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House of Representatives

The House met at 10:30 a.m.

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 concurrent resolution of the House of the following title:

H. Con. Res. 84. Concurrent Resolution providing for the acceptance of a statue of President Dwight D. Eisenhower, presented by the people of Kansas, for placement in the Capitol, and for other purposes.

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. 318. An act to provide emergency assistance to nonfarm-related small business concerns that have suffered substantial economic harm from drought.

MORNING HOUR DEBATES

The SPEAKER. 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 Texas (Mr. DELAY).

KEEP SUPPLEMENTAL APPROPRIATIONS NARROWLY FOCUSED

Mr. DELAY. Mr. Speaker, the President of the United States has no greater responsibility than to protect and defend the American people. While defending our freedoms half a world away, this administration is just as focused on the security needs right here in our homeland. These dual priorities are expressed in the President's supplemental budget request.

This war budget will meet America's needs directly arising from Operation Iraqi Freedom and our ongoing war against terror, including $63 billion for military operations, $5 billion in assistance to help our brave coalition partners and $4 billion for the Departments of Justice and Homeland Security to address the immediate and emerging threats to American soil.

Predictably, detractors are surfacing to criticize the President's request. It should come as no surprise that many of the people criticizing this war budget are the same ones who have criticized all along the bold policies it would pay for.

The war in Iraq and the war on terror are vital to the national security of the United States. The Secretaries of Defense, State and Homeland Security and the Attorney General have assessed their needs and asked the President for the funds necessary to meet those needs. This supplemental then reflects the informed opinions of the experts on President Bush's national security and homeland security teams. Yet the pseudo-experts say it is not enough.

The ballooning of spending bills seems to be an annual ritual here in Washington, D.C., but before we are tempted to spend money for projects unrelated to our pressing security needs, we should all remember what it is we are doing here. This is not a normal appropriations bill. Its purpose is to fight and win the war in Iraq, to liberate an oppressed people from a brutal dictator. Its purpose is to fight and win the war on terror and defend our Nation from those who would revisit on us the horrors of 9/11.

Let us keep in mind the seriousness of the times and the cool deliberation required of our homeland security experts to determine our needs. We must give our national and homeland security agencies the money that they need to protect us, and we must make sure every dime we spend in the supplemental goes to that purpose, and that purpose alone.

VETERANS' NEEDS GOING UNMET

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

Mr. BROWN of Ohio. Mr. Speaker, the good news is that we can afford to meet the funding needs of the Veterans Administration. We have the money. But the Republicans, in spite of the comments from my colleague from Texas, have other priorities. They are going to award the wealthiest 1 percent of Americans a tax cut. The top 1 percent of Americans are people who make an average of $968,000 a year. Half the tax cut goes to that 1 percent.

The total cost of that tax cut for the top 1 percent, those making on the average $968,000 a year, the total cost of that tax cut is larger than the entire budget of the Department of Veterans Affairs.

Most veterans are not millionaires, but their contributions to this country are immeasurable. If they do not qualify for the President's tax cut, then they must sacrifice. That is the way that people around here are thinking.

We cannot begin to place a value on the sacrifices they have made. But apparently President Bush and House Republicans are putting a value than their contribution, and, under the budget my friend from Texas just mentioned, they think that veterans can stand to lose $28 billion in services. Republicans believe it is more important to focus on millionaires who qualify for tax cuts than on the men and women who served this country and qualified for veterans benefits.

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Tax cuts for millionaires; $28 billion in cuts for veterans benefits. It is outrageous. Veterans have been asked already to shoulder the burden of costs that the Bush administration has failed to provide. Last year funding provided under the continuing resolution represented a cut of $659 million from the amount needed simply to keep pace with veterans benefits in the 2002 budget. We all know that 2002 funding was inadequate. Undercutting it is devastating.

Republicans have a new policy when it comes to veterans health care. It is called abandonment. Let me give you some examples.

First, the President and House Republicans are cutting Veterans Administration outreach. The VA already has halted outreach typically done to alert veterans to the services they are eligible for. It is the Republicans' way to save money. If you do not tell veterans about the benefits, then you do not have to provide benefits and services they were promised in gratitude for serving our country.

Second, President Bush proposed raising the prescription drug copay. Last year, veterans paid $2 per month per drug. Living on $1,100 or $1,200 per month for a retired veteran is not an easy thing, so that $2 copay per drug per month was very important. Come January, the President raised that to $7 per drug per month for veterans. Now the President proposes raising it to $15 per drug per prescription per month for every veteran.

Veterans live on fixed incomes and simply cannot afford the 250 percent increase in the cost of their medications, and now the President wants to even more than double it. Ignoring that burden, doubling their copay, is insulting to veterans, especially in a time of war.

The Department of Veterans Affairs estimates that 700,000 more veterans will receive VA care in 2003 than had been projected. They may be eligible for health care services, but $1.5 billion in cuts will undermine the VA's ability to deliver this care.

The Republicans in this body should be ashamed of those budget cuts to veterans. But it is not just this body. In the other body, the leader of the other body earlier this month pledged to support veterans concerned about President Bush's health care proposal, but he also said veterans and others will have to make sacrifices.

Here is what the leader of the other body said. ''It applies to me in terms of domestic priorities and it applies to groups like the veterans today as they lobby.''

In other words, we are going to go to war, but we are saying to veterans, so we can pay for the Bush $726 billion tax cut, half of which goes to people making on the average $968,000, the leader of the other body, the Republican leader of the other body is saying what the Republican leaders in this body are saying, and that is that we need the tax cut more than we need the veterans benefits.

Tax cuts for people making $968,000 a year; $28 billion in cuts in veterans services. What message does that send to our troops fighting in Iraq? Let us hope when it is their time to claim VA services that they have a different Congress, that they have a Congress that keeps its commitments to those who served this country. Let us hope that when it is their time, they are told ''thank you'' by a future Congress; not that it is your turn to sacrifice so we can pay for a tax cut, which is what the leaders in this Congress are telling them.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair must remind Members to avoid improper references to the Senate or its Members.

STOP THIS WAR NOW

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

Mr. KUCINICH. Mr. Speaker, stop the war now. As Baghdad will be encircled, this is the time to get the UN back in to inspect Baghdad and the rest of Iraq for biological and chemical weapons. Our troops should not have to be the ones who will find out in combat whether Iraq has such weapons. Why put our troops at greater risk? We can get the United Nations inspectors back in.

Stop the war now, before we send our troops into house-to-house combat in Baghdad, a city of 5 million people; before we ask our troops to take up the burden of shooting innocent civilians in the fog of war.

Stop the war now. This war has been advanced on lie upon lie. Iraq was not responsible for 9/11. Iraq was not responsible for any role al Qaeda may have had in 9/11. Iraq was not responsible for the anthrax attacks on this country. Iraq did not try to acquire nuclear weapon technologies from Niger. This war is built on falsehoods.

Stop the war now. We are not defending America in Iraq. Iraq did not attack this Nation. Iraq has no ability to attack this Nation. Each innocent civilian casualty represents a threat to America for years to come and will end up making our Nation less safe.

The $75 billion supplemental needs to be challenged, because each dime we spend on this war makes America less safe. Only international cooperation will help us win the war on terror.

After 9/11, all Americans remember that we had the support and the sympathy of the world. Every nation was ready to be of assistance to the United States in meeting the challenge of terrorism, and yet with this war we have squandered the sympathy of the world. We have brought upon this Nation the anger of the world. We need the cooperation of the world to find the terrorists before they come to our shores.

Stop this war now. $75 billion more for war, three-quarters of a trillion dollars for tax cuts, but no money for veterans' benefits. Money for war, but no money for health care in America. Money for war, but no money for Social Security. But money for war.

We have money to blow up bridges over the Tigres and the Euphrates, but no money to build bridges in our own cities. We have money to ruin the health of the Iraqi children, but no money to repair the health of our own children and our educational programs.

Stop this war now. It is wrong, it is illegal, it is unjust, and it will come to no good for this country.

Stop this war now. Show our wisdom and our humanity to be able to stop it. Bring back the United Nations into the process. Rescue this moment. Rescue this Nation from a war which is wrong, which is unjust, which is immoral.

Stop this war now.

SUPPORTING OUR NATION'S VETERANS

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentlewoman from Guam (Ms. BORDALLO) is recognized during morning hour debates for 5 minutes.

Ms. BORDALLO. Mr. Speaker, I come to the floor this morning to pay tribute to our Nation's veterans and to talk about what the budget resolution of this House would mean for their quality of life and their health care over the course of the next 10 years.

I am sad to say that 2 weeks ago this House barely passed a budget resolution that would severely cut veterans' benefits, including cuts to health care, disability compensation, pensions and other important benefits.

I would not be here today, Mr. Speaker, if not for those brave veterans that liberated Guam in 1944. Therefore, I must speak out when I see our government being derelict in its duty to veterans. It is unthinkable that this House would even take such drastic action against our veterans during a time of war. This is the wrong time and the wrong message to be sending to our country.

This budget cuts $14.6 billion in funding from mandatory veterans programs over 10 years to help pay for the $1.35 of trillion of tax cuts in the budget. Over a 10-year period, the budget resolution that this House passed would cut almost $9 billion alone in veterans' health care, an average of more than $900 million less than the President has proposed per year.

Make no mistake about it, Mr. Speaker: Should these cuts prevail in conference, and we should not let that happen, this budget would mean serious problems for veterans' health care. New copayments and enrollment fees would no doubt be on the table and under consideration to keep the entire system afloat in the next fiscal year.

This House has a chance to correct that, to reverse course, to honor our Nation's veterans and to recognize their service, their sacrifice, and their patriotism. We can correct the harmful reconciliation instruction to the Committee on Veterans' Affairs and we can restore these cuts by supporting the motion to instruct conferees that will be offered later today by our colleague, the gentleman from South Carolina (Mr. SPRATT).

Quite frankly, we should be increasing, rather than cutting, health and other benefits to our veterans. Let us not turn our back on our veterans. We should instead salute them.

Vote for the Spratt motion to instruct conferees today when it comes to the floor. Vote to honor our veterans, and vote for a better budget.

PRESERVING THE DIGNITY OF OUR NATION'S VETERANS

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentlewoman from Indiana (Ms. CARSON) is recognized during morning hour debates for 5 minutes.

Ms. CARSON of Indiana. Mr. Speaker, I know there is a hard and fast rule that we cannot refer to someone in the other body, but since this person is no longer a Member of the United States Senate, let me dedicate my remarks to the Honorable Max Cleland, who became a triple amputee in the Vietnam War and who is no longer in service in the United States Senate.

I rise today to speak about the dignity of our Nation's veterans. Last week, Mr. Speaker, we offered and passed a resolution asking for the country to pray and to fast. I did not realize that at that time, according to what I am told, many of our troops in harm's way were down to one meal a day. I did not realize at the time that it was them that we were asking to fast.

As General Omar Bradley once stated, ''We are dealing with veterans, not with procedures. We are dealing with their problems, and not ours.''

I have a constituent who served his country in Vietnam, Mr. Bob Creasy. He was exposed to Agent Orange, the defoliant used to fight the war. Mr. Creasy did not realize at the time how deadly and poisonous the chemical was. Actually, none of us did. Many years later he experienced symptoms and illnesses that can now be validated and linked to his exposure to Agent Orange.

The Department of Veterans' Affairs claims that Bob is not eligible for compensation because he did not come forward when the symptoms first occurred. The symptoms, however, were not recognized as being caused by Agent Orange until very recently.

Why can we not validate the disability and compensate accordingly at this time? Is it that the Veterans' Administration is very restricted and limited in resources and will escape obligations any way and however they can?

What of our brave women and men who served in the first Gulf War? What of the Gulf War Syndrome? We are sending hundreds of thousands of young women and men into harm's way at this very moment, and at the same time we are cutting benefits for those who served in previous wars.

My observation, Mr. Speaker, is not extracted from a comic book. My name is JULIA CARSON, married to Sam Carson, a veteran of the Korean conflict, United States Marine Corps, who is now 100 percent service-connected disabled. My son, Sam Carson, United States Marine, served his country well, fortunately during peacetime.

It is not that I do not understand the plight of veterans, Mr. Speaker; I know the plight of veterans. There are over 25 million veterans in this great Nation of ours, and in Indiana alone there are 562,000. Are we supposed to tell them after serving in the military, defending our country, preserving our freedom, that the services that they need are unavailable in order to pay for a tax cut?

I heard another rumor emanating from the administration about ''shared sacrifices.'' I suppose those ''shared sacrifices'' are relegated to the have-nots and the have-even-less. To pass a budget that cuts mandatory spending from the President's budget by $15 billion is unconscionable. Even that budget was $3 billion too low to fully fund the needs of those who have served this country so ably.

As our distinguished ranking member of the Committee on Veterans' Affairs, the gentleman from Illinois (Mr. EVANS) recently stated, ''Our Nation must not require those who serve in uniform to bear the financial costs of their service-connected disabilities.''

Give me a break. A tax break for those who need no tax break, who earned their wealth off of the United States of America, and now we are asking them to take more; and we give less to the people who are responsible for our well-being, for the most part, the veterans of this Nation?

