world's most devastating diseases. I am very proud that Dr. MacKinnon is associated with Brookhaven National Laboratory, an institution that has produced five Nobel Prize recipients since its founding, and I applaud him for his many contributions to science and the medical profession.

HONORING DEACON WALTER GRAY

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 2003

Mr. PICKERING. Mr. Speaker, I rise today to pay tribute to Deacon Walter Gray, affectionately known as Walter, a constituent of mine from the Norris-High Hill community in Scott County, Mississippi, who died on September 13, 2003. Walter was 81 years of age, and a World War 11 veteran.

Walter was born and raised in Scott County, and before adulthood was an active leader in his community. God, Family, and Friends, in that order, were his priorities. He instilled these priorities in his family and community. He was a trustee and the treasurer of the Green Grove United Methodist Church, and was thoroughly respected by church members and parishioners. He set a peerless example in the way he conducted his own life.

Aside from his church, and being an employee of Forest County, Walter loved basketball and particularly enjoyed cheering his grandson, Greg Carter, playing for the Forest High School Bearcats and the Mississippi State Bulldogs. When either of these two teams were playing during Greg's time as a player, you could always count on Walter's presence. One of the highlights of his life was seeing Greg attain a basketball scholarship at Mississippi State University, graduating and being named to the All SEC Team. Because he loved to talk about his church, his grandchildren, basketball, and Mississippi State University, anyone could always generate a good conversation with Walter.

In his funeral eulogy his pastor found it difficult to find enough adjectives to describe the high esteem the community held for Walter, and how sorely he was going to be missed by his family, friends, his county, and Mississippi. He stood, as a stout oak, as mentor and role model for his children Lenal, James, Bobbye Carter, Lois Briskey and eleven grandchildren, thirteen great-grandchildren, a host of nieces and nephews, and countless other young people of his church family. What a legacy for Mississippi!

Perhaps, the most soulful words of all voiced about Deacon Walter Gray were those written by Nancy, his wife and helpmate of 64 years:

A golden heart stopped beating,
Hard-working hands at rest,
God broke our hearts to prove to us,
He only takes the best.

Mr. Speaker, Deacon Walter Gray truly represents the best of Mississippi. I ask Congress join me in remembering him and recognizing his life now that he has gone on to be with his Heavenly Father.

REMEMBERING MCPHELAN REESE

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 2003

Mr. HALL. Mr. Speaker, I am honored today to pay tribute to a talented and endearing man who contributed so much to the community of Bonham, Texas, and to the Sam Rayburn Library in Bonham for the past quarter of a century—McPhelan Reese, who passed away this past summer at the age of 97.

Mac Reese was a fixture in Bonham as the writer-in-residence at the Sam Rayburn Library from 1975 until his retirement in 2001. He was the oldest full-time employee in The University of Texas System. Mac wrote the introduction to each chapter of Sam Rayburn's autobiography, Speak, Mister Speaker, and wrote the preface to the Library's collection of political cartoons, Impressions of Mister Sam. He was the author of two books of poetry, Showdown and other Poems and Gullible's Travails and was working on this third volume, All About Us, a tribute to his beloved Bonham, when failing health forced him to stop.

Born in Bonham, Mac was raised by his mother, Victoria Phelan Reese, an actress and teacher who instilled in him a love of the arts, and his grandfather, Leonidas Reese. Mac pursued singing at the Kidd-Key Conservatory in Sherman and then at the Fine Arts Academy in Cincinnati. While in Cincinnati he also trained to be a boxer at Speedy Bishop's Gym, where many of the Midwest's fighters worked out. Mac simultaneously pursued singing and boxing careers before facial injuries brought both efforts to an end. He then spent some time in Hollywood, where he played small roles in the movies and worked as a writer.

Eventually Mac moved back to Texas—first to Houston, where he worked as a master painter. In the 1970s he moved to Bonham, his hometown, following the death of his first wife, Pan Carr Reese, and his marriage to Ila Rogers Carr. In 1975 he began working at the Sam Rayburn Library as a writer-in-residence and the unofficial poet laureate of Fannin County. He delighted in telling stories and was considered by many to be Bonham's greatest storyteller. Even after retirement, he continued to come to the Library and entertain children and visitors with his many delightful stories.

Mac was a beloved and much appreciated fixture in the community and at the Sam Rayburn Library. Generations of schoolchildren and visitors to the Library will remember him with fondness, and through him they will remember and appreciate so many stories associated with Bonham. On behalf of his many friends and fans, I want to take this opportunity in the House of Representatives to pay our last respects to this beloved and colorful Texan—McPhelan Reese.

ANNUAL SIKH CONVENTION LAYS PLANS FOR EXPANDING FREEDOM STRUGGLE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 2003

Mr. TOWNS. Mr. Speaker, the International Sikh Organization held its annual convention on the weekend of October 10–11–12, 2003, in Houston. The convention laid plans for the expansion of the movement to free Khalistan, the Sikh homeland that declared its independence on October 7, 1987.

The convention was attended by many delegates from all around the United States and Canada. They made plans to expand their office in Washington, which has been an invaluable resource to us here in Congress in getting out information about the oppression of the Sikhs and other minorities by the Indian government. This is good to see. The glow of freedom still burns brightly in the hearts of these Sikh leaders.

The delegates also congratulated Dr. Gurmit Singh Aulakh, President of the International Sikh Organization and the Council of Khalistan, for his tireless work in support of the interests of Sikhs in this country and the cause of freedom for Khalistan. I can say from my personal experience that Dr. Aulakh has worked for that cause with great dedication for several years and he has provided a lot of information to those of us in Congress who are interested in the cause of human rights and freedom in South Asia.

Mr. Speaker, I would simply like to take this opportunity to salute the International Sikh Organization on a very successful convention and wish it continued success in the future. We can support its efforts to bring freedom to the Sikh people, as well as the other captive nations of South Asia such as Nagaland, Kashmir, and others, by stopping American aid and trade with India until human rights are observed and by declaring our support for a fair plebiscite under international monitoring on the question of independence.

I would like to place the ISO's press release on its very successful convention into the RECORD at this time.

ANNUAL CONVENTION ON KHALISTAN VERY SUCCESSFUL—PLANS TO STRENGTHEN OFFICE FORMULATED

WASHINGTON, D.C., October 14, 2003—The annual convention of the International Sikh Organization on Khalistan was very successful. Delegates from all around the United States and Canada attended. The convention was held October 10–11–12 in Houston, Texas.

The convention recognized Dr. Gurmit Singh Aulakh, President of the International Sikh Organization and the Council of Khalistan, for his dedication, vision, persistence, and commitment to the cause of liberating Khalistan, the independent Sikh homeland declared on October 7, 1987. Since then, it has been under Indian occupation. When India became independent, Sikhs were equal partners in the transfer of power and were to receive their own state, but the weak and ignorant Sikh leaders of the time were tricked into staying with India on the promise that they would have ''the glow of freedom'' and no law affecting the Sikhs would pass without their consent. Sikhs ruled an independent and sovereign Punjab from 1710 to 1716 and again from 1765 to 1849. No Sikh representative has ever signed the Indian constitution. The Council of Khalistan is the government pro tempore of Khalistan.