There is no excuse to delay the needed medical care for our veterans. We need to show them with deeds and not with words that, regardless of their mission, we support their dedication to their jobs and that we are for them in their time of need.

Last week, Mr. Speaker, I recited the words of the first President of the United States, George Washington, whose words are worth repeating at this time:

''The willingness with which our young people are likely to serve in any war, no matter how justified, shall be directly proportional as to how they perceive the veterans of earlier wars were treated and appreciated by their country.''

Mr. Speaker, we must not fail our veterans.

OPPOSING PROPOSED CUTS IN VETERAN PROGRAMS

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

Mr. GRIJALVA. Mr. Speaker, I, too, rise today to add my comments to the chorus of dismay and opposition to the proposed cuts in veteran programs and benefits that we are currently hearing about in this country proposed by the President and approved by the Republican majority of this House.

Many families in my district have sons and daughters, husbands and wives, family members, that are in the military and in this current conflict that this country finds itself in. Presently I have the responsibility to communicate to some of these families about the death, the serious life-threatening injuries and the missing-in-action status of some of their family members. I relate to them my personal respect, gratitude and sorrow at their anguish and at their sacrifice.

Yet, while I am doing that, I find it unconscionable that while our men and women are fighting overseas, following the orders of their Commander-in-Chief, we at home are reducing the health care benefits that our veterans have earned while risking and giving their lives in the service of this country, in the protection of our freedoms and in the extension of the liberties that we all enjoy.

How can we possibly justify the budget as passed by this House that contains almost $29 billion in cuts in veterans' programs over a 10 year period, primarily in veterans benefits and health care. What are we going to tell the men and women presently in uniform and their families; that their service is honorable, needed, and respected, but not worth the cost of full benefits for them and their future?

Mr. Speaker, today I would urge all of my colleagues to restore and enhance the benefits and programs that have been earned by our veterans and cut by the President and this Congress. To do otherwise would be an appalling betrayal of America's commitments to our veterans.

At a time of war, let us not be hypocritical. Let us respect and enhance the benefits of our veterans, so as they sacrifice for us, as they follow the orders of their Commander-in-Chief, they will earn not only our respect, but entitlement to benefits and protection of programs that will extend and support their quality of life.

VETERANS CUTS DEPLORED BY VETERAN LEADERS

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

Mr. PALLONE. Mr. Speaker, while American troops are fighting over in Iraq, veterans of past wars are fighting a different battle here in the United States. These veterans, who sacrificed a great deal to serve their Nation with great distinction, are now essentially being told by the House Republicans, ''thanks for your service, but we are going to have to make major cuts in your health care and other services to pay for our huge tax cut for the wealthiest few.''

Last month, House Republicans approved a budget by the slimmest of margins that cuts $14.2 billion in veterans programs over the next 10 years. Upon hearing that veterans were not a priority of the Republican majority, several leaders of veterans groups sent letters to Republican leaders.

Mr. Speaker, I just want to read some excerpts from some of the letters sent to the Speaker, because I think they are so much on point.

The first one is from Edward Heath, the National Commander of Disabled American Veterans. If I could just quote some sections, Mr. Heath writes:

''I write today on behalf of the 2.3 million disabled veterans, including the more than 1.2 million members of the Disabled American Veterans (DAV) to communicate our deep-seated outrage regarding the fiscal year 2004 budget adopted by the House Budget Committee which would cut veterans programs by more than $15 billion during the next 10 years.

''Has Congress no shame? Is there no honor left in the hallowed halls of our government that you choose to dishonor the sacrifices of our Nation's heroes and rob our programs, health care and disability compensation to pay for tax cuts for the wealthy? You will be reducing benefits and services for disabled veterans at a time when thousands of our servicemen are in harm's way fighting terrorists around the world and thousands more of our sons and daughters are preparing for war against Iraq.

''If you, in your leadership role in your House, allow this budget proposal to pass the House without exempting VA programs from the massive cuts, it could mean the loss of 19,000 nurses, equating to the loss of 6.6 million outpatient visits or more than three-quarters of a million hospital bed days. But that is not all of the devastation that will be caused by the proposed cuts. You will be reaching into the pockets of our Nation's service-connected veterans, including combat disabled veterans, and robbing them and their survivors of a portion of their compensation.

''Mr. Speaker, this budget dishonors the service of millions of service-connected disabled veterans, including combat disabled veterans, and seriously erodes the Nation's commitment to care for its defenders.''

Mr. Edward Heath, the National Commander of Disabled American Veterans, goes on to talk about the really negative impacts that these cuts will have.

Mr. Speaker, I also want to read sections from a letter that was sent to the chairman of the Committee on the Budget by Steve Robertson, Director, National Legislative Commission for the American Legion.

He says, ''Dear Mr. Chairman: The American Legion is deeply troubled by the impact H. Con. Res. 95, the Concurrent Resolution on the Budget, would have on veterans, especially severely service-connected disabled veterans and their families.

''Veterans did not cause the budgetary shortfalls and should not be financially penalized in the name of fiscal responsibility. Much has been said that all Americans must be willing to make sacrifices to eliminate the budget deficit. Severely service-connected disabled veterans have already made significant personal sacrifices for their earned entitlements.''

Mr. Speaker, last is a letter to Speaker HASTERT from Joseph L. Fox, Sr., National President of the Paralyzed Veterans of America.

He says in part, ''Dear Mr. Speaker: The proposal, if implemented, would have a shocking effect on VA health care services and would be an affront to millions of veterans facing reductions in their health care, compensation, pension and education benefits.

''The House Budget Committee proposal also calls for cutting $15 billion over 10 years, $463 million in fiscal year 2004 alone, in VA mandatory spending under the guise of eliminating fraud, waste and abuse. We do not consider payments to war-disabled veterans, pensions for the poorest disabled veterans and GI Bill benefits for soldiers returning from Afghanistan to be ''fraud, waste and abuse.'' Ninety percent of the spending for VA entitlements goes in monthly payments to these veterans and their survivors. The House Budget Committee plan, if approved, would force cuts in each of these programs.''

Mr. Speaker, I am only mentioning these letters because I think it is much better to quote from some of the people who are involved as veterans, from veterans organizations, rather than speaking myself, in terms of the real impact of the cuts in the budgets on veterans programs.

I think the Republicans clearly were not listening to veterans last month when they approved the fiscal year 2004 budget. I hope today they will keep veterans' voices in when they have a chance to instruct budget conferees to restore the funds that they so callously took away last month.

Mr. Speaker, the bottom line is, we are in the middle of a war, and to cut veterans' programs at this time is definitely not the way we should go.

RECESS

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

Accordingly (at 11 o'clock and 4 minutes a.m.), the House stood in recess until noon today.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. CAPITO) at noon.

PRAYER

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

I am grateful to the Members of the House of Representatives and all those who work here on Capitol Hill because they exist and because they are who they are. They do what they do and try as they may to make a difference in this place, in this Nation, and in this world.

I am grateful to You, O God, for having placed me among them and for having told me to be their father, their minister, their rabbi, a spiritual seeker with them in troublesome times.

Finally, I am grateful to You, O Lord, because in the midst of such public hearing and so much activity, I can find the solitude of prayer that shuts off the TV wars and simply questions the times in which we live and the priorities which set our motion.

In this most significant place, I find myself in them and with them, wondering what is the human dimension to government, to power, to war, and to life. I wonder, and I wonder further, and I wonder, until I come to You, our wonderful God. I wonder if You still recognize Yourself in us, for we were once made in Your image and likeness.

Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. KLINE 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.

U.S. WILL NOT EXCUSE WAR CRIMES OF IRAQI REGIME

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

Mr. REHBERG. Madam Speaker, some of Saddam Hussein's paramilitary monsters hanged a teenage girl last week for waving at coalition troops. In the same week, Iraqi military, pretending to surrender, fired upon our people who had offered them safety. This week we learned Saddam's desperate soldiers have taken to shielding themselves with women and children when confronting our advancing troops. His paramilitary forces rule by terror, lodging military stockpiles in schools and hospitals, firing at villagers who try to flee, and exterminating townspeople who refuse to fight for Saddam's terrorist state.

Perhaps the signature statement of the abhorrent and despicable nature of the enemy is its treatment of our young people in uniform taken captive. Some have been humiliated and paraded in front of television cameras. Others, we now know, were brutally executed or, should I say murdered, by Iraqi soldiers.

Can there be any doubt about the vile and inhumane character of Saddam's dying regime?

As President Bush has correctly noted, ''Given the nature of this regime, we expect such war crimes, but we will not excuse them.'' Our brave men and women in uniform deserve our support, both for what they are doing and for why they are there.

OPPOSING BUDGET CUTS FOR VETERANS

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

Ms. LORETTA SANCHEZ of California. Madam Speaker, I rise today to call attention to the actions taken by the Republicans in this House to drastically cut the funding for veterans programs.

While thousands of brave men and women are fighting for our country and risking their lives every single day, the House majority party voted for the GOP budget resolution which would cut veterans programs by $28.8 billion. This cut in programs includes money for health care, for disability compensation, pensions, and other benefits. The Disabled American Veterans, the Paralyzed Veterans of America, and the American Legion have all issued statements opposing this budget.

We cannot in good conscience commit men and women to defend this Nation while at the same time reducing the benefits they are entitled to and deserve, because after all, what message, what message does this send to those that have and those that are serving our country?

I am appalled at the actions of the Republican House. While brave men and women are defending our freedom, we must defend their right to receive their benefits.

HONORING AND SUPPORTING OUR TROOPS IN IRAQ

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

Mr. SAM JOHNSON of Texas. Madam Speaker, I rise today in strong support of our brave military men and women fighting for our freedom here at home and to take the yoke of oppression off the Iraqi people.

I also want to thank the military families and let them know that these soldiers are doing the best job in the world.

Madam Speaker, there are some awful stories out there. Iraqis were shown on TV voicing support for Saddam Hussein. When asked why they were doing that, they replied that they were afraid if they did not show support for Saddam and he did win, then he would remember them as enemies, and he would kill or torture their family members. That is just wrong.

Now our servicemen and women are implementing a precise military plan that will put an end to Saddam Hussein's reign of terror and his ruthless regime forever. We in the Congress are going to do all in our power to make sure that our troops remain the best trained and equipped in the world and are paid as veterans. To the brave men and women in uniform, I thank you and we salute you.

TRIBUTE TO PAUL WALDEN

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

Mr. BLUMENAUER. Madam Speaker, I am sad to report to the House today the passing of Paul Walden of Hood River, Oregon, the father of our colleague, the gentleman from Oregon (Mr. WALDEN).

It was my pleasure to serve in the Oregon House of Representatives with Paul where he was a distinguished member in the 1970s. By the time he became a legislator, he was already an established community leader, active in his church and many civic organizations.

Paul was a successful businessman whose ready wit and deep melodious voice made him a natural for a career in radio. He served a half century in the broadcast industry, ultimately owning his own radio stations.

This Oregonian of pioneer stock made his community better as he brightened people's lives. He was the obvious choice for the community for major responsibilities, like serving as chair and master of ceremonies for the opening of the massive Dallas's Dam featuring Vice President Richard Nixon.

I will remember him as a friend who served his community with honor, with humor, and with insight.

Our thoughts are with our colleague, the gentleman from Oregon (Mr. WALDEN); his wife, Maylene; son, Anthony; and the entire Walden family.

APRIL IS THE MONTH OF THE MILITARY CHILD

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

Mr. WILSON of South Carolina. Madam Speaker, the Department of Defense has designated April as the Month of the Military Child.

Today, thousands of fathers and mothers are halfway around the world from their children making tremendous sacrifices to defend freedom and liberty. Some sons and daughters will see their parent come home wounded and, in some cases, the military parent will not return at all.

Military families make enormous sacrifices on a daily basis so that our soldiers have the support they need. It is up to Americans and communities throughout our great Nation to support these families, even by simple food, clothes and toy donations for the children.

I urge all Americans to reach out to military families in their communities by contacting their local military base, National Guard and Reserve armory, and public affairs offices to find out how they can best help.

In conclusion, God bless our troops.

OPPOSING BUDGET CUTS TO VETERANS PROGRAMS

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

Mr. MICHAUD. Madam Speaker, I rise today out of deep concern about the budget that was passed last week. The Committee on the Budget resolution cut mandatory spending in many areas, but one of the most unconscionable cuts is the $15 billion reduction for veterans programs like service disability compensation, pension for low-income wartime veterans, and veterans housing programs. At a time of war, how can we vote to neglect our veterans like this?

In recent days we have heard from the American Legion, Paralyzed Veterans of America, AMVETS, the Veterans of Foreign Wars, and Disabled American Veterans, all strongly opposed to these cuts.

I will continue to stand with them and to oppose this dishonorable treatment of our most honorable men and women. I urge my colleagues to do the same.

HIGHER EDUCATION RELIEF OPPORTUNITIES FOR STUDENTS ACT OF 2003

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

Mr. GARRETT of New Jersey. Madam Speaker, I rise today to support the Higher Education Relief Act, the HEROES Act, as it is called.

Since September 11 and now with the activities of the war in Iraq, this Nation is sending our men and women, our young sons and daughters, into harm's way, into a conflict the likes of which this Nation has never seen before. And they do so in the name of America, in the name of liberty, freedom and dignity, which the United States stands for.

But during this time, this legislation will now grant to the Secretary of Education the authority and the power to grant to the students who are overseas now the relief that they need. It does that in three ways. First of all, it provides to the Reservists who are leaving from their jobs to go overseas right now relief from making student loan payments for a period of time while they are away.

Secondly, it provides to the borrowers and to the families who are back here at home relief from receiving letters and phone calls from the lenders while they are in service. And, thirdly, this legislation provides relief through consecutive service requirements to be considered uninterrupted while they are overseas.

Madam Speaker, I urge all of my colleagues to support the HEROES Act and to support our troops as well.

TRIBUTE TO CESAR CHAVEZ

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

Mr. BACA. Madam Speaker, Cesar Chavez was a champion for the poor and underserved people in America. He did not care about politics, money, or votes; he cared about people and their children. He sacrificed so they may have a better life.

Cesar gave Latinos in this country a voice. He touched the lives of millions with nonviolent struggle for justice, education, equality, and hope.

His life is a testament to the notion that victory can be won without violent confrontation. He used boycotts, pickets, strikes, and fasts to achieve this goal. But he never raised his hand or encouraged his followers to raise their hands in anger or hate or violence. This is a lesson that the world should be reminded of right now.

Cesar was committed so that he would be willing to sacrifice his own life so that violence was not used. He fasted many times. He proved that his commitment through his persistence, hard work, faith, and willingness to sacrifice for La Causa.

The terrible suffering of the farm workers and their children by crushing farm workers' rights, the dangers of pesticides, the denial of fair and Federal elections, Cesar's fast was a heartfelt prayer for purification and strength for all of those who worked beside him in this movement. His words will always be true in our lives that say: Si, se puede.

Yesterday was Cesar Chavez's birthday. This would be a great day to honor him in the Nation every year. I urge my colleagues to cosponsor H. Res. 112 calling for a National Cesar Chavez holiday.

□ 1215

IRAQ

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

Mrs. MILLER of Michigan. Madam Speaker, our forces have been in action in Iraq for 2 weeks. In that time, they have achieved great success. They have moved hundreds of miles and are beginning to encircle Baghdad and the regime of Saddam Hussein.

They have begun to distribute humanitarian aid to the long-suffering people of Iraq. They have weakened the enemy forces significantly. They have fought off groups of Saddam's thugs who are desperate to hold on to power. In short, the plan is going forward in an undaunted fashion.

As President Bush had stated time and time again, we may not know the duration of this war, but we do know its outcome: Our forces will disarm Iraq and will force the tyrannical regime of Saddam Hussein from power. The day of liberation for the people of Iraq is near, and they will be free. We will not tire, and we will not stop until we achieve our goals. I have no doubt that our forces are up to the task.

I urge every American to keep the men and women of our Armed Forces in their thoughts and in their prayers. We must support our troops as they fight to protect freedom and to defeat the forces of terror.

IN SUPPORT OF VETERANS

(Ms. LINDA T. SÁNCHEZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LINDA T. SÁNCHEZ. Madam Speaker, I stand before Members today outraged at the disgraceful treatment of our Nation's veterans. While some may disagree with the United States' decision to lead the charge against Iraq, all would agree that the men and women putting their lives on the line deserve our unwavering support. These volunteers deserve respect not only during times of war, but also when they return home.

The administration has spent a great deal of time showcasing our proud troops, but that same administration is attempting to make cuts to health care and other benefits that impact our veterans. Unless this body takes action, many veterans will be financially responsible for paying for the injuries they receive as a direct result of their sacrifice in defending us and our values.

This is hypocrisy at its best. What kind of message does this send to our troops? It says that we appreciate them putting their lives on the line when we need them, but we cannot offer them that same assistance when they need us.

House Concurrent Resolution 95, the budget resolution that recently passed the House, would require an across-the-board cut of 1 percent in mandatory appropriations for veterans programs. This budget would cut compensation for service-connected disabilities and education benefits and other health care funding by $14 billion over the next 10 years.

In addition, while the Bush budget anticipates an increase in the number of veterans eligible for compensation due to service-connected disabilities, the budget does not add one dime for benefits for additional disabilities and deaths.

As an American, as a patriot, and as a Member of this esteemed body, I encourage all Members to support the efforts to restore the funding cuts in mandatory spending for veterans benefits. Our past and future veterans deserve the respect and gratitude of this Nation. The least we can do is take care of them when they return home from defending our American values.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. CAPITO). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings 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 later today.

HIGHER EDUCATION RELIEF OPPORTUNITIES FOR STUDENTS ACT OF 2003

Mr. KLINE. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1412) to provide the Secretary of Education with specific waiver authority to respond to a war or other military operation or national emergency.

The Clerk read as follows:

H.R. 1412

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

SECTION 1. SHORT TITLE; FINDINGS; REFERENCE.

(a) SHORT TITLE.—This Act may be cited as the ''Higher Education Relief Opportunities for Students Act of 2003''.

(b) FINDINGS.—The Congress finds the following:

(1) There is no more important cause than that of our nation's defense.

(2) The United States will protect the freedom and secure the safety of its citizens.

(3) The United States military is the finest in the world and its personnel are determined to lead the world in pursuit of peace.

(4) Hundreds of thousands of Army, Air Force, Marine Corps, Navy, and Coast Guard reservists and members of the National Guard have been called to active duty or active service.

(5) The men and women of the United States military put their lives on hold, leave their families, jobs, and postsecondary education in order to serve their country and do so with distinction.

(6) There is no more important cause for this Congress than to support the members of the United States military and provide assistance with their transition into and out of active duty and active service.

(c) REFERENCE.—References in this Act to ''the Act'' are references to the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

SEC. 2. WAIVER AUTHORITY FOR RESPONSE TO MILITARY CONTINGENCIES AND NATIONAL EMERGENCIES.

(a) WAIVERS AND MODIFICATIONS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, unless enacted with specific reference to this section, the Secretary of Education (referred to in this Act as the ''Secretary'') may waive or modify any statutory or regulatory provision applicable to the student financial assistance programs under title IV of the Act as the Secretary deems necessary in connection with a war or other military operation or national emergency to provide the waivers or modifications authorized by paragraph (2).

(2) ACTIONS AUTHORIZED.—The Secretary is authorized to waive or modify any provision described in paragraph (1) as may be necessary to ensure that—

(A) recipients of student financial assistance under title IV of the Act who are affected individuals are not placed in a worse position financially in relation to that financial assistance because of their status as affected individuals;

(B) administrative requirements placed on affected individuals who are recipients of student financial assistance are minimized, to the extent possible without impairing the integrity of the student financial assistance programs, to ease the burden on such students and avoid inadvertent, technical violations or defaults;

(C) the calculation of ''annual adjusted family income'' and ''available income'', as used in the determination of need for student financial assistance under title IV of the Act for any such affected individual (and the determination of such need for his or her spouse and dependents, if applicable), may be modified to mean the sums received in the first calendar year of the award year for which such determination is made, in order to reflect more accurately the financial condition of such affected individual and his or her family;

(D) the calculation under section 484B(b)(2) of the Act (20 U.S.C. 1091b(b)(2)) of the amount a student is required to return in the case of an affected individual may be modified so that no overpayment will be required to be returned or repaid if the institution has documented (i) the student's status as an affected individual in the student's file, and (ii) the amount of any overpayment discharged; and

(E) institutions of higher education, eligible lenders, guaranty agencies, and other entities participating in the student assistance programs under title IV of the Act that are located in areas that are declared disaster areas by any Federal, State or local official in connection with a national emergency, or whose operations are significantly affected by such a disaster, may be granted temporary relief from requirements that are rendered infeasible or unreasonable by a national emergency, including due diligence requirements and reporting deadlines.

(b) NOTICE OF WAIVERS OR MODIFICATIONS.—

(1) IN GENERAL.—Notwithstanding section 437 of the General Education Provisions Act (20 U.S.C. 1232) and section 553 of title 5, United States Code, the Secretary shall, by notice in the Federal Register, publish the waivers or modifications of statutory and regulatory provisions the Secretary deems necessary to achieve the purposes of this section.

(2) TERMS AND CONDITIONS.—The notice under paragraph (1) shall include the terms and conditions to be applied in lieu of such statutory and regulatory provisions.

(3) CASE-BY-CASE BASIS.—The Secretary is not required to exercise the waiver or modification authority under this section on a case-by-case basis.

(c) IMPACT REPORT.—The Secretary shall, not later than 15 months after first exercising any authority to issue a waiver or modification under subsection (a), report to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate on the impact of any waivers or modifications issued pursuant to subsection (a) on affected individuals and the programs under title IV of the Act, and the basis for such determination, and include in such report the Secretary's recommendations for changes to the statutory or regulatory provisions that were the subject of such waiver or modification.

(d) NO DELAY IN WAIVERS AND MODIFICATIONS.—Sections 482(c) and 492 of the Higher Education Act of 1965 (20 U.S.C. 1089(c), 1098a) shall not apply to the waivers and modifications authorized or required by this Act.

SEC. 3. TUITION REFUNDS OR CREDITS FOR MEMBERS OF ARMED FORCES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) all institutions offering postsecondary education should provide a full refund to students who are affected individuals for that portion of a period of instruction such student was unable to complete, or for which such individual did not receive academic credit, because he or she was called up for active duty or active service; and

(2) if affected individuals withdraw from a course of study as a result of such active duty or active service, such institutions should make every effort to minimize deferral of enrollment or reapplication requirements and should provide the greatest flexibility possible with administrative deadlines related to those applications.

(b) DEFINITION OF FULL REFUND.—For purposes of this section, a full refund includes a refund of required tuition and fees, or a credit in a comparable amount against future tuition and fees.

SEC. 4. USE OF PROFESSIONAL JUDGMENT.

A financial aid administrator shall be considered to be making a necessary adjustment in accordance with section 479A(a) of the Act if the administrator makes adjustments with respect to the calculation of the expected student or parent contribution (or both) of an affected individual, and adequately documents the need for the adjustment.

SEC. 5. DEFINITIONS.

In this Act:

(1) ACTIVE DUTY.—The term ''active duty'' has the meaning given such term in section 101(d)(1) of title 10, United States Code, except that such term does not include active duty for training or attendance at a service school.

(2) AFFECTED INDIVIDUAL.—The term ''affected individual'' means an individual who—

(A) is serving on active duty during a war or other military operation or national emergency;

(B) is performing qualifying National Guard duty during a war or other military operation or national emergency;

(C) resides or is employed in an area that is declared a disaster area by any Federal, State, or local official in connection with a national emergency; or

(D) suffered direct economic hardship as a direct result of a war or other military operation or national emergency, as determined by the Secretary.

(3) MILITARY OPERATION.—The term ''military operation'' means a contingency operation as such term is defined in section 101(a)(13) of title 10, United States Code.

(4) NATIONAL EMERGENCY.—The term ''national emergency'' means a national emergency declared by the President of the United States.

(5) SERVING ON ACTIVE DUTY.—The term ''serving on active duty during a war or other military operation or national emergency'' shall include service by an individual who is—

(A) a Reserve of an Armed Force ordered to active duty under section 12301(a), 12301(g), 12302, 12304, or 12306 of title 10, United States Code, or any retired member of an Armed Force ordered to active duty under section 688 of such title, for service in connection with a war or other military operation or national emergency, regardless of the location at which such active duty service is performed; and

(B) any other member of an Armed Force on active duty in connection with such war, operation, or emergency or subsequent actions or conditions who has been assigned to a duty station at a location other than the location at which such member is normally assigned.

(6) QUALIFYING NATIONAL GUARD DUTY.—The term ''qualifying National Guard duty during a war or other military operation or national emergency'' means service as a member of the National Guard on full-time National Guard duty (as defined in section 101(d)(5) of title 10, United States Code) under a call to active service authorized by the President or the Secretary of Defense for a period of more than 30 consecutive days under section 502(f) of title 32, United States Code, in connection with a war, another military operation, or a national emergency declared by the President and supported by Federal funds.

SEC. 6. TERMINATION OF AUTHORITY.

The provisions of this Act shall cease to be effective at the close of September 30, 2005.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota (Mr. KLINE) and the gentleman from Ohio (Mr. RYAN) each will control 20 minutes.

The Chair recognizes the gentleman from Minnesota (Mr. KLINE).

GENERAL LEAVE

Mr. KLINE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous matter on H.R. 1412.

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

There was no objection.

Mr. KLINE. Madam Speaker, I yield myself 3 minutes.

Madam Speaker, I am pleased to bring forward, along with several of my colleagues, the Higher Education Relief Opportunities for Students, or HEROES, Act of 2003. This is a bill that

expresses the support and commitment of the United States House of Representatives to the troops who protect and defend the United States.

Throughout our involvement in the war on terrorism, many thousands of men and women who serve our Nation in the Reserves or National Guard of the Armed Forces, whether the Army, Navy, Air Force, Marine Corps, other than Coast Guard, have been called to active duty or active service. Many of these men and women are also college and university students who are called away from their families, class work and studies to defend our Nation. Unfortunately, due to a number of restrictions in the Higher Education Act, these individuals are at risk of losing financial assistance and/or educational credit as a result of their service.