At the convention Dr. Bakshish Singh Sandhu of Pennsylvania and Sardar Harjinder Singh of New Jersey offered to spearhead the acquisition of a building in Washington, D.C. to house the International Sikh Organization's offices.

The delegates emphasized the need for an office in Washington to protect the interests of Sikhs in this country, as well as to work for freedom for Khalistan. An example of this need is the video recently removed from the State Department website entitled ''Terrorism: A War Without Borders'' which portrayed all Sikhs as terrorists. Because of the letter by U.S. Representatives Dan Burton (R–Ind.), Edolphus Towns (D–NY), and Wally Herger (R–Cal.), the State Department recently removed this video and its text from its website. The convention passed a resolution of appreciation of these Congressmen.

Other resolutions included one asking every Gurdwara to contribute $500 per month to the Washington office, one urging Sikhs not to support the various branches of the Akali Dal, which is under Indian government control, one calling for young Sikhs to step forward into leadership roles, and one demanding freedom for Khalistan.

History shows that multinational states such as India are doomed to failure. Countries like Austria-Hungary, India's longtime friend the Soviet Union, Yugoslavia, Czechoslovakia, and others prove this point. India is not one country; it is a polyglot like those countries, thrown together for the convenience of the British colonialists. It is doomed to break up as they did. India is ruled by Hindu theocrats whose agenda is ''Hindu, Hindi, Hindutva, Hindu Rashtra,'' or total Hindu domination of every facet of Indian life. An Indian Cabinet minister said that everyone who lives in India must be a Hindu or subservient to Hindus.

''We thank everyone who attended this important convention,'' Dr. Aulakh said. ''Their commitment, their ideas and their support are helpful as we move forward in our work to protect the interests of Sikhs in this country and to continue working for the liberation of Khalistan,'' he said. ''We sincerely thank and appreciate the hospitality of the Management Committee of the Houston Gurdwara. Special thanks are due to the Council advisors of the Houston area.''

The Indian government has murdered over 250,000 Sikhs since 1984, more than 200,000 Christians since 1948, over 85,000 Muslims in Kashmir since 1988, and tens of thousands of Tamils, Assamese, Manipuris, Dalits, and others. The Indian Supreme Court called the Indian government's murders of Sikhs ''worse than a genocide.''

Indian police arrested human-rights activist Jaswant Singh Khalra after he exposed their policy of mass cremation of Sikhs, in which over 50,000 Sikhs have been arrested, tortured, and murdered, then their bodies were declared unidentified and secretly cremated. He was murdered in police custody. His body was not given to his family. The police never released the body of former Jathedar of the Akal Takht Gurdev Singh Kaunke after SSP Swaran Singh Ghotna murdered him. Ghotna has never been brought to trial for the Jathedar Kaunke murder. No one has been brought to justice for the kidnapping and murder of Jaswant Singh Khalra. According to a report by the Movement Against State Repression (MASR), 52,268 Sikhs are being held as political prisoners in India without charge or trial. Some have been in illegal custody since 1984!

THE HOSPITALIZED VETERANS FINANCIAL ASSISTANCE ACT OF 2003

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 2003

Mrs. DAVIS of California. Mr. Speaker, I rise today to correct an inequity facing America's

disabled veterans. Many brave men and women, who sustained permanent injuries while defending our nation and the liberties we cherish, must spend extended periods in hospitals because of their service-connected disabilities.

When they do require extended hospital stays, disabled veterans must take time away from their jobs, causing them to lose out on the salaries they rely upon to pay their rent or mortgages and to care for their families.

Because extended care can cause financial hardships, veterans who are ordinarily rated at less than 100 percent for their service-connected disabilities qualify for a special 100 percent rating to help them compensate for their temporary financial losses.

An inequity exists in the current law, however. The Department of Veterans Affairs (VA) does not begin the temporary total disability compensation until the beginning of the month following their admission. That is, if a veteran is hospitalized on the 15th, their special compensation does not start until the first of the next month.

Even though they are incapacitated, veterans must sometimes wait almost 2 months to receive payment at the 100 percent level. Unfortunately, they still have bills due during this time and cannot always wait for several weeks for their compensation.

Today I am introducing the Hospitalized Veterans Financial Assistance Act of 2003 to correct the flaws in the law and to give America's disabled veterans our full support throughout their convalescence. Under this legislation, the VA would begin the special 100 percent disability rating on the day they are admitted to the hospital.

By making this adjustment to the law, a disabled veteran may not be faced with the difficult decision of declining medical treatment because of their financial concerns. I urge my colleagues to join me in supporting those who have made the most tremendous sacrifices on our behalf by correcting this inequity.

PREMATURE BIRTH: A SILENT HEALTH CRISIS

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 2003

Mr. UPTON. Mr. Speaker, premature birth is a serious and growing problem. Each day 1,305 babies are born too soon, and the rate of preterm birth increased 27 percent between 1981 and 2001. In 2001, 476,000 babies were born prematurely in the United States. Tragically, premature infants are 14 times more likely to die in their first year of life, and preterm births account for 23 percent of deaths in the first month of life. Further, premature babies who survive may suffer lifelong consequences, including cerebral palsy, mental retardation, chronic lung disease, and vision and hearing loss. Preterm delivery can happen to any pregnant woman, and in nearly one-half of the cases, no one knows why.

That is why today I am introducing, with my colleagues ANNA ESHOO, JIM RAMSTAD, SHERROD BROWN, SPENCER BACHUS, ED TOWNS, and JESSE JACKSON, Jr., the bipartisan Prematurity Research Expansion and Education for Mothers who deliver Infants Early Act, or ''PREEMIE Act.'' The goal of the PREEMIE Act is designed to reduce the rates of preterm labor and delivery, promote the use of evidence-based care for pregnant women at risk of preterm labor and for infants born preterm, and reduce infant mortality and disabilities caused by prematurity. This will be accomplished by expanding federal research related to preterm labor and delivery and increasing public and provider education and support services. Expanding these federal initiatives is supported by the March of Dimes, the American Academy of Pediatrics, the American College of Obstetricians and Gynecologists, and the Association of Women's Health, Obstetric and Neonatal Nurses.

We hope that you and many more of our House colleagues will join us in the fight to ensure a healthy start for all of America's children by cosponsoring and working with us for the enactment of the PREEMIE Act.

AMERICAN COMPETITION ENHANCEMENT ACT OF 2003 (THE ACE ACT OF 2003)

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 2003

Mr. COLLINS. Mr. Speaker, today, I am proud to introduce legislation that will protect American jobs and will create new job opportunities for those Americans in search of employment.

The American Competition Enhancement Act of 2003 would ultimately provide an across-the-board tax cut of 5 percent for all corporations. Specifically, the ACE Act will cut the corporate tax rate by 3 points in 2004, initially lowering the corporate rate to a tax level of 32 percent. Three years later, the ACE Act would cut the tax rate by an additional 2 points, lowering the rate for corporations to 30 percent in 2007.