Such a scenario is clearly not acceptable. The HEROES Act provides assurance to our men and women in uniform that they will not face education-related financial or administrative difficulties while they defend our Nation. The HEROES Act achieves this by granting the Secretary of Education the authority to address the specific needs of each student whose education is interrupted when they are called to service.

This bill is specific in its intent to ensure that as a result of a war, military contingency operation, or national emergency our men and women are protected. By granting flexibility to the Secretary of Education, the HEROES Act will protect recipients of student financial assistance from further financial difficulty generated when they are called to serve, minimize administrative requirements without affecting the integrity of the programs, adjust the calculation used to determine financial need to accurately reflect the financial condition of the individual and his or her family, and provide the Secretary with the authority to address issues not yet foreseen.

Following the September 11, 2001, attacks on our Nation, Members of this House united to unanimously pass similar legislation which helped ease the burden on students, institutions, and families affected by the attacks on our Nation. Today, the men and women serving in Operation Iraqi Freedom and in other parts of the world deserve the same support.

I am pleased that a number of my colleagues have signed on as cosponsors of this legislation. This is an indication of Congress' commitment to our military, our students, our families, and our schools. I urge my colleagues to stand in strong support of the Higher Education Relief Opportunities for Students Act and join me in voting yes on H.R. 1412.

Madam Speaker, I reserve the balance of my time.

Mr. RYAN of Ohio. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of the HEROES Act introduced by my colleague, the gentleman from Minnesota (Mr. KLINE), and thank him for doing so. This HEROES Act is appropriate at this time, as we have become very familiar over the past few weeks, watching the war unlike we have ever watched a war before. To address this very serious issue of the student loan repayment, this is altogether fitting and proper.

This is a great first step for this Chamber to make; but Madam Speaker, I believe that as we continue to watch and become aware that this war is not going to be as quick as we thought it was going to be, as this war begins to extend, and as our troops who were activated for possibly months or a year, this conflict now may stretch to 2 years or to 3 years, specifically dealing with the student loans, as we talk about forbearance in that the Secretary will have the opportunity to forbear a loan as our servicemen and servicewomen are activated, this will allow them not to pay on their student loans for the time that they are active.

Unfortunately, while they are still serving our country, making great sacrifices, the interest on their loan will still be accruing; so this is a great first step, but I think we can do much better. I think we in the Chamber, as we go forward in the next few weeks, should continue to try to extend these benefits, possibly allow these soldiers to defer their loans, and to subsidize the interest, so when they get back after serving this country, they will not owe more than when they left. I think that is a small step that we should make in order to support our troops as we should.

I have a bill that is the Active Reservists and National Guard Student Loan Relief Act which would do this, and I think we should look into it. Some soldiers who have $50,000 in student loans will accrue $2,600 in interest if they are serving for only 1 year. When they come back, they will owe $2,600 more.

Madam Speaker, I urge us to vote in support of the HEROES Act, but continue to be open-minded with other options in which we can show support for our troops.

Madam Speaker, I reserve the balance of my time.

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

I thank the gentleman for his remarks, and appreciate his commitment to the troops and his desire to extend additional benefits to those now serving. I look forward to work with the gentleman on that.

Madam Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. ISAKSON).

Mr. ISAKSON. Madam Speaker, I want to thank the gentleman from Minnesota (Mr. KLINE) for introducing this important piece of legislation. Last Friday in Atlanta, Georgia, at our State Capitol, and along with the gentlemen from Georgia, Mr. GINGREY and Mr. LINDER, and our Governor, I signed a proclamation commending the employers of our men and women who have been called up to active duty from the Reserves, to commend them for the sacrifice those companies are giving, and to commend them on their commitment to reemploy and keep those jobs for those troops when they come home.

It is only appropriate that we in Congress today do exactly what we are doing with regard to student loans. I support the HEROES Act of 2003, which gives the Secretary the authority under title IV of the Higher Education Act to make those waivers and deferrals that are necessary to ensure that our troops whose lives have been disrupted suddenly, and now serve us in the Middle East and in Iraq, to make sure that their families are not harassed by collectors and that their loan payments are deferred until they return; and also encourage those institutions of higher learning that have accepted tuition for semesters or quarters that now cannot be fulfilled because that Reservist has been activated to refund the tuition back to those Reservists. So when they return home they can enjoy a full quarter or semester, and they can get every dollar that they have invested in every bit of education they have paid for.

The gentleman from Minnesota (Mr. KLINE) is doing what all of us in Congress want to do: showing in every way and every facet every appreciation for those brave men and women who serve in our Reserves, and at a moment's notice, go in harm's way on behalf of the defense of everything we do in this country.

I commend the gentleman for his introduction, and I urge every Member of the House to support the HEROES Act of 2003.

Mr. KLINE. Madam Speaker, it is my pleasure to yield 3 minutes to the distinguished gentleman from Ohio (Mr. BOEHNER), chairman of the Committee on Education and the Workforce.

Mr. BOEHNER. Madam Speaker, I thank my colleague for yielding time to me, and congratulate the gentleman from Minnesota (Mr. KLINE), one of our freshman members of the committee, for the introduction of this bill.

Let me also thank my colleague, the gentleman from Ohio (Mr. RYAN), another freshman member of our committee, for his contributions to this effort.

None of us believe that our active duty soldiers should be in a position where they are going to have to make payments on their student loans while in fact they are not here. This discretion has been given to the Secretary under the Higher Education Act Amendments, the recent reauthorization.

What we want to do here is to make it clear to the Secretary that not only does he have that authority and we expect that he will work with it, but also to give him a more permanent authority in the case of a national emergency

that he can, in fact, defer these payments.

Members of our committee have a very good relationship with the Secretary of Education. He is working with those institutions and agencies today to ensure that our active duty soldiers, sailors, airmen, and the rest have this protection. I do think the passage of this will give him clear authority to make sure that they and their families do not have this in this time of war.

□ 1230

Again, I wanted to congratulate both of my colleagues for their efforts on this bill and urge all of my colleagues in the House to support the HEROES Act of 2003.

Mr. RYAN of Ohio. Madam Speaker, I yield myself such time as I may consume.

I would also like to thank the chairman of the committee for all of his work also on this effort. He has been great to work with; and I think, again, this is a good first step for us to take. And while he is here, I just wanted to mention a couple of people, one who is from my district in Ohio, Krista Rosado, Madam Speaker. She is a Reservist in my district. She has been called to duty for up to 2 years for the war on terror. She is a technical sergeant, and she has student loans in the amount of $11,400 with a 7 percent interest rate.

Now, under the current legislation that we are dealing with, she will accrue over $1,400 in additional interest on her loan. So when she does get back from service, she will owe this money. And I think the natural next step for us to take is to say to Krista, thank you for your service, thank you for your sacrifice, and we will take care of the interest on your loan while you were over serving your country.

Mr. BOEHNER. Madam Speaker, will the gentleman yield?

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

Mr. BOEHNER. Madam Speaker, as I have mentioned to the gentleman and staff, we have worked on his important addition to this bill, but under the 1973 Budget Act we are required to find offsets. As the gentleman is aware, there is about a $10 million cost estimate from the CBO on this bill. But I commit to the gentleman we will continue to work with you to try to find these offsets under the Budget Act so that we can, in fact, bring this bill to the floor.

Mr. RYAN of Ohio. Reclaiming my time, I thank the gentleman, and I look forward to working with him.

Madam Speaker, I reserve the balance of my time.

Mr. REYNOLDS. Madam Speaker, I yield 3 minutes to the gentleman from California (Mr. MCKEON), the chairman of the Subcommittee on 21st Century Competitiveness.

Mr. MCKEON. Madam Speaker, I rise in strong support of H.R. 1412, the Higher Education Relief Opportunity for Student Act of 2003, or more appropriately called the HEROES Act. I want to thank my colleague from Minnesota (Mr. KLINE) and the gentleman from Ohio (Mr. RYAN) for their leadership in bringing this bill to the floor, especially the gentleman from Minnesota (Mr. KLINE), who spent 25 years as a Marine and learned great leadership skills with that great body and now is bringing those great leadership skills here to Congress which are exemplified by him bringing this bill to the floor.

The HEROES Act provides the Secretary of Education with specific waiver authority under title IV of the Higher Education Act, which governs student financial assistance programs. The Secretary would be able to provide relief to those students with student loans and other title IV assistance who have been called to active duty and those active duty military being reassigned to different duty stations. We are asking a great deal of our men and women in the military. They are going forward to fight in Operation Iraqi Freedom, and they are doing so with great distinction. Their lives are being disrupted, and we need to give them our full support. The last thing these men and women need to worry about is making a student loan payment or worry about how they will reenroll in schooling when they return.

H.R. 1412 will provide the Secretary of Education with the opportunity to relieve those concerns and allow them to focus on the difficult and dangerous jobs that they have been assigned to do. This bill will also relieve the burdens on the families here at home because they will not have to deal with loan collectors hounding them for students loan payments, among other things.

Another important aspect of the HEROES Act is that it allows the Secretary of Education to act quickly should a situation arise that has not been considered. It allows him to protect the interests of our military personnel while at the same time ensuring the integrity of the Federal Student Assistance Programs. The Secretary of Education is in a unique position to act as ambassador between the students, institutions of higher education, and the student aid community to ensure the necessary accommodations are provided to those who are affected by the conflict before us.

I want to applaud the Secretary and his staff for the work they have done since the tragedy of September 11 to provide the relief and flexibility to our military and others. I also want to acknowledge the efforts put forward by the postsecondary education community, lenders, loan servicers, secondary markets and students loan guarantee agencies in the student loan programs who work with all of those affected by the events that have confronted us.

The bipartisan HEROES Act will go a long way in reducing some of the burdens facing our military. While it will not solve every issue that will arise, the HEROES Act will alleviate concerns around student financial assistance and postsecondary education. It also stands as a clear indication of the commitment of this Congress to the men and women fighting to protect the freedoms of this great Nation.

I urge my colleagues to unite in their support for the brave men and women fighting in Operation Iraqi Freedom and elsewhere and strongly support the bipartisan HEROES Act. I look forward to swift passage of this legislation.

Mr. KLINE. Madam Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. BURNS), a member of the Committee on Education and the Workforce, a man with extensive experience in higher education.

Mr. BURNS. Madam Speaker, we have before us today a sensible piece of legislation that will support our troops in completing their education, a bill that will help our troops participate in the Federal financial aid program by cutting through the administrative hurdles upon their return from active duty.

H.R. 1412 would ask postsecondary institutions to provide a full refund of tuitions and fees to students for the period that they are not able to complete because of their service to America. It would also minimize difficult enrollments or reapplication requirements making it easier for military personnel to reenter the postsecondary education environment when they return from serving their Nation. The HEROES bill would excuse military personnel from their Federal student loan obligations while they are on active duty in service to the United States. While these men and women are fighting for our freedom overseas, they should not be worrying about repaying their student loans.

Our military Reservists are called to serve the Nation. It is our duty to provide them with the support and flexibility they need to avoid financial hardship as they defend freedom and protect our safety.

Madam Speaker, this is a good bill for the men and women who are fighting for our future. I am proud to be a co-sponsor of this legislation, and I urge the support of its passage from my colleagues.

Mr. RYAN of Ohio. Madam Speaker, I reserve the balance of my time.

Mr. KLINE. Madam Speaker, I yield 2 minutes to the gentleman from Nebraska (Mr. OSBORNE), my colleague on the Committee on Education and the Workforce.

Mr. OSBORNE. Madam Speaker, I would like to join those congratulating the gentleman from Minnesota (Mr. KLINE) for his introduction of H.R. 1412.

Madam Speaker, a high percentage of our military personnel are Reservists and National Guardsmen. These are ordinary citizens; they have families. Many of them are in school. Many are in higher education.

I would like to call attention to a couple of aspects of H.R. 1412 which

have heretofore been somewhat ignored. Number one, this particular legislation allows Reservists who leave college and universities for military service to return with the same academic standing as they had when they left. And this may seem kind of minor, but it is very important because in many graduate programs if you are not there for consecutive semesters, you lose your standing. You are no longer in the graduate college. Also sometimes after a period of absence, a student will lose credits and so this legislation prevents that from happening. I think that is very important. Also this legislation urges full refunds of tuition and fees for those who are called to active duty. Often times this happens in the middle of the semester, and the student may have already paid thousands of dollars in tuition and fees and normally the universities, when you drop out, do not refund these, so this does call for a full refund. And of course we have already discussed the fact that this does relieve Reservists from payments of student loans while on duty, which is very, very important.

On April 15, 2002, the State of Nebraska enacted the above provisions for those called to active duty through a memorandum agreement between the Governor and the colleges and universities. This was certainly a very good step for the State of Nebraska and, of course, this legislation to make these provisions applicable nationwide. So I urge its support and, again, want to thank the gentleman from Minnesota (Mr. KLINE) for his introduction of this bill. It is a good bill and something we can all be proud of in a bipartisan manner in this House of Representatives.

Mr. RYAN of Ohio. Madam Speaker, I yield myself 2 minutes.