Since 1996, our trading partners have realized that being competitive in the global marketplace requires cutting taxes of the businesses that employ their workers. Many countries, including Australia, Canada, France, Germany, Japan, Poland and Turkey, have cut their corporate tax rates drastically—some by 10 percent or more. In fact, the average top corporate tax rate for governments in the Organization for Economic Cooperation and Development (OECD) has dropped from a rate of 41 percent in 1986 to 30.9 percent in 2003, while the U.S. corporate rate has remained unchanged at 35 percent over the same period. When state and local taxes are added on top of this rate, the U.S. corporate tax rate averages 40 percent—which is more than 9 percentage points higher than the OECD average.

While other countries have learned that lower taxation enables them to compete for business, and ultimately jobs, the United States has failed to respond, and American workers have suffered. Many in this Congress have remained content to sit idly by as other nations have lowered corporate taxes. Instead of freeing American businesses and our workers from oppressive taxation and burdensome regulations, this Congress has continued to support efforts to make our tax code more ambiguous and difficult to navigate.

Over the past 20 years, the Congress has passed tax law that has led to the creation of complicated and excessive rules—rules that have negatively impacted the ability of American companies to compete in the world market. These have been ''defensive'' responses to competition, not ''offensive'' responses to increasing worldwide competition. Throughout, the Twentieth Century, the United States competed aggressively in the world market, and as a result our competitors responded. To remain competitive, this Congress MUST act again, and we MUST begin by reforming our tax policy that has become a choke collar on our American workers, restricting them from being free to compete with other workers in the world market.

As this Congress debates export subsidies and global competition, we will continue to hear much about the challenges faced by American manufacturers. Yet, the first and foremost challenge that American manufacturers, and all American employers, face is an increasingly restrictive and oppressive tax code. The ACE Act would address this fundamental issue and enable American workers in all sectors, including manufacturing, to once again compete in the world market. This bill would instill confidence in our manufacturing industry and would entice many other industries to operate here instead of locating overseas.

As the greatest workers in the world, there is little doubt about the outcome, if only the Congress will free our workers to compete.

Some will say that we cannot afford the ACE Act, but American workers cannot afford the alternative—continued taxation that restricts, limits and chokes their ability to compete. Some are saying that any tax legislation must be budget neutral; yet, over the last two years, the corporate income tax structure remains unchanged, and corporate revenue has only declined. In fact, Corporate Income Tax Revenue has decreased significantly—from 2000 to 2001 Corporate Income Tax Revenues fell from $207.3 billion to $151.1 billion, a decrease of $56.2 billion; in 2002, Corporate Income Tax Revenue dropped to $148 billion—a decrease of $59.3 billion from the 2000 level. In 2 years, our corporate tax laws have resulted in lost jobs, lost dollars in American workers' pockets, and a combined loss in revenue of $115.5 billion (See Table F–3 of the Congressional Budget Office—Budget and Economic Outlook: Fiscal Years 2004–2013).

Over the past 3 years the United States has seen a loss of 2.7 million manufacturing jobs—with an average of 60,000 job losses per month over the past 2 years. Some of these jobs have disappeared due to increased production efficiencies, but many more have been relocated overseas.

History has shown that lower taxation leads employers to keep the employees they have, to invest in capital expenditures that create new jobs, and to increase their profits which, in turn, means economic growth, more jobs, more exports, more production, and, ultimately, more dollars flowing to the Federal Treasury. Let us learn from history and pass meaningful tax relief to stimulate economic growth and, in turn, increase the funds in workers' pockets; ultimately, this would mean more dollars for the Treasury of the United States.

I urge my colleagues in this House to consider the actions of others around the world, to consider history's lessons, and, most importantly, to consider the effect of our tax code on workers in their own districts. I have considered this all and am determined that we must

free American workers from the choke collar of taxation. This Congress must act and provide much needed relief for all American corporations that employ our people.

Mr. Speaker, I call on the House to consider American workers and consider the challenges they face. It is time that the House pass solid, meaningful tax legislation that supports the American worker.

[From the Tax & Budget Bulletin, CATO Institute]

THE U.S. CORPORATE TAX AND THE GLOBAL ECONOMY

(By Chris Edwards, Director of Fiscal Policy, Cato Institute)

The corporate income tax is at the center of numerous policy debates today. First, the World Trade Organization has ruled that the U.S. Foreign Sales Corporation/Extraterritorial Income Exclusion (FSC/ETI) tax break given to exporters is illegal. The European Union has threatened the United States with trade retaliation unless it repeals FSC/ETI by the end of this year. Next, corporate tax avoidance has been in the news in the wake of the Enron scandal. Finally, there is growing concern that the corporate income tax damages business competitiveness and reduces U.S. economic growth.

In response to the WTO ruling, bills have been introduced to repeal FSC/ETI, including H.R. 2896 by Ways and Means chairman Bill Thomas (R–Cal.) and H.R. 1769 by Phil Crane (R–Ill.) and Charles Rangel (D–N.Y.). The Thomas bill, and a similar proposal by Senator Orrin Hatch (R–Utah), includes many useful tax reforms in exchange for repeal of the $5 billion per year FSC/ETI provision. However, more fundamental tax reforms are needed, including a large cut to the corporate tax rate.

CORPORATE TAX REFORM IS LONG OVERDUE

Global direct investment flows rose sixfold in the past decade, and research shows that these flows are increasingly sensitive to corporate taxes. To attract capital and build the economy, the United States should have a neutral and low-rate corporate tax. Instead, the United States has perhaps the most complex corporate tax and the second highest corporate tax rate among major nations.

The U.S. statutory corporate tax rate is 40 percent, which includes the 35 percent federal rate and an average state rate of 5 percent. By comparison, Figure 1 shows that the average rate for the 30-nation Organization for Economic Cooperation and Development is 30.9 percent, down sharply from 37.6 percent in 1996.

Aside from a high rate, the U.S. corporate tax has uncompetitive rules for firms that compete in foreign markets. The U.S. Treasury's assistant secretary for tax policy, Pam Olson, recently testified that ''no other country has rules for the immediate taxation of foreign-source income that are comparable to the U.S. rules in terms of breadth and complexity.'' The complexity of the U.S. rules on foreign income are infamous—Dow Chemical has calculated that 78 percent of its 7,800-page U.S. tax return relates to the rules on foreign income.

Part of the problem is that Congress has viewed corporations as cash cows, and has shown little concern that high taxes reduce investment and drive capital and profits abroad. One example of how the demand for more tax revenue can backfire is the taxation of ''foreign base company shipping income.'' It used to be that the foreign income earned by cargo ships and other vessels owed by U.S. subsidiaries was not taxed until repatriated to the United States. However, Congress changed the rules in 1975 and 1986 to tax that income immediately as earned. But rather than raising federal revenue, the changes reduced revenue as the U.S.-owned shipping fleet shrunk and the tax base disappeared. The U.S. share of the world's open-registry shipping fleet fell from 25 percent in 1975 to less than 5 percent today. The Thomas and Hatch bills include a fix to this counterproductive tax provision.

THOMAS BILL INCLUDES MODEST REFORMS

The corporate tax reform bill introduced by Bill Thomas would reduce the double taxation of foreign income earned by U.S. multinational corporations (MNCs) and simplify the rules for foreign tax credits and subpart F income. Simplifying and reducing taxes on MNCs would benefit the U.S. economy in a number of ways. U.S. MNCs would be able to increase U.S.-based research and other headquarters activities if their foreign operations were larger and more profitable. Also, MNCs could better penetrate global markets with U.S. exports if their foreign affiliates were more competitive. Indeed, U.S. Department of Commerce data show that U.S. MNCs account for two-thirds of all U.S. merchandise exports. By making U.S. MNCs more competitive, the Thomas bill would boost U.S. exports, employment, and incomes. The Thomas bill also includes other useful but limited reforms, including faster depreciation for some equipment investment, liberalizing the subchapter S rules for small corporations, and changes to the corporate alternative minimum tax.

The Crane-Rangel bill provides a targeted tax break for manufacturing. A new deduction would reduce the tax rate for domestic manufacturing by 3.5 percentage points, but would not cut taxes for other types of businesses. This is poor policy compared to a broad-based tax cut because it would increase tax complexity and divide the business sector even further into separate lobbying camps, each wanting narrow breaks rather than overall reforms.

MORE FUNDAMENTAL REFORMS NEEDED

Rather than provide narrow breaks, Congress should cut the 35 percent corporate tax rate to 20 percent so that the United States becomes a tax reform leader, not a laggard. In order not to increase the deficit, a rate cut could be paired with cuts to federal spending on business subsidies, which currently total about $90 billion per year. Such a reform package would increase investment and employment incentives for all firms and reduce government favoritism and business distortions.

Beyond a rate cut, Congress should consider full repeal of the corporate tax or replacement with a cash-flow tax. A cash flow tax would increase domestic investment and make U.S. firms more competitive in global markets because firms would not be taxed on their foreign business income. A cash-flow tax would also reduce wasteful tax sheltering. Indeed, most of Enron's tax shelters would not have been possible under a cash-flow tax.

Congress should aim to give this country the best possible corporate tax environment, not one of the worst. A good first step would be to simplify and reduce taxes for U.S. MNCs, and then follow up with a reduction of the corporate tax rate to 20 percent.

IN APPRECIATION FOR A LIFETIME OF DEDICATION

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 2003

Mr. ROSS. Mr. Speaker, I rise today to honor and congratulate an outstanding Arkansan, and native of the Fourth Congressional District, whose dedication to historic preservation and to our National Park system is beyond extraordinary.

Parker Westbrook is a recipient of the Gold Star Award, which is one of the most prestigious awards the President's Advisory Council on Historic Preservation bestows to its members.

I am also here to honor Mr. Westbrook for his active involvement as a member of the advisory board for the National Park System.

Through his selfless, unyielding service to both organizations, Parker played a major role in protecting our Nation's resources, and preserving our precious national landmarks.

For the past 8 years, Parker has spent countless hours serving on both of these prestigious boards. His dedication went well beyond mere membership; he never missed a meeting for either organization.

Throughout his life, Parker has sought to better his community and his country by preserving our country's heritage for future generations. He is a role model to all Americans who strive for exceptional public service. I congratulate him on his recent accomplishment, and I wish him the best in what I know will be many more years of selfless service to our country.

HONORING THE REV. JOHN P. MINOGUE

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 2003

Mr. EMANUEL. Mr. Speaker, I rise this evening to recognize the Reverend John P. Minogue, a great American and dedicated leader in the Catholic and higher education communities of Chicago. Last week, Father Minogue announced his plans to retire after a decade as the tenth president of DePaul University, located in my district on the North side of Chicago.

Under Father Minogue's leadership, DePaul has reached major goals projected under the university's strategic plan, ''Vision 2006.'' DePaul's students, faculty, staff and trustees, as well as the City of Chicago itself, have benefited tremendously from Father Minogue's leadership and vision. During Father Minogue's tenure, DePaul University has become the largest Catholic university and the eighth-largest private university in the United States. This fall's record enrollment of nearly 24,000 students represents the tenth consecutive year that DePaul has posted historic enrollment gains.

Expanding access to learning has been the hallmark of Father Minogue's presidency. The university supports 130 academic programs and a faculty and staff totaling over 4,200 people. He led efforts to provide increased access to high-quality education for a diverse student population. He also championed global education by establishing a variety of international sites and programs. Suburban campuses grew from two to five, and the university welcomed Barat College into the DePaul family as its ninth college in 2001.

During Father Minogue's tenure, DePaul celebrated its centennial and transformed its city campuses with additional facilities that

offer students every state-of-the-art service. Those facilities include the renovation of DePaul Center; construction of the McGowan Biological and Environmental Sciences Center and Centennial Hall; the Ray Meyer Fitness and Recreation Center and a car parking facility on Clifton Avenue; the new student center; and the University Center of Chicago joint residence hall in the Loop to be completed in 2004.

Father Minogue also revolutionized student access to and implementation of technology at DePaul. He worked tirelessly to redesign university business processes to offer students real-time services on the Web, ultimately enabling them to conduct many transactions at any hour of the day from any computer station. It was under his leadership that the School of Computer Science, Telecommunications and Information Systems was created and became one of the largest computer science schools in the nation. A man on the cutting edge of the digital age, Father Minogue conceived DePaul's Digital Media Center and has helped to develop an innovative program that will enable students to be in the forefront of a new form of global communication.

Both academics and student satisfaction have flourished under Father Minogue's guidance. In 1998, DePaul was named one of seven finalists for College of the Year in ''The Best College for You,'' by Time magazine and the Princeton Review. Additionally, U.S. News & World Report has ranked DePaul's part-time MBA in the nation's top ten for eight consecutive years. Father Minogue can be especially proud that DePaul's students were named happiest in the nation twice by the Princeton Review. He devoted a considerable amount of personal time and energy to building relationships with students and often could be found joining them in community service and leadership opportunities.

Mr. Speaker, on behalf of a deeply grateful community and with enormous appreciation for a decade of dedicated service to students, alumni, faculty, staff and friends, I thank Father Minogue for his extraordinary leadership and selfless commitment to learning and to the City of Chicago. Father Minogue left a mark on the institution that will not be forgotten, and we will always remember his countless contributions and wish him continued success in his future endeavors.

U.S. MUST NOT ACQUIESCE TO ANTI-SEMITISM

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 2003

Mr. MEEK of Florida. Mr. Speaker, I would like to share with my colleagues a disturbing editorial that appeared in the Saturday, October 18 edition of the New York Times.

It details statements of anti-semitism voiced by the Prime Minister of Malayasia, Mahathir Mohamad, in a speech to the 57-member Organization of the Islamic Conference, and approving comments by the Egyptian Foreign Minister, Ahmed Maher, and Afghan President Hamid Karzai.

There is little doubt that we in the United States have much to learn from the leaders of Moslem countries, and I think it is important that we pursue closer political, economic and cultural ties with these nations. Americans are sympathetic to the plight of the Muslim world.