Madam Speaker, I also want to thank the gentleman from Nebraska (Mr. OSBORNE), who is also a colleague of mine on the Committee on Education and the Workforce. I do not think there is a Member of this Congress who has more experience dealing with some of the hardships that young people deal with when in college. He mentioned that some of the Reservists who are on active duty and who have been activated that the HEROES Act is going to help. Sixty-seven percent of the Reservists have some college education with which this bill will be able to assist them, some college education or more; 25.8 percent have some college education but not yet have received a degree; and then of which the HEROES Act will also help 12.1 percent have an associate's degree; 20 percent have a bachelor's degree; 7 percent have a master's degree; and 2 percent have a doctoral or some professional degree. So this HEROES Act is going to address a significant number of people who are currently serving their country. Again, I commend the gentleman for introducing this legislation.

Madam Speaker, I reserve the balance of my time.

Mr. KLINE. Madam Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. GINGREY), another of my colleagues on the Committee on Education and the Workforce.

Mr. GINGREY. Madam Speaker, I thank the gentleman from Minnesota (Mr. KLINE) for yielding me time.

When we have legislation in this body, often times we come up with an acronym. In this particular bill, the HEROES Act, Higher Education Relief Opportunity Act for Students, what a great acronym for H.R. 1412, because truly we are talking about doing something for our young men and women who are indeed our heroes.

We emphasize so much to young people that there is nothing more valuable to them in life than an education; and we want them, indeed, all of us, to be lifelong learners, and there is no more noble calling, of course, then service to one's country and putting one's life, indeed, in harm's way for this country as these students are now doing. So I commend the gentleman from Minnesota (Mr. KLINE), my colleague on the Committee on Education and the Workforce. I commend the gentleman from Ohio (Mr. RYAN), my colleague also on this committee. In listening to his testimony, it is obvious where his heart is in regards to wanting to actually extend relief even more than this bill will do in regard to mitigating the accrual of interest during the time that these young men and women are serving our country.

And as the chairman of our committee, the gentleman from Ohio (Mr. BOEHNER), indicated, when we can figure out an opportunity to offset some of the costs of that, certainly we want to work very closely with the gentleman from Ohio. But it is indeed a wonderful bill and it is saying to these students, you can go right back to school as soon as your duty to this country is over with. The families will not be put upon during that interim for payment of interest; and I am a very proud, proud supporter of H.R. 1412, the HEROES Act.

Mr. RYAN of Ohio. Madam Speaker, I yield myself such time as I may consume.

I would like to thank the gentleman for his fine work on the committee and his pledge of support to work with us. I think given the intellect of this body, we should be should be able to figure out a way to make this happen and to make sure that the soldiers over there who are sacrificing and risking life and limb for our own freedoms in this country, we should be able to work it out.

In closing, Madam Speaker, again, this HEROES Act is a great first step for us. As we said earlier, this addresses a number of people who are soldiers, who are making sacrifice for this country and really for freedom around the world.

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Again, just to reiterate, the forbearance is a great first step. I think the intention of forbearing a loan, again, is for more of the shorter conflicts where our soldiers are just going to be activated for maybe a few months, where the accrual of interest would not be that significant. But as we see this conflict start to extend from a year to 2 years, or how long the President decides, we need to understand that the accrual of that interest needs to be taken care of, because these soldiers who, many as we know are making great sacrifices not only physically, but economically at home, and many of these soldiers who are over there are not earning nearly the amount that they would be earning if they were working here in this country.

They are taking significant pay cuts, taking enormous physical risks, and so the forbearance for a short conflict, the subsidies and deferment for longer conflicts where there is an opportunity to have significant accrual of the interest, I think that is a next logical step.

We are here to support these young men and young women who are fighting for this country, not just the soldiers on the front lines, but also those following whom we have seen become prisoners of war and missing in action. This is a very dangerous endeavor that we have taken.

I thank the gentleman again and very much look forward to working with him to take this to the next step and to the next level. I very much look forward to working with the gentleman and the chairman of the committee to do that.

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

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

I would like to start by saying thanks again to my colleague, the gentleman from Ohio, for his passionate interest in this bill, for his support of the bill; and I, too, look forward to working with him in the days and weeks that come ahead to make sure that we are doing the very best that we can for our men and women who have been called to active duty.

I appreciate very much the many remarks of my colleagues here today. We have had remarks from a college professor and from a college coach and from people with years of experience on this committee. I very much appreciate the work they have done on this.

I am grateful for the credit that has been given to me for bringing this bill forward, but the truth is, I am following the steps of some people who have blazed the trail ahead of me.

This is a very, very important bill. It is important for our colleagues, for families and for the men and women in uniform, and I urge my colleagues to stand in strong support of the Heroes Act and vote yes on H.R. 1412.

Mr. REYES. Madam Speaker, I rise today in support of H.R. 1412, the Higher Education Relief Opportunities for Students Act of 2003, which would assist students who have answered the call to serve our nation and students whose lives may be disrupted by a national disaster connected to the current war effort.

The Higher Education Relief Opportunities for Students Act would waive or modify any provisions applicable to federal student financial aid programs in order to assist students who are honorably serving in the Persian Gulf. These young men and women are risking their lives today to protect our nation's freedom and liberty. This bill will ensure that those members of our Armed Services who have put their studies on hold are not placed in a worse financial position as a result of their service to our nation. This is the least we can do.

In keeping with this objective, this bill will assure that administrative requirements for these armed service members are minimized. Not only will this bill prevent any financial burden that these troops may otherwise experience as a result of serving our country, but by extension will serve to facilitate their transition into and out of active service.

In addition to protecting students who today find themselves defending our nation, one of the provisions in the bill grants institutions of higher education, eligible lenders, and guaranty agencies located in any area declared a disaster temporary relief from infeasible and unreasonable requirements.

We must make sure that all of our students are protected against any burden they may face as a result of the current war. I am proud to support of H.R. 1412, the Higher Education Relief Opportunities for Students Act of 2003 and strongly urge my colleagues to do the same.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise in support of H.R. 1412.

I support H.R. 1412 because the Higher Education Relief Opportunities for Students Act of 2003 ensures that the brave young men and women of our armed services will not have their educations compromised when they answer the call to active duty.

H.R. 1412 grants the Secretary of Education the discretion to provide financial aid relief, tuition refunds, or credits to members of our Armed Forces when they respond to military operations or national emergencies.

When enlisted men and women, who are also students at colleges and universities, are called to active duty, H.R. 1412 will allow the Secretary of Education to grant waivers and statutory exceptions to protect their enrollment and financial aid status.

It will also empower the Secretary of Education with the discretion to grant a full tuition refund to members of our Armed Services who are called to active duty.

This discretion will empower the Secretary to drastically reduce the likelihood that enlisted men's and women's educations will be jeopardized by inadvertent, technical violations or defaults when they are called to service. It also ensures that members of our Armed Forces do not forfeit their tuition payments when they answer the call to service.

Hundreds of thousands of young men and women have been called to active duty in our Army, Navy, Air Force, Marine Corps, and Coast Guard.

These heroes put the safety of every American citizen before themselves. They risk their lives, and their educations, so that we can be safe.

H.R. 1412 protects the members of our Armed Forces. It ensures that they will not be in a worse position financially or in their education as a result of their status as students and soldiers.

I support H.R. 1412, Madam Speaker, because we must support the members of our Armed Forces in every way that we can, including in their educations.

Mr. HOLT. Madam Speaker, as our nation is at war in the Persian Gulf, many men and women who serve in our nation's armed forces have been called up to active duty, including many college and university students.

Many of these students participate in federal financial aid programs, and in order to ensure the utmost flexibility during the time that they are engaged in military service, it is essential that the Department of Education be given extended waiver authority to accommodate the needs of our troops.

This is why I support H.R. 1412 Higher Education Relief Opportunities for Students (HEROES) Act of 2003.

The bill will extend the waive authority granted to the Secretary of Education to allow him to provide the appropriate assistance and flexibility to our men and women in uniform as they transfer in and out of postsecondary education during a time of war.

The extended waiver authority provided for in the HEROES bill addresses the need to assist students who are being asked to disrupt their lives in the defense of the freedoms we all hold so precious.

It will also allow the Secretary to address events now unforeseen. It also urges all postsecondary institutions to provide a full refund of tuition, fees and other charges to students who are members of the Armed Forces or are serving on active duty, including the Reserves and National Guard.

What a positive message it would send to the hundreds of thousands of American men and women in uniform currently risking their lives to help them with their student loans. Recall the fine, positive effect of the GI education bills.

Our men and women deserve our help. As the brave men and women of the United States are engaged in this difficult and dangerous war we should limit the negative impacts on them and their families here at home.

I ask my colleagues to support H.R. 1412 Higher Education Relief Opportunities for Students Act.

Mr. EMANUEL. Madam Speaker. I rise today in support of H.R. 1412, the Higher Education Relief Opportunities for Students Act. This is timely, essential legislation which ensures that those brave men and women who make enormous sacrifices for our nation do not forfeit their right to an affordable and accessible education.

Members of the armed forces often spend considerable time away from their families, stall other career and educational goals, and, most significantly, expose themselves to the risk of serious injury or death. These individuals and their families deserve our greatest respect, and certainly deserve the assurance that they will not be unfairly penalized for their time spent in military service.

The promise of higher education, and the availability of federal financial assistance to make this opportunity a reality, represent key components of the American experience. It is only right that we ensure access to higher education for those who work to protect the values and privileges that we enjoy as Americans.

I applaud Congressman KLINE and the other Members of the Committee on Education and Workforce for introducing this critical legislation and bringing it to the floor today. It is a symbol of support for the brave men and women involved in Operation Iraqi Freedom and for all of those who selflessly devote their lives to protecting our nation and our freedom.

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

The SPEAKER pro tempore (Mrs. CAPITO). The question is on the motion offered by the gentleman from Minnesota (Mr. KLINE) that the House suspend the rules and pass the bill, H.R. 1412.

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. KLINE. Madam 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.

BUSINESS CHECKING FREEDOM ACT OF 2003

Mr. BACHUS. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 758) to allow all businesses to make up to 24 transfers each month from interest-bearing transaction accounts to other transaction accounts, to require the payment of interest on reserves held for depository institutions at federal reserve banks, and for other purposes, as amended.

The Clerk read as follows:

H.R. 758

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 ''Business Checking Freedom Act of 2003''.

SEC. 2. INTEREST-BEARING TRANSACTION ACCOUNTS AUTHORIZED FOR ALL BUSINESSES.

(a) Section 2 of Public Law 93–100 (12 U.S.C. 1832) is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

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

''(b) Notwithstanding any other provision of law, any depository institution may permit the owner of any deposit or account which is a deposit or account on which interest or dividends are paid and is not a deposit or account described in subsection (a)(2) to make up to 24 transfers per month (or such greater number as the Board of Governors of the Federal Reserve System may determine by rule or order), for any purpose, to another account of the owner in the same institution. An account offered pursuant to this subsection shall be considered a transaction account for purposes of section 19 of the Federal Reserve Act unless the Board of Governors of the Federal Reserve System determines otherwise.''.

(b) Effective at the end of the 2-year period beginning on the date of the enactment of this Act, section 2 of Public Law 93–100 (12 U.S.C. 1832) is amended—

(1) in subsection (a)(1), by striking ''but subject to paragraph (2)'';

(2) by striking paragraph (2) of subsection (a) and inserting the following new paragraph:

''(2) No provision of this section may be construed as conferring the authority to offer demand deposit accounts to any institution that is prohibited by law from offering demand deposit accounts.''; and

(3) in subsection (b) (as added by subsection (a) of this section) by striking ''and is not a deposit or account described in subsection (a)(2)''.

SEC. 3. INTEREST-BEARING TRANSACTION ACCOUNTS AUTHORIZED.

(a) REPEAL OF PROHIBITION ON PAYMENT OF INTEREST ON DEMAND DEPOSITS.—

(1) FEDERAL RESERVE ACT.—Section 19(i) of the Federal Reserve Act (12 U.S.C. 371a) is amended to read as follows:

''(i) [Repealed]''.

(2) HOME OWNERS' LOAN ACT.—The first sentence of section 5(b)(1)(B) of the Home Owners' Loan Act (12 U.S.C. 1464(b)(1)(B)) is amended by striking ''savings association may not—'' and all that follows through ''(ii) permit any'' and inserting ''savings association may not permit any''.

(3) FEDERAL DEPOSIT INSURANCE ACT.—Section 18(g) of the Federal Deposit Insurance Act (12 U.S.C. 1828(g)) is amended to read as follows:

''(g) [Repealed]''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect at the end of the 2-year period beginning on the date of the enactment of this Act.

SEC. 4. PAYMENT OF INTEREST ON RESERVES AT FEDERAL RESERVE BANKS.

(a) IN GENERAL.—Section 19(b) of the Federal Reserve Act (12 U.S.C. 461(b)) is amended by adding at the end the following new paragraph:

''(12) EARNINGS ON RESERVES.—

''(A) IN GENERAL.—Balances maintained at a Federal reserve bank by or on behalf of a depository institution may receive earnings to be paid by the Federal reserve bank at least once each calendar quarter at a rate or rates not to exceed the general level of short-term interest rates.