At the same time, I believe we cannot tolerate international anti-semitism or allow anti-semitic statements that are expressed at international forums to go unchallenged. While Americans are sympathetic to the plight of the Muslim world, we will never accept leaders who preach hate and prejudice.

The Times editorial reports that the European Union refused to condemn the Malaysian Prime Minister's comments. I therefore call upon the Bush Administration to do so. By failing to respond to this anti-semitism, we become party to it by virtue of our silence.

[From the New York Times, Oct. 18, 2003]

ISLAMIC ANTI-SEMITISM

It is hard to know what is more alarming—a toxic statement of hatred of Jews by the Malaysian prime minister at an Islamic summit meeting this week or the unanimous applause it engendered from the kings, presidents and emirs in the audience. The words uttered by the prime minister, Mahathir Mohamad, in a speech to the 57-member Organization of the Islamic Conference on Thursday were sadly familiar: Jews, he asserted, may be few in number, but they seek to run the world.

''The Europeans killed six million Jews out of 12 million, but today the Jews rule the world by proxy,'' he said. ''They get others to fight and die for them.'' Muslims are ''up against a people who think,'' he said, adding that the Jews ''invented socialism, communism, human rights and democracy so that persecuting them would appear to be wrong, so that they can enjoy equal rights with others.''

When Israeli officials noted that such talk brought Hitler to mind, the assembled leaders were mystified. Yemen's foreign minister said he agreed entirely with his Malaysian colleague, adding, ''Israelis and Jews control most of the economy and the media in the world.'' The Egyptian foreign minister, Ahmed Maher, called the speech ''a very, very wise assessment.'' Even the Afghan president, Hamid Karzai, said the speech was ''very correct.''

Perhaps the saddest element is just how impotent the representatives of the world's 1.3 billion Muslims feel. When Syed Hamid Albar, Malaysia's foreign minister, sought to contain the controversy, he explained that because of the wars in Afghanistan and Iraq, Muslims feel ''sidelined or marginalized,'' so please understand why they complain about the power of a tiny competing group like the Jews.

Sympathy for the Muslims' plight must not be confused with the acceptance of racism. Most Muslims have indeed been shoddily treated—by their own leaders, who gather at feckless summit meetings instead of offering their people what they most need: human rights, education and democracy.

The European Union was asked to include a condemnation of Mr. Mahathir's speech in its statement yesterday ending its own summit. It chose not to, adding a worry that displays of anti-Semitism are being met with inexcusable nonchalance.

TRIBUTE TO JAMES E. WORSHAM

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 2003

Mr. RUSH. Mr. Speaker, I rise to bring this legislation to the attention of the House for it would be a fitting tribute to James E. Worsham to rename the Grand Crossing Postal Station after him. Mr. Worsham has served the public with considerable distinction as a postal worker and as a union leader.

Before joining the Post Office, Mr. Worsham served in the U.S. Air Force for 4 years and then the city of Chicago as a traffic court clerk. Mr. Worsham began what would become an illustrious postal career on the southeast side of Chicago at the Grand Crossing Station on January 16, 1963. On that day in Chicago, the actual air temperature reached twenty-seven degrees below zero. Having no experience as a letter carrier, he was sent out into the elements to deliver what mail he could. As it was his first day, he was not appropriately dressed for a prolonged exposure to the severe weather conditions and, as a result, suffered frostbite to his ears. Undaunted by this initial experience, he returned to work the next day. He had been out of work for some time; and a job at the Post Office offered security and benefits for his family. From day one, James adhered to the literal meaning of a carrier's creed—neither rain nor snow, heat nor cold shall stay a carrier from his appointed rounds.

His coworkers were the first to recognize Mr. Worsham's fiery and staunch determination, and they drafted him to become their shop steward. Immediately, his leadership qualities became evident, and they were acknowledged by the then President of Branch 11 of the National Association of Letter Carriers. Soon he was slated to run for Sergeant-at-Arms with his focus to protect the rights of postal employees and to serve the public with its entitled postal services.

Mr. Worsham became an Auditor for Branch 11 and then its Chief Steward. In January of 1979, while holding these positions, he ran for President and won overwhelmingly. As President, his skills became known nationwide; and the National President recruited him to become a National Trustee while maintaining his position as President of Branch 11. Upon retirement, Mr. Worsham didn't slow down at all—he became Director of Retired Members for the Letter Carriers in Washington, DC, for 4 years. He returned to Chicago as President of Branch 11, and he turned the city's membership attainment into a 97.8 percent rate—the highest in the nation. Mr. Worsham still currently serves as President of Branch No. 11 of the National Associations of Letter Carriers.

Mr. Worsham attended and graduated from William Gladstone Elementary and William McKinley High Schools. His wife, the late Corrine Kelly, was his childhood sweetheart and the love of his life. To this union were born three children—Valerie, Vance, and Adrienne. Mr. Worsham is a thirty second degree Mason and a faithful member and Deacon of Emmanuel Baptist Church.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE AND FOR THE RECONSTRUCTION OF IRAQ AND AFGHANISTAN, 2004

SPEECH OF

HON. TRENT FRANKS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 17, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3289) making emergency supplemental appropriations for defense and for the reconstruction of Iraq and Afghanistan for the fiscal year ending September 30, 2004, and for other purposes:

Mr. FRANKS of Arizona. Mr. Chairman, on October 16, 2003, the Chair sustained Mr. KOLBE's point of order against H. Amdt. 408, an amendment offered by Mr. PENCE, to H.R. 3289. Had there been opportunity to vote, I would have voted ''yes'' on H. Amdt. 408 to H.R. 3289, which sought to make the first 50 percent of Iraq reconstruction funding available immediately as a grant giving priority consideration to the emergency purposes of security, electric sector infrastructure, oil infrastructure, public works, water resources, transportation, telecommunication infrastructures and other emergency needs, and also provide that once the Administration informs Congress that a democratically elected government in Iraq has been established, the balance of funding would be made available in the form of loans from the U.S. Government, under terms determined by the President.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest-designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, October 21, 2003 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

OCTOBER 22

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings to examine federal involvement in the regulation of the insurance industry.
SR–253

Commerce, Science, and Transportation
Oceans, Fisheries and Coast Guard Subcommittee
To hold an oversight hearing on fisheries.
SR–428A

10 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine counterterror initiatives in the terror finance program and organization of terror groups for funding and future U.S. responses.
SD–538

Indian Affairs
To hold hearings to examine the nomination of David Wayne Anderson, of Minnesota, to be an Assistant Secretary of the Interior; to be followed by a business meeting to consider pending calendar business.
SR–485

Judiciary
To hold hearings to examine the nomination of Janice R. Brown, of California, to be United States Circuit Judge for the District of Columbia Circuit.
SD–226

10:30 a.m.
Governmental Affairs
Business meeting to consider pending calendar business.
SD–342

2:30 p.m.
Foreign Relations
European Affairs Subcommittee
To hold hearings to examine Anti-Semitism in Europe.
SD–419

Intelligence
To hold closed hearings to examine certain intelligence matters.
SH–219