''(B) REGULATIONS RELATING TO PAYMENTS AND DISTRIBUTION.—The Board may prescribe regulations concerning—

''(i) the payment of earnings in accordance with this paragraph;

''(ii) the distribution of such earnings to the depository institutions which maintain balances at such banks or on whose behalf such balances are maintained; and

''(iii) the responsibilities of depository institutions, Federal home loan banks, and the National Credit Union Administration Central Liquidity Facility with respect to the crediting and distribution of earnings attributable to balances maintained, in accordance with subsection (c)(1)(A), in a Federal reserve bank by any such entity on behalf of depository institutions.

''(C) DEPOSITORY INSTITUTIONS DEFINED.—For purposes of this paragraph, the term 'depository institution', in addition to the institutions described in paragraph (1)(A), includes any trust company, corporation organized under section 25A or having an agreement with the Board under section 25, or any branch or agency of a foreign bank (as defined in section 1(b) of the International Banking Act of 1978).''.

(b) AUTHORIZATION FOR PASS THROUGH RESERVES FOR MEMBER BANKS.—Section 19(c)(1)(B) of the Federal Reserve Act (12 U.S.C. 461(c)(1)(B)) is amended by striking ''which is not a member bank''.

(c) CONSUMER BANKING COSTS ASSESSMENT.—

(1) IN GENERAL.—The Federal Reserve Act (12 U.S.C. 221 et seq.) is amended—

(A) by redesignating sections 30 and 31 as sections 31 and 32, respectively; and

(B) by inserting after section 29 the following new section:

''SEC. 30. SURVEY OF BANK FEES AND SERVICES.

''(a) ANNUAL SURVEY REQUIRED.—The Board of Governors of the Federal Reserve System shall obtain annually a sample, which is representative by type and size of the institution (including small institutions) and geographic location, of the following retail banking services and products provided by insured depository institutions and insured credit unions (along with related fees and minimum balances):

''(1) Checking and other transaction accounts.

''(2) Negotiable order of withdrawal and savings accounts.

''(3) Automated teller machine transactions.

''(4) Other electronic transactions.

''(b) MINIMUM SURVEY REQUIREMENT.—The annual survey described in subsection (a) shall meet the following minimum requirements:

''(1) CHECKING AND OTHER TRANSACTION ACCOUNTS.—Data on checking and transaction accounts shall include, at a minimum, the following:

''(A) Monthly and annual fees and minimum balances to avoid such fees.

''(B) Minimum opening balances.

''(C) Check processing fees.

''(D) Check printing fees.

''(E) Balance inquiry fees.

''(F) Fees imposed for using a teller or other institution employee.

''(G) Stop payment order fees.

''(H) Nonsufficient fund fees.

''(I) Overdraft fees.

''(J) Deposit items returned fees.

''(K) Availability of no-cost or low-cost accounts for consumers who maintain low balances.

''(2) NEGOTIABLE ORDER OF WITHDRAWAL ACCOUNTS AND SAVINGS ACCOUNTS.—Data on negotiable order of withdrawal accounts and savings accounts shall include, at a minimum, the following:

''(A) Monthly and annual fees and minimum balances to avoid such fees.

''(B) Minimum opening balances.

''(C) Rate at which interest is paid to consumers.

''(D) Check processing fees for negotiable order of withdrawal accounts.

''(E) Fees imposed for using a teller or other institution employee.

''(F) Availability of no-cost or low-cost accounts for consumers who maintain low balances.

''(3) AUTOMATED TELLER TRANSACTIONS.—Data on automated teller machine transactions shall include, at a minimum, the following:

''(A) Monthly and annual fees.

''(B) Card fees.

''(C) Fees charged to customers for withdrawals, deposits, and balance inquiries through institution-owned machines.

''(D) Fees charged to customers for withdrawals, deposits, and balance inquiries through machines owned by others.

''(E) Fees charged to noncustomers for withdrawals, deposits, and balance inquiries through institution-owned machines.

''(F) Point-of-sale transaction fees.

''(4) OTHER ELECTRONIC TRANSACTIONS.—Data on other electronic transactions shall include, at a minimum, the following:

''(A) Wire transfer fees.

''(B) Fees related to payments made over the Internet or through other electronic means.

''(5) OTHER FEES AND CHARGES.—Data on any other fees and charges that the Board of Governors of the Federal Reserve System determines to be appropriate to meet the purposes of this section.

''(6) FEDERAL RESERVE BOARD AUTHORITY.—The Board of Governors of the Federal Reserve System may cease the collection of information with regard to any particular fee or charge specified in this subsection if the Board makes a determination that, on the basis of changing practices in the financial services industry, the collection of such information is no longer necessary to accomplish the purposes of this section.

''(c) ANNUAL REPORT TO CONGRESS REQUIRED.—

''(1) PREPARATION.—The Board of Governors of the Federal Reserve System shall prepare a report of the results of each survey conducted pursuant to subsections (a) and (b) of this section and section 136(b)(1) of the Consumer Credit Protection Act.

''(2) CONTENTS OF THE REPORT.—In addition to the data required to be collected pursuant to subsections (a) and (b), each report prepared pursuant to paragraph (1) shall include a description of any discernible trend, in the Nation as a whole, in a representative sample of the 50 States (selected with due regard for regional differences), and in each consolidated metropolitan statistical area (as defined by the Director of the Office of Management and Budget), in the cost and availability of the retail banking services, including those described in subsections (a) and (b) (including related fees and minimum balances), that delineates differences between institutions on the basis of the type of institution and the size of the institution, between large and small institutions of the same type, and any engagement of the institution in multistate activity.

''(3) SUBMISSION TO CONGRESS.—The Board of Governors of the Federal Reserve System shall submit an annual report to the Congress not later than June 1, 2005, and not later than June 1 of each subsequent year.

''(d) DEFINITIONS.—For purposes of this section, the term 'insured depository institution' has the meaning given such term in section 3 of the Federal Deposit Insurance Act, and the term 'insured credit union' has the meaning given such term in section 101 of the Federal Credit Union Act.''.

(2) CONFORMING AMENDMENT.—

(A) IN GENERAL.—Paragraph (1) of section 136(b) of the Truth in Lending Act (15 U.S.C. 1646(b)(1)) is amended to read as follows:

''(1) COLLECTION REQUIRED.—The Board shall collect, on a semiannual basis, from a broad sample of financial institutions which offer credit card services, credit card price and availability information including—

''(A) the information required to be disclosed under section 127(c) of this chapter;

''(B) the average total amount of finance charges paid by consumers; and

''(C) the following credit card rates and fees:

''(i) Application fees.

''(ii) Annual percentage rates for cash advances and balance transfers.

''(iii) Maximum annual percentage rate that may be charged when an account is in default.

''(iv) Fees for the use of convenience checks.

''(v) Fees for balance transfers.

''(vi) Fees for foreign currency conversions.''.

(B) EFFECTIVE DATE.—The amendment made by subparagraph (A) shall take effect on January 1, 2004.

(3) REPEAL OF OTHER REPORT PROVISIONS.—Section 1002 of Financial Institutions Reform, Recovery, and Enforcement Act of 1989 and section 108 of the Riegle-Neal Interstate Banking and Branching Efficiency Act of 1994 are hereby repealed.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—Section 19 of the Federal Reserve Act (12 U.S.C. 461) is amended—

(1) in subsection (b)(4) (12 U.S.C. 461(b)(4)), by striking subparagraph (C) and redesignating subparagraphs (D) and (E) as subparagraphs (C) and (D), respectively; and

(2) in subsection (c)(1)(A) (12 U.S.C. 461(c)(1)(A)), by striking ''subsection (b)(4)(C)'' and inserting ''subsection (b)''.

SEC. 5. INCREASED FEDERAL RESERVE BOARD FLEXIBILITY IN SETTING RESERVE REQUIREMENTS.

Section 19(b)(2)(A) of the Federal Reserve Act (12 U.S.C. 461(b)(2)(A)) is amended—

(1) in clause (i), by striking ''the ratio of 3 per centum'' and inserting ''a ratio not greater than 3 percent (and which may be zero)''; and

(2) in clause (ii), by striking ''and not less than 8 per centum,'' and inserting ''(and which may be zero),''.

SEC. 6. TRANSFER OF FEDERAL RESERVE SURPLUSES.

(a) IN GENERAL.—Section 7(b) of the Federal Reserve Act (12 U.S.C. 289(b)) is amended by adding at the end the following new paragraph:

''(4) ADDITIONAL TRANSFERS TO COVER INTEREST PAYMENTS FOR FISCAL YEARS 2003 THROUGH 2007.—

''(A) IN GENERAL.—In addition to the amounts required to be transferred from the surplus funds of the Federal reserve banks pursuant to subsection (a)(3), the Federal reserve banks shall transfer from such surplus funds to the Board of Governors of the Federal Reserve System for transfer to the Secretary of the Treasury for deposit in the general fund of the Treasury, such sums as are necessary to equal the net cost of section 19(b)(12) in each of the fiscal years 2003 through 2007.

''(B) ALLOCATION BY FEDERAL RESERVE BOARD.—Of the total amount required to be paid by the Federal reserve banks under subparagraph (A) for fiscal years 2003 through 2007, the Board of Governors of the Federal Reserve System shall determine the amount each such bank shall pay in such fiscal year.

''(C) REPLENISHMENT OF SURPLUS FUND PROHIBITED.—During fiscal years 2003 through 2007, no Federal reserve bank may replenish such bank's surplus fund by the amount of any transfer by such bank under subparagraph (A).''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 7(a) of the Federal Reserve Act (12 U.S.C. 289(a)) is amended by adding at the end the following new paragraph:

''(3) PAYMENT TO TREASURY.—During fiscal years 2003 through 2007, any amount in the surplus fund of any Federal reserve bank in excess of the amount equal to 3 percent of the paid-in capital and surplus of the member banks of such bank shall be transferred to the Secretary of the Treasury for deposit in the general fund of the Treasury.''.

SEC. 7. RULE OF CONSTRUCTION.

In the case of an escrow account maintained at a depository institution in connection with a real estate transaction—

(1) the absorption, by the depository institution, of expenses incidental to providing a normal banking service with respect to such escrow account;

(2) the forbearance, by the depository institution, from charging a fee for providing any such banking function; and

(3) any benefit which may accrue to the holder or the beneficiary of such escrow account as a result of an action of the depository institution described in subparagraph (1) or (2) or similar in nature to such action,

shall not be treated as the payment or receipt of interest for purposes of this Act and any provision of Public Law 93–100, the Federal Reserve Act, the Home Owners' Loan Act, or the Federal Deposit Insurance Act relating to the payment of interest on accounts or deposits at depository institutions, provided, however, that nothing herein shall be construed so as to require a depository institution that maintains an escrow account in connection with a real estate transaction to pay interest on such escrow account or to prohibit such institution from paying interest on such escrow account. Nor shall anything herein be construed to preempt the provisions of law of any State dealing with the payment of interest on escrow accounts maintained in connection with real estate transactions.

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

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

GENERAL LEAVE

Mr. BACHUS. Madam 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. 758.

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

There was no objection.

Mr. BACHUS. Madam Speaker, I yield myself 3 minutes.

The legislation before us today, H.R. 758, the Business Checking Freedom Act, is a result of two things. In 1996, in a joint report called Streamlining Regulatory Requirements, the board of governors of the Federal Reserve, the Federal Deposit Insurance Corporation, the Comptroller of the Currency and the OTS determined that the 1933 statutory prohibition against paying of interest on business checking accounts no longer serves a public purpose.

Last year, President Bush joined many others in saying that small banks should be allowed to pay interest on their small business checking accounts. The reasons for this are basically two- or threefold.

One is, it is a free-market approach. More than that, though, there is an advantage now in the present prohibition against small banks. Large banks can offer complex sweep accounts or other sophisticated ways of offering implicit interest on checking accounts. Small banks simply do not have the resources to do this.

Secondly, large corporations today have several alternatives with what they can do with their funds to get interest. Small businesses, more often than not, have to rely on checking accounts and are denied equal treatment. So this will level the playing field between small banks and larger financial institutions. It will also level the playing field between small and large businesses.

I want to commend the gentleman from Pennsylvania (Mr. TOOMEY), the gentlewoman from New York (Mrs. KELLY), the cosponsors of this legislation. I want to particularly commend the gentleman from Ohio (Mr. OXLEY) for making this a priority.

In closing, I want to say that this legislation has passed the House twice in the 107th Congress. It has wide bipartisan support. It came out of the Committee on Financial Services on a large, one-sided vote. It has the endorsement of certain groups, of the Chamber of Commerce, NFIB, Independent Insurance Agents, American Community Banks, and I could go on and on.

Finally, I simply want to say there is another provision in this, and this offers the Federal Reserve the right to pay interest on sterile reserves. Recently, they testified before our committee that by being allowed to pay interest, it would both increase the amount of interest that small depositors could make or a depositor could make on their deposits in financial institutions, and it would also lower the cost of consumer credit.

Madam Speaker, I reserve the balance of my time.

Mr. MATHESON. Madam Speaker, I yield myself as much time as I may consume.