OCTOBER 23

9:30 a.m.
Armed Services
Business meeting to consider pending military nominations.
SR–222

Commerce, Science, and Transportation
To hold hearings to examine Boeing.
SR–253

Environment and Public Works
Business meeting to consider S. 994, to protect human health and the environment from the release of hazardous substances by acts of terrorism, and S. 1757, to amend the John F. Kennedy Center Act to authorize appropriations for the John F. Kennedy Center for the Performing Arts.
SD–406

Foreign Relations
International Operations and Terrorism Subcommittee
To hold hearings to examine how to achieve the necessary security improvements in a global environment relating to the post-9/11 visa reforms and new technology.
SD–419

Judiciary
Business meeting to consider pending calendar business.
SD–226

10 a.m.
Banking, Housing, and Urban Affairs
To resume hearings to examine proposals for improving the regulation of the Housing GSEs; and to hold a business meeting to consider the nominations of Roger Walton Ferguson, Jr., of Massachusetts, to be Vice Chairman of the Board of Governors of the Federal Reserve System, Ben S. Bernanke, of New Jersey, to be a Member of the Board of Governors of the Federal Reserve System, and Paul S. Atkins, of Virginia, to be a Member of the Securities and Exchange Commission.
SD–538

Health, Education, Labor, and Pensions
To hold hearings to examine federal and state role in pharmacy compounding and reconstitution.
SD–430

2 p.m.
Finance
To hold hearings to examine company owned life insurance.
SD–215

2:30 p.m.
Commerce, Science, and Transportation
Surface Transportation and Merchant Marine Subcommittee
To hold hearings to examine railroad shipper issues and S. 919, to amend title 49, United States Code, to enhance competition among and between rail carriers in order to ensure efficient rail service and reasonable rail rates.
SR–253

Intelligence
To hold closed hearings to examine certain intelligence matters.
SH–219

OCTOBER 28

10 a.m.
Health, Education, Labor, and Pensions
To hold hearings to examine certain health issues.
SD–430

OCTOBER 29

10 a.m.
Indian Affairs
Business meeting to consider pending calendar business; to be followed by a hearing on the Tribal Self Governance Act Amendments of 2003.
SR–485

Health, Education, Labor, and Pensions
Substance Abuse and Mental Health Services Subcommittee
To hold hearings to examine the New Freedom Commission Report.
SD–430

OCTOBER 30

10 a.m.
Health, Education, Labor, and Pensions
Aging Subcommittee
To hold hearings to examine financial abuse and exploitation.
SD–430

Banking, Housing, and Urban Affairs
To hold hearings to examine the Treasury Department's report to Congress on international economic and exchange rate policy.
SD–538

2:30 p.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings to examine S. 1097, to authorize the Secretary of the Interior to implement the Calfed Bay-Delta Program.
SD–366

3 p.m.
Health, Education, Labor, and Pensions
To hold hearings to examine Senator Frist's Report on Africa.
SH–902

CANCELLATIONS

OCTOBER 22

10 a.m.
Health, Education, Labor, and Pensions
Business meeting to consider pending calendar business.
SD–430

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S12859–S12905

Measures Introduced: Five bills were introduced, as follows: S. 1758–1762. **Page S12888**

Class Action Lawsuits: Senate resumed consideration of the motion to proceed to consideration of S. 1751, to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants.

Pages S12866–12887, S12905

A motion was entered to close further debate on the motion to proceed to consideration of the bill and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Wednesday, October 22, 2003.

Page S12887

A unanimous-consent agreement was reached providing for further consideration of the motion to proceed to consideration of the bill on Tuesday, October 21, 2003. **Page S12905**

Partial-Birth Abortion Ban Act—Conference Report: A unanimous-consent agreement was reached providing that at 10:30 a.m. on Tuesday, October 21, 2003, Senate will begin consideration of the conference report on S. 3, to prohibit the procedure commonly known as partial-birth abortion; that there be four hours of debate divided equally between the Majority Leader, or his designee, and Senator Boxer; and the Senate then vote on adoption of the conference report. **Page S12905**

Nominations Confirmed: Senate confirmed the following nomination:

By unanimous vote of 82 yeas (Vote No. Ex. 401), Margaret Catharine Rodgers, of Florida, to be United States District Judge for the Northern District of Florida. **Page S12884**

Additional Cosponsors: **Pages S12888–12889**

Statements on Introduced Bills/Resolutions: **Page S12889**

Privileges of the Floor: **Page S12892**

Authority for Committees to Meet: **Page S12892**

Text of H.R. 3289, as Previously Passed: **Pages S12892–12905**

Record Votes: One record vote was taken today. (Total–401) **Page S12884**

Adjournment: Senate met at 1:30 p.m., and adjourned at 6:36 p.m., until 9:30 a.m., on Tuesday, October 21, 2003. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S12905.)

Committee Meetings

(Committees not listed did not meet)

FAMILY ELDER ABUSE

Special Committee on Aging: Committee concluded a hearing to examine confronting family neglect, abuse, and financial exploitation of disabled adults and elderly persons, including the "Find A Way" program, after receiving testimony from Robert M. Stein, Office of the San Diego County District Attorney, San Diego, California; Joseph K. Lofy, City of New Berlin Police Department, New Berlin, Wisconsin; Kenneth L. Connor, Wilkes and McHugh, P.A., Leesburg, Virginia; Joseph Snyder, Philadelphia Corporation for Aging, Philadelphia, Pennsylvania, on behalf of the National Association of Adult Protective Service Administrators; Holly Ramsey-Klawsnik, Klawsnik and Klawsnik and Associates, Canton, Massachusetts; and Leanna Watts, Grayson, Georgia.

House of Representatives

Chamber Action

Measures Introduced: 12 public bills, H.R. 3340–3351; and 2 resolutions, H.J. Res. 73 and H. Con. Res. 307, were introduced. **Pages H9737–38**

Additional Cosponsors: **Page H9738**

Reports Filed: Reports were filed today as follows:

H. Res 407, providing for consideration of H.J. Res. 73, making further continuing appropriations for the fiscal year 2004 (H. Rept. 108–323); and

H.R. 1081, to establish marine and freshwater research, development, and demonstration programs to support efforts to prevent, control, and eradicate invasive species, as well as to educate citizens and stakeholders and restore ecosystems, amended, (H. Rept. 108–324, Pt. 1). **Page H9738**

Speaker: Read a letter from the Speaker wherein he appointed Representative Aderholt to act as Speaker Pro Tempore for today. **Page H9689**

Recess: The House recessed at 12:43 p.m. and reconvened at 2:00 p.m. **Page H9690**

Commending the National Endowment for Democracy: The House agreed to S. Con. Res. 66, commending the National Endowment for Democracy for its contributions to democratic development around the world on the occasion of the 20th anniversary of the establishment of the National Endowment for Democracy. **Page H9691**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Sense of the House regarding the man-made famine in Ukraine in 1932–1933: H. Res. 356, expressing the sense of the House of Representatives regarding the man-made famine that occurred in Ukraine in 1932–1933 by a 2/3 yea-and-nay vote of 382 yeas with none voting "nay", Roll No. 563; **Pages H9692–94, H9705**

Honoring the 25th anniversary of Pope John Paul II's ascension to the papacy: H. Res. 400, amended, honoring the 25th anniversary of Pope John Paul II's ascension to the papacy by a 2/3 yea-and-nay vote of 382 yeas with none voting "nay", Roll No. 564; **Pages H9694–97, H9706**

California Missions Preservation Act: H.R. 1446, to support the efforts of the California Missions Foundation to restore and repair the Spanish colonial and mission-era missions in the State of California and to preserve the artworks and artifacts of these missions; **Pages H9697–99**

Repealing the reservation of mineral rights in Livingston Parish, Louisiana: 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; **Pages H9699–H9700**

International Fisheries Reauthorization Act of 2003: H.R. 2048, amended, to extend the period for reimbursement under the Fishermen's Protective Act of 1967, and to reauthorize the Yukon River Restoration and Enhancement Fund; **Page H9700**

Agreed to amend the title so as to read "to extend the period for reimbursement under the Fishermen's Protective Act of 1967, and to reauthorize the Yukon River Salmon Act of 2000". **Page H9700**

Edward O'Grady, Waverly Brown, Peter Paige Post Office Building Designation Act: S. 1591, 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"; **Pages H9700–02**

Brigadier General (AUS-Ret.) John H. McLain Post Office Building Designation Act: H.R. 3068, to designate the facility of the United States Postal Service located at 2055 Siesta Drive in Sarasota, Florida, as the "Brigadier General (AUS-Ret.) John H. McLain Post Office"; and **Pages H9702–03**

Amending title XXI of the Social Security Act: H.R. 3288, to amend title XXI of the Social Security Act to make technical corrections with respect to the definition of qualifying State by a 2/3 yea-and-nay vote of 382 yeas with none voting "nay", Roll No. 565. **Pages H9703–04, H9706–07**

Recess: The House recessed at 3:34 p.m. and reconvened at 6:31 p.m. **Page H9704**

Privileged Resolution: The Chair ruled that the McDermott resolution to correct the Congressional Record of January 28, 2003, did not constitute a question of the privileges of the House under Rule 9. **Pages H9704–05**

Commission on International Religious Freedom: The Chair announced the Speaker's appointment of Ms. Patricia W. Chang of San Francisco, California to the Commission on International Religious Freedom. **Page H9707**

Public Works and Economic Development Act of 1965: The House agreed that it be in order at any time without intervention of any point of order to consider H.R. 2535, to reauthorize and improve the program authorized by the Public Works and

Economic Development Act of 1965, that the bill shall be considered as read for amendment; that the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure now printed in the bill, modified by the Blackburn amendment placed at the desk, shall be considered as adopted; that all points of order against the bill, as amended, shall be waived; that the previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate, and (2) one motion to recommit with or without instructions; and the Blackburn amendment shall be considered as read for purposes of this unanimous consent request. **Page H9707**

Energy Policy Act of 2003: Representative Markey announced his intention to offer a motion to instruct conferees on H.R. 6, to enhance energy conservation and research and development, to provide for security and diversity in the energy supply for the American people. **Pages H9707–08**

Tax Relief, Simplification, and Equity Act of 2003: Representative Woolsey announced her intention to offer a motion to instruct conferees on H.R. 1308, to amend the Internal Revenue Code of 1986 to accelerate the increase in the refundability of the child tax credit. **Page H9708**

Medicare Prescription Drug and Modernization Act of 2003: Representative Brown of Ohio announced his intention to offer a motion to instruct conferees on H.R. 1, to amend title XVIII of the Social Security Act to provide for a voluntary prescription drug benefit under the medicare program and to strengthen and improve the medicare program. **Page H9708**

Senate Message: Message received from the Senate today appears on page H9689.

Senate Referral: S. 300 was ordered held at the desk. **Page H9689**

Adjournment: The House met at 12:30 p.m. and adjourned at 11:22 p.m.

Committee Meetings

BLACKOUTS, HURRICANES, AND OTHER DISASTERS—EFFORTS TO PROTECT OUR MONEY

Committee on Financial Services: Subcommittee on Oversight and Investigations held a hearing entitled "Government and Industry Efforts to Protect Our Money During Blackouts, Hurricanes, and Other Disasters." Testimony was heard from Wayne A. Abernathy, Assistant Secretary, Financial Institutions, Department of the Treasury; Mark W. Olson, member, Board of Governors, Federal Reserve System; and public witnesses.

FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2004

Committee on Rules: Granted, by voice vote, a closed rule providing 1 hour of debate in the House on H.J. Res. 73, making further continuing appropriations for fiscal year 2004, equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The rule waivers all points of order against consideration of the joint resolution. Finally, the rule provides one motion to recommit.

OFFSHORING OF HIGH-SKILLED JOBS

Committee on Small Business: Held a hearing on the Offshoring of High-Skilled Jobs, Part II. Testimony was heard from public witnesses.

COMMITTEE MEETINGS FOR TUESDAY, OCTOBER 21, 2003

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Armed Services: to hold a closed briefing regarding ongoing military operations and areas of key concern around the world, 9:30 a.m., SR–222.

Committee on Finance: to hold hearings to examine tax shelters, and the role of the Federal Government relative to the buying and selling of tax shelters, 10 a.m., SD–G50.

Committee on Foreign Relations: to hold hearings to examine United Nations Convention on the Law of the Sea, with Annexes, done at Montego Bay, December 10, 1982 (the "Convention"), and the Agreement Relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982, with Annex, adopted at New York, July 28, 1994 (the "Agreement"), and signed by the United States, subject to ratification, on July 29, 1994 (Treaty Doc. 103–39), 9:30 a.m., SH–216.

Subcommittee on International Economic Policy, Export and Trade Promotion, to hold hearings to examine U.S. energy security relating to West Africa and Latin America, 2:30 p.m., SD–419.

Committee on the Judiciary: to hold hearings to examine criminal terrorism investigations and prosecutions relating to national security, 10 a.m., SD–226.

House

Committee on Agriculture, Subcommittee on Department Operations, Oversight, Nutrition, and Forestry, hearing to review the United States National Arboretum, 9:30 a.m., 1300 Longworth.

Committee on Armed Services, hearing on Operation Iraqi Freedom: Outside Perspectives, 8 a.m., 2118 Rayburn.

Subcommittee on Readiness, hearing on Resetting and Reconstituting the Forces, 2 p.m., 2118 Rayburn.

Subcommittee on Terrorism, Unconventional Threats and Capabilities, hearing on C41 Interoperability: New Challenges in 21st Century Warfare, 11 a.m., 2212 Rayburn.

Committee on International Relations, hearing on U.S.-China Ties: Reassessing the Economic Relationship, 2 p.m., 2172 Rayburn.

Subcommittee on the Western Hemisphere, hearing on Challenges and Opportunities for U.S. Policy in the Western Hemisphere, 1:30 p.m., 2200 Rayburn.