I rise today in support of H.R. 758, the Business Checking Freedom Act of 2003. By repealing the prohibition on the payment of interest on demand deposits, this bill will repeal the last vestige of interest rate controls enacted in the 1930s during the Depression. This prohibition long ago ceased to serve any useful purpose and has imposed unnecessary costs on banks and their business customers, particularly small banks and businesses that cannot afford sophisticated cash management products. The repeal of this prohibition is long overdue.

For institutions that cannot offer demand deposits, however, the bill includes a provision added as a result of an amendment that I cosponsored with the gentleman from California (Mr. ROYCE), the gentleman from Massachusetts (Mr. FRANK), the ranking member, and others that permits depository institutions to offer interest-bearing negotiable order of withdrawal, or NOW, accounts to their commercial customers. This provision will allow institutions such as industrial loan companies to offer the same type of interest-bearing account to business customers that they have long been able to offer to individuals, nonprofit organizations and public entities.

I think it is important to note this provision does not permit industrial companies to offer demand deposits. As has been the case since the enactment of the Competitive Banking Equality Act of 1987, ILCs would continue to be prohibited from offering demand deposits. Moreover, ILCs will continue to be subject to the same safety and soundness regulations by the FDIC and by their State regulators as under current law.

There is no indication that State regulators will allow their chartering authority to be used in an inappropriate manner. I note, for example, that State authorities in the past have rejected applications by some commercial companies to establish ILCs where there were concerns about how the charter would be used.

H.R. 758 also will permit the Federal Reserve Board to lower the reserves it currently requires on transaction accounts, such as demand deposits and NOW accounts, and to pay interest on the reserve balances that depository institutions are required to maintain. While providing these cost savings for banks, the bill will require the board to conduct an annual survey on a broad range of bank fees and services and to report to Congress on trends in the cost and availability of retail banking services. This survey will provide Congress the information we need to determine the extent to which retail customers receive the benefit from the cost savings we are creating with this bill.

H.R. 758 is a good, balanced bill that resulted in benefits for both banks and

their customers. I recommend passage of this bill.

I want to thank the gentleman from Alabama (Mr. BACHUS), the subcommittee chairman, and the gentleman from Vermont (Mr. SANDERS), the ranking member, for this bill. I want to recognize that the gentleman from Ohio (Mr. OXLEY), the chairman of the full committee, and the gentleman from Massachusetts (Mr. FRANK) for their support of this, as well; and I want to acknowledge the lead sponsors of this bill, which are the gentlewoman from New York (Mrs. KELLY), the gentlewoman from New York (Mrs. MALONEY), the gentlewoman from West Virginia (Mrs. CAPITO), the gentleman from California (Mr. SHERMAN), and the gentleman from Kansas (Mr. MOORE).

Madam Speaker, I reserve the balance of my time.

Mr. BACHUS. Madam Speaker, I yield 3 minutes to the gentleman from Iowa (Mr. LEACH).

Mr. LEACH. Madam Speaker, it is with a great deal of reluctance that I rise in opposition to this bill. It contains many reasonable provisions, most importantly, the payment of interest on business checking, with my only concern on that point being that it does not immediately go into effect, but rather is put off for several years.

It also contains a very reasonable provision that interest be paid by the Fed on sterile reserves held by institutions.

But deeply embedded in this bill is a philosophical umbrage of very profound proportions. There is a small charter, as referred to by the gentleman from Utah, called the industrial loan corporation (ILC) charter. For the first time, the Congress is moving in the direction of giving this kind of charter the powers that make it the functional equivalent of banks. While the gentleman from Utah is correct that there is no effort to offer demand deposits, there is the authorization of business checking accounts which are their functional equivalent.

This particular charter countenances, and indeed there are a number today, the merger of commerce and banking; that is, nonfinancial institutions may own ILC charters. There is also no prohibition about new charters being granted, so new charters presumably can be offered on passage of this act.

What this does is move the American financial system in the direction of the Japanese financial system where they have financial firms intertwined with commercial enterprises and with obvious conflicts of interest.

I would alert this body to the fact that Chairman Greenspan and the Federal Reserve of the United States strongly have come out against this provision, and despite my request, there has not been allowance on the House floor for an amendment relating to this amendment to be proffered. I personally consider it a philosophically difficult circumstance that no amendment was allowed to be offered and that this bill, instead, is being brought up under the Suspension Calendar with exceedingly brief notice.

Having stated that, the big issue is whether or not we want to change the nature of American finance, and I would again alert this body, Chairman Greenspan has written that this will change the structure of American banking in ways that would have allowed, for example, Enron or Tyco to own an ILC with expanded powers. In fact, Tyco does own an ILC. It would have allowed the prospect, with ILCs now becoming the functional equivalent of banks, for such companies to take over enormous sectors of the American banking community.

□ 1300

I think this would be a mistake. I think this Congress ought to be deeply skeptical of this kind of circumstance, particularly given the history of the last few years in this country and the last several decades in other countries.

So despite the fact that this bill is reasonable in many respects, this particular provision outweighs the entirety of the bill and, in my view, should cause the bill to be defeated.

Mr. MATHESON. Mr. Speaker, I yield myself 1 minute to address a couple of the concerns that have been raised.

First of all, there is nothing in this bill that creates new authority to offer accounts to businesses. So while the Federal Reserve did suggest that we are altering the structure of banking in the United States, the institutions raised already can offer ILCs. Tyco already has one. So this bill talks about parity. It talks about banks and industrial corporations both offering interest on business checking accounts. That is all this bill does.

There is a broader discussion about the validity of the ILCs. That is not what this bill is about. It is about offering two entities to have parity in terms of offering the same service.

And let me mention one other point in this regard, and that is in terms of the concern about mixing of banking and commerce. FDIC Chairman Powell has stated that he does not have any safety or soundness concerns relating to this provision of the bill.

Mr. Speaker, I yield 4 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. Mr. Speaker, I thank the gentleman for his leadership and for yielding me this time.

Mr. Speaker, I rise in support of H.R. 758, the Business Checking Freedom Act, which the gentlewoman from New York (Mrs. KELLY) introduced and which I am pleased to cosponsor. My friend and colleague from New York was a former small business owner, and she has been a great advocate for small businesses and has worked through several Congresses and several twists and turns on this legislation. I congratulate her on her hard work.

While other speakers have described the bill, I will simply add that this legislation builds on the important modernization of financial services that Congress has worked on in recent years. This legislation lifts the prohibition on the payment of interest on business checking accounts after a 2-year phase-in. During the phase-in, banks may increase sweeps to interest paying accounts to four intervals per month.

The prohibition on interest on both consumer and business accounts was enacted during the Great Depression. At the time, it was enacted to limit competitive pressures to pay higher interests that were feared would lead to bank failures. Today, given the global nature of financial services, interstate banking, and advances in technology, interest payment limits only distort competition and force businesses to seek out alternative interest-bearing opportunities.

The prohibition on paying interest on consumer checking accounts was repealed by Congress more than 20 years ago and has not increased concern about safety and soundness. Today, the House takes an important step forward in offering this same benefit to the business community.

Importantly, this legislation will disproportionately benefit small businesses. Small businesses must keep money in checking accounts to meet payrolls and pay expenses. They are less likely to have complex financial arrangements that allow them to get around interest restrictions. From restaurants in Astoria, Queens, to high-tech startups in Manhattan, this legislation will benefit small businesses across New York City, State, and the Nation.

The legislation also allows the Federal Reserve to pay interest on sterile reserves. These are reserves private banks hold at the Federal Reserve which the Fed can use as a tool of monetary policy. This provision is endorsed by Federal Reserve Chairman Alan Greenspan.

Mr. Speaker, I want to thank the gentleman from Utah (Mr. MATHESON), certainly the gentleman from Pennsylvania (Mr. TOOMEY), and the gentleman from Pennsylvania (Mr. KANJORSKI), and certainly the gentleman from Massachusetts (Mr. FRANK) for his leadership on these issues.

Finally, I want to remind my colleagues that this legislation passed the House by a voice vote in two different forms last Congress, and it is my hope that this legislation is enacted this year and we continue the important work of modernizing financial services.

Mr. BACHUS. Mr. Speaker, I yield 3 minutes to the gentlewoman from New York (Mrs. Kelley), the sponsor of the bill.

Mrs. KELLY. Mr. Speaker, I want to thank the gentleman from Alabama for both yielding me this time and for his work to move this legislation forward. In addition, I want to thank the gentleman from Ohio (Mr. OXLEY) for his

support, as well as the gentleman from Pennsylvania (Mr. TOOMEY) for the contribution that he has made to this legislation with his bill H.R. 859, which was merged into this bill during committee consideration.

My bill addresses an issue which has been pending before Congress for some time now. This body actually passed a similar measure by voice vote not once but twice during the 107th Congress, but the job is still not done. So we come to the floor once again with a strong hope that the enactment of this bill will finally be realized this Congress. The legislation will go a long way in helping our Main Street banks and small businesses which are so essential to our communities.

The Business Checking Freedom Act contains a number of important provisions. First, it repeals the 70-year-old law prohibiting banks from paying interest on business checking accounts after a transition period. While I believe it should be repealed, I believe a proper transition period is critical. The 2-year transition period contained in the bill is certainly better than the 1-year transition period which was in the original bill, although my preference is for an even longer period to allow the banks and businesses to disengage from each other.

Nevertheless, I believe it is time to move forward with this legislation. The legislation also allows banks to increase money market deposits and savings account sweeps from the current 6 to 24 times a month. This gives the banks an increase in their sweep activities, enabling them to sweep every night, increasing the interest which businesses can make on their accounts.

The bill also gives the Federal Reserve the opportunity to pay interest on reserves that the banks keep with the Federal Reserve System, and gives the Federal Reserve the additional flexibility to lower reserve requirements. This will give the Federal Reserve greater control at maintaining reserves at a specific and consistent level. That will help foster healthy reserve balances, thereby reducing the potential for volatility within the Federal funds rate and protecting the Federal Reserve's ability to conduct monetary policy.

Quite simply, this legislation is about creating new and broader market options. We allow banks to pay interest on business checking accounts, we allow banks to increase sweep activities, and we allow the Fed to pay interest on the sterile reserves that all banks are required to keep with them. We also allow the Fed to lower reserve requirements. We do not require or mandate anything. This way we can allow the market to create change and not the government.

I again thank the gentleman from Ohio for his strong leadership on this issue and for the swift consideration of this legislation, and I ask my colleagues on both sides of the aisle to join me in strong support for this commonsense bipartisan legislation.

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

Mr. BACHUS. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. TOOMEY), who, along with the gentlewoman from New York (Mrs. KELLY), is one of the two primary cosponsors of the legislation and both drafted legislation.

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

Mr. TOOMEY. Mr. Speaker, I thank the gentleman from Alabama (Mr. BACHUS) and appreciate all his help on this legislation as well as the time he has yielded to me. I would also like to thank (Mr. KANJORSKI), an original cosponsor of my bill, which is part of this one, as well as the gentlewoman from New York (Mrs. KELLY) for her work.

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

Mr. TOOMEY. Mr. Speaker, I yield to the gentleman from Iowa, with whom I actually have a disagreement on this particular issue, but I have enormous respect for his opinion and would like to give him an opportunity to rebut a point made earlier.

Mr. LEACH. Mr. Speaker, I appreciate this. And let me say that the brunt of this bill is a wonderfully thoughtful approach, and I congratulate the gentleman and the gentlewoman from New York (Mrs. KELLY) on this.

I would only come back to the one provision which I would like to have changed, and that is the industrial loan corporation provision, and to point out to this body that only a handful of States are authorized, such as the State of Utah, to have industrial loan corporations. They are not trivial institutions. In the State of Utah, for example, their assets are double that of banks, S&Ls and credit unions combined.

If this bill passes with this provision and becomes law, the vast majority of States will see deposits swept from their States to this handful of States. That alone is a philosophical circumstance that in my mind should lead people to raise serious doubts about this particular provision of this particular bill.

Mr. TOOMEY. Mr. Speaker, reclaiming the balance of my time, I would just say that I appreciate the thoughtful remarks of the gentleman from Iowa but respectfully disagree, and I think that the merits of this bill are really quite strong.

In fact, the combination of the bill that I introduced, H.R. 859, and the bill that the gentlewoman from New York (Mrs. KELLY) introduced, H.R. 758, really are a modernizing effort here. It is going to help small businesses and their employees. It is going to help small banks and their employees and their customers. It is pro-free market legislation. It is bipartisan. It is really a commonsense repeal.

Frankly, it was hard for me to believe when I first discovered that we have a law in the United States of America that says it is illegal for a bank to pay interest on a business checking account. I thought that was the business banks were in, as a matter of fact. But in fact it is hard to repeal a bad law in this country, and we have had this one on the books for about 70 years. Its repeal is long overdue. Today is our chance to do what we can do in the House to abolish this bill.