Committee on the Judiciary, Subcommittee on Courts, the Internet, and Intellectual Property, hearing on H.R. 2723, Ninth Circuit Court of Appeals Judgeship and Reorganization Act of 2003, 2 p.m., 2141 Rayburn.

Committee on Resources, Subcommittee on Forests and Forest Health, hearing on the following bills: H.R. 2907, Northern Arizona National Forest Land Exchange Act of 2003; and H.R. 3247, Trail Responsibility and Accountability for the Improvement of Lands Act of 2003, 10 a.m., 1334 Longworth.

Subcommittee on National Parks, Recreation and Public Lands, to mark up the following bills: H.R. 265, Mount Rainier National Park Boundary Adjustment Act of 2003; H.R. 280, National Aviation Heritage Area Act; H.R. 532, Rancho Corral de Tierra Golden Gate National Recreation Area Boundary Adjustment Act; H.R. 1014, Gateway Communities Cooperation Act; H.R. 1058, to provide for an exchange of certain private property in Colorado and certain Federal property in Utah; H.R. 1594, St. Croix National Heritage Area Study Act; H.R. 1618, Arabia Mountain National Heritage Area Act; H.R. 1629, Upper Missouri River Breaks Boundary Clarification Act; H.R. 1798, Upper Housatonic Valley National Heritage Area Act; H.R. 1862, Oil Region National Heritage Area Act; H.R. 1964, Highlands Stewardship Act; H.R. 2424, National Great Black Americans Commemoration Act of 2003; H.R. 2715, to provide for necessary improvements to facilities at Yosemite National Park; and S. 677, Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area Boundary Revision Act of 2003, 2 p.m., 1334 Longworth.

Committee on Small Business, Subcommittee on Rural Enterprise, Agriculture and Technology, hearing entitled ''Challenges that Small Businesses Face Accessing Homeland Security Contracts,'' 10 a.m., 2360 Rayburn.

Committee on Veterans' Affairs, Subcommittee on Health, hearing on the Department of Veterans Affairs physician and dentist compensation issues, 2 p.m., 334 Cannon.

Permanent Select Committee on Intelligence, executive, hearing on Middle East Issues, 2 p.m., H–405 Capitol.

Select Committee on Homeland Security, hearing entitled ''Funding for First Responders: Ensuring That Federal Funds Are Distributed Intelligently,'' 10:30 a.m., 2318 Rayburn.

Next Meeting of the SENATE

9:30 a.m., Tuesday, October 21

Senate Chamber

Program for Tuesday: After the transaction of any morning business (not to extend beyond 10:30 a.m.), Senate will begin consideration of the conference report to accompany S. 3, Partial Birth Abortion Ban Act, with a vote to occur on adoption of the conference report following 4 hours of debate; following which, Senate will continue consideration of the motion to proceed to consideration of S. 1751, Class Action Lawsuits.

(Senate will recess from 12:30 p.m. until 2:15 p.m. for their respective party conferences.)

Next Meeting of the HOUSE OF REPRESENTATIVES

9 a.m., Tuesday, October 21

House Chamber

Program for Tuesday: Consideration of H.J. Res 73, making further continuing appropriations (closed rule, one hour of debate).

Extensions of Remarks, as inserted in this issue

HOUSE

Bishop, Timothy H., Jr., N.Y., E2093, E2096
Boehlert, Sherwood, N.Y., E2091
Collins, Mac, Ga., E2098
Costello, Jerry F., Ill., E2092
Davis, Susan A., Calif., E2097
Davis, Tom, Va., E2089, E2090
Ehlers, Vernon J., Mich., E2090
Emanuel, Rahm, Ill., E2099
Franks, Trent, Ariz., E2101
Granger, Kay, Tex., E2092
Hall, Ralph M., Tex., E2097
Hastings, Alcee L., Fla., E2095
Herger, Wally, Calif., E2093
Hyde, Henry J., Ill., E2091
Kanjorski, Paul E., Pa., E2095
Kilpatrick, Carolyn C., Mich., E2093
Lantos, Tom, Calif., E2089, E2090
Lee, Barbara, Calif., E2089, E2090
McCarthy, Carolyn, N.Y., E2091
Meek, Kendrick B., Fla., E2100
Murtha, John P., Pa., E2093, E2095
Neugebauer, Randy, Tex., E2094
Pickering, Charles W. ''Chip'', Miss., E2096
Reyes, Silvestre, Tex., E2094
Ross, Mike, Ark., E2099
Rush, Bobby L., Ill., E2100
Shaw, E. Clay, Jr., Fla., E2092
Stupak, Bart, Mich., E2095
Towns, Edolphus, N.Y., E2097
Upton, Fred, Mich., E2098
Visclosky, Peter J., Ind., E2091
Wolf, Frank R., Va., E2093

Congressional Record

The *Congressional Record* (USPS 087–390). The Periodicals postage is paid at Washington, D.C. The public proceedings of each House of Congress, as reported by the Official Reporters thereof, are printed pursuant to directions of the Joint Committee on Printing as authorized by appropriate provisions of Title 44, United States Code, and published for each day that one or both Houses are in session, excepting very infrequent instances when two or more unusually small consecutive issues are printed one time. ¶Public access to the Congressional Record is available online through *GPO Access*, a service of the Government Printing Office, free of charge to the user. The online database is updated each day the Congressional Record is published. The database includes both text and graphics from the beginning of the 103d Congress, 2d session (January 1994) forward. It is available through GPO Access at www.gpo.gov/gpoaccess. Customers can also access this information with WAIS client software, via telnet at swais.access.gpo.gov, or dial-in using communications software and a modem at (202) 512–1661. Questions or comments regarding this database or GPO Access can be directed to the GPO Access User Support Team at: E-Mail: gpoaccess@gpo.gov; Phone 1–888–293–6498 (toll-free), 202–512–1530 (D.C. area); Fax: 202–512–1262. The Team's hours of availability are Monday through Friday, 7:00 a.m. to 5:30 p.m., Eastern Standard Time, except Federal holidays. ¶The Congressional Record paper and 24x microfiche will be furnished by mail to subscribers, free of postage, at the following prices: paper edition, $217.00 for six months, $434.00 per year, or purchased for $6.00 per issue, payable in advance; microfiche edition, $141.00 per year, or purchased for $1.50 per issue payable in advance. The semimonthly Congressional Record Index may be purchased for the same per issue prices. To place an order for any of these products, visit the U.S. Government Online Bookstore at: bookstore.gpo.gov. Mail orders to: Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250–7954, or phone orders to (866) 512–1800 (toll free), (202) 512–1800 (D.C. Area), or fax to (202) 512–2250. Remit check or money order, made payable to the Superintendent of Documents, or use VISA, MasterCard, Discover, American Express, or GPO Deposit Account. ¶Following each session of Congress, the daily Congressional Record is revised, printed, permanently bound and sold by the Superintendent of Documents in individual parts or by sets. ¶With the exception of copyrighted articles, there are no restrictions on the republication of material from the Congressional Record.

POSTMASTER: Send address changes to the Superintendent of Documents, Congressional Record, U.S. Government Printing Office, Washington, D.C. 20402, along with the entire mailing label from the last issue received.