Now, if it goes into effect and is signed into law, the actual repeal happens 2 years from now. I would prefer it happen sooner than that, but this is the compromise that was arrived at. So that is certainly better than continuing with the legislation. But I would like to be precise about the net effect of this. Because it is not precisely that businesses will now start earning interest which heretofore they have not. In fact, what happens now is that banks have found these cumbersome and very inefficient ways to circumvent this prohibition. So they pay the economic equivalent of most of the interest that a business would earn, but because of the expense of administering these bureaucratic programs, the businesses do not get the full value of the deposits they have.

At the end of the day, we should not force banks and their customers to go through a lot of expensive and inefficient and economically unproductive hurdles to avoid a regulation that has no merit in the first place. So that is why we are here, to repeal this.

Mr. Speaker, I thank everybody who has been involved in supporting this legislation, and I urge my colleagues to vote ''yes.''

H.R. 758 contains a provision, section 7, entitled Rule of Construction, regarding escrow accounts maintained for purposes of settling real estate transactions. This provision is similar to section 7 of H.R. 1009, the Business Checking Freedom Act of 2002, a bill I sponsored that the House passed last year. Section 7 of H.R. 758 makes clear that the current legal treatment of certain services and benefits provided by banks in lieu of interest in connection with such escrow accounts remains the same. There are some minor changes to this section from section 7 of H.R. 1009, which clarify that the provision does not prohibit or require the payment of interest on such accounts and that it does not affect State laws regrading the payment of interest on escrow accounts. I understand the latter is intended to ensure that State laws governing mortgage servicing escrow accounts for the monthly collection and payment of taxes and insurance are maintained. In brief, section 7 does not alter the current legal definition of interest or the legal treatment of real estate settlement escrow transactions.

Under section 7, current Federal legal standards, including regulatory interpretations, regarding the definition of interest on deposits will continue to stand. For example, the Federal Reserve's Regulation Q currently provides that services and benefits can be given by banks in lieu of interest to depositors and that the provision or the receipt of such services and benefits does not constitute interest. This has been the Federal Reserve's consistent

regulatory and interpretive view for decades. For example, a Federal Reserve staff opinion in 1978 stated that the ''absorption or reduction'' of banking service changes did not constitute the payment of interest (Fed. Res. Bd. Staff Op., October 27, 1978), a view also reflected in a 1964 Fed. interpretative letter (1964 Fed. Res. Interp., July 17, 1964). Under these regulatory principles, title companies and agents receive bank services, such as free printed checks, overnight float and safe deposit and night depository facilities, armored car services, as well as low-interest loans, that help defray their cost of maintaining real estate settlement escrows, ultimately lowering the cost of these services to the public. Such accounts often times last only a few days, the time necessary for settlement payments and other disbursements to be made after the closing of a real estate transaction.

In our Nation's highly developed financial system, Federal banking law and regulations have operated to facilitate the smooth and efficient flow of real estate transactions and promoted American homeownership. I am optimistic that these services will continue to be provided in the current efficient manner when H.R. 758 becomes law.

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

Mr. BACHUS. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. ROYCE) to speak in favor of the legislation.

Mr. ROYCE. Mr. Speaker, I rise in support of this bill, which is called the Business Checking Freedom Act; and I think giving banks the ability to pay interest on business checking accounts is a good concept. It has been endorsed by the President of the United States as part of his small business agenda, but it has also been endorsed by Federal regulators.

Federal regulators have long supported the effort to allow banks to offer interest on demand accounts, and this particular measure enjoys a broad base of support in the industry, including the National Federation of Independent Businesses, America's Community Bankers, the National Association of Federal Credit Unions, the Association of Financial Professionals, and the Financial Services Roundtable.

The inability of depository institutions to pay interest on business accounts, I think, hurts all sectors of the economy; and I think it decreases the overall competitiveness of the American markets. This legislation gives small businesses the jump-start that they need to create new jobs and improve the economy while removing burdensome regulations from small banks and, basically, while allowing the market to work.

In my view, this legislation is solely about business checking. In my view, it is not about the legal status of ILCs. I think contrary to the concerns raised by the Federal Reserve, the FDIC Chairman Don Powell, recently testified before our committee, testified that there are no safety and soundness concerns with this amendment and that the FDIC has no objection to an authorization for ILCs, or industrial loan banks, to pay interest on NOW accounts held by businesses.

Mr. Speaker, I just thought I would quote Chairman Powell. He said, ''The FDIC would not object to paying interest by these financial institutions on NOW accounts held by businesses. We do not really perceive those any different from any other business accounts, and we do not see it as a safety and soundness issue.''

Further, with respect to any concern regarding the relationship between industrial loan banks and the few commercial companies that own them in four States, Chairman Powell stated in a speech to the American Bankers Association on October 8, 2002, that ''Congress has given us good tools to manage the relationship between parents and insured subsidiaries.

□ 1315

''Indeed, the FDIC manages these relationships every day in the industrial loan company model with little or no risk to the deposit insurance funds, and no subsidy transferred to the nonbank parent.''

Again, in my view, this bill is about business checking for depository institutions, not the legal status of ILCs. I want to commend the authors of this legislation, the gentlewoman from New York (Mrs. KELLY) and the gentleman from Pennsylvania (Mr. TOOMEY).

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

Mr. Speaker, this is a piece of legislation that is overdue. The notion of eliminating interest on business checking accounts is something that seems like common sense. I was a small businessman before I came to Congress, and it never seemed to make sense to me is that this prohibition existed. We are talking about removing some inefficiencies that exist in our financial marketplace. That is why this legislation has such strong bipartisan support. I encourage Members to pass this legislation.

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

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

Mr. Speaker, in closing, I want to address the issue of what this bill does and what it does not do. The bill authorizes the Federal Reserve to pay interest on sterile reserves, and as has been testified before our committee, that should result in depositors in banks, thrifts, credit unions, receiving higher interest on their deposits. It should also result in lower interest rates for consumers.

The second thing that this legislation does, it allows banks to pay interest on accounts established by businesses in those banks. It does not authorize any new types of accounts. It does not in any way change who can own a bank and who cannot own a bank. It does not in any way allow these industrial loan companies to offer accounts which they are prohibited from offering now. And they are prohibited at the present time from offering demand deposit checking accounts; there is nothing in this legislation that allows them to offer those accounts.

The Bank Holding Company Act establishes the rules for who can own a bank and who cannot. We do not amend that legislation in any regard. The bill does not, with respect to the gentleman from Iowa, authorize Wal-Mart, WorldCom, Enron or any other company to own a bank or expand the authority that they might have under existing law. They already have authority under existing laws and under the Bank Holding Company Act, which specifically permits them to own certain limited-purpose banks, including credit card banks, industrial loan banks, grandfathered unitary thrifts, grandfathered nonbank banks, and trust banks. That is the present law.

There is nothing in this legislation that expands their right to own an institution. So WorldCom presently, Wal-Mart presently, they could own an industrial loan company or a unitary thrift, or some of these grandfathered institutions. We do not expand that authority at all.

The gentleman from Iowa (Mr. LEACH) has a fear, first of all, that we are mixing banking and commerce. Well, we are already mixing them. Present law already allows them to mix. We do not expand that in any way under this legislation.

Mr. Speaker, we addressed the amendments of the gentleman from Iowa (Mr. LEACH); he offered two amendments in committee. And I have great respect for the former chairman of the committee. He offered two amendments to strip the ILC language from the bill. They were overwhelmingly rejected, 55 nays, 8 yeses; the other amendment, 55 nays, 8 yeses. The gentleman from Iowa (Mr. LEACH) has legitimate concern with certain types of commerce and financial institutions and the mixing of them. However, this legislation does not do that. That will have to be addressed in the Bank Holding Act.

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

Mr. BACHUS. I yield to the gentleman from Iowa.

Mr. LEACH. Mr. Speaker, I have great respect for the gentleman, and he is right about what companies can now do. However, what is not fully described is that they will now be able to buy a charter with an enhanced set of powers, which has not been offered before. It is the enhanced power of this obscure charter that makes this legislation difficult, and that is my concern.

Mr. BACHUS. Mr. Speaker, does the gentleman agree that an industrial loan company can already offer a NOW account?

Mr. LEACH. If the gentleman will continue to yield, for the first time, they will be allowed to offer business checking accounts, which has never

been done before. Chairman Greenspan has noted this will cause an ILC to become the functional equivalent of a bank, and such charters will only be authorized in a handful of States, and thus will cause the movement of assets to those States.

Mr. BACHUS. Mr. Speaker, what Chairman Greenspan has said is, these institutions are not regulated by the Federal Reserve. There is nothing in this that takes any regulation or adds any regulation.

Mr. LEACH. That is true. My amendment did not suggest that it be regulated by the Federal Reserve, although other amendments I offered did suggest that.

Mr. BACHUS. Mr. Speaker, reclaiming my time, this does not authorize them to offer any accounts which they presently cannot offer nor expand the rights of corporations to own these industrial companies.

Mr. GONZALEZ. Mr. Speaker, as a cosponsor of H.R. 758, I want to express my strong support for this legislation, the Business Checking Freedom Act of 2003, legislation designed to help small businesses obtain a better return on their checking account deposits and to permit banks to receive interest on the reserves they must maintain at Federal Reserve Banks. The House has passed similar legislation in the past few years and it should take the same action regarding this bill.

In addition to expressing my support for the bill as a whole, I also want to express specific support for section 7, entitled Rule of Construction, which will help maintain the legal status quo of the treatment of real estate escrow accounts maintained for the purpose of settling real estate transactions. These accounts, which often last only a matter of days, are usually established by title companies and their agents to collect and disburse funds after the closing of a real estate transaction. This Rule of Construction provision, similar to language in H.R. 1009 passed by the House in April 2002, ensures that neither this legislation nor other laws will affect the current regulatory treatment of certain services and benefits provided by banks in lieu of interest on escrow accounts maintained by title insurance companies and title agents in connection with real estate closing transactions. The inclusion of section 7 in H.R. 758 preserves beneficial financial practices for escrow accounts at the same time that we are eliminating an outdated prohibition against the payment of interest on business checking accounts.

As a co-sponsor of this legislation, I wholeheartedly endorse and support its passage.

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

The SPEAKER pro tempore (Mr. MILLER of Florida). The question is on the motion offered by the gentleman from Alabama (Mr. BACHUS) that the House suspend the rules and pass the bill, H.R. 758, as amended.

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

A motion to reconsider was laid on the table.

COCONINO AND TONTO NATIONAL FOREST LAND EXCHANGE ACT

Mr. RENZI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 622) to provide for the exchange of certain lands in the Coconino and Tonto National Forests in Arizona, and for other purposes.

The Clerk read as follows:

H.R. 622

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

SECTION 1. FINDINGS; PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) Certain private lands adjacent to the Montezuma Castle National Monument in Yavapai County, Arizona, are desirable for Federal acquisition to protect important riparian values along Beaver Creek and the scenic backdrop for the National Monument.

(2) Certain other inholdings in the Coconino National Forest are desirable for Federal acquisition to protect important public values near Double Cabin Park.

(3) Approximately 108 acres of land within the Tonto National Forest, northeast of Payson, Arizona, are currently occupied by 45 residential cabins under special use permits from the Secretary of Agriculture, and have been so occupied since the mid-1950s, rendering such lands of limited use and enjoyment potential for the general public. Such lands are, therefore, appropriate for transfer to the cabin owners in exchange for lands that will have higher public use values.

(4) In return for the privatization of such encumbered lands the Secretary of Agriculture has been offered approximately 495 acres of non-Federal land (known as the Q Ranch) within the Tonto National Forest, east of Young, Arizona, in an area where the Secretary has completed previous land exchanges to consolidate public ownership of National Forest lands.

(5) The acquisition of the Q Ranch non-Federal lands by the Secretary will greatly increase National Forest management efficiency and promote public access, use, and enjoyment of the area and surrounding National Forest System lands.

(b) PURPOSE.—The purpose of this Act is to authorize, direct, facilitate, and expedite the consummation of the land exchanges set forth herein in accordance with the terms and conditions of this Act.

SEC. 2. DEFINITIONS.

As used in this Act:

(1) DPSHA.—The term ''DPSHA'' means the Diamond Point Summer Homes Association, a nonprofit corporation in the State of Arizona.

(2) FEDERAL LAND.—The term ''Federal land'' means land to be conveyed into non-Federal ownership under this Act.

(3) FLPMA.—The term ''FLPMA'' means the Federal Land Policy Management Act of 1976.

(4) MCJV.—The term ''MCJV'' means the Montezuma Castle Land Exchange Joint Venture Partnership, an Arizona Partnership.

(5) NON-FEDERAL LAND.—The term ''non-Federal land'' means land to be conveyed to the Secretary of Agriculture under this Act.

(6) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture, unless otherwise specified.

SEC. 3. MONTEZUMA CASTLE LAND EXCHANGE.

(a) LAND EXCHANGE.—Upon receipt of a binding offer from MCJV to convey title acceptable to the Secretary to the land described in subsection (b), the Secretary shall convey to MCJV all right, title, and interest of the United States in and to the Federal land described in subsection (c).

(b) NON-FEDERAL.—The land described in this subsection is the following:

(1) The approximately 157 acres of land adjacent to the Montezuma Castle National Monument, as generally depicted on the map entitled ''Montezuma Castle Contiguous Lands'', dated May 2002.

(2) Certain private land within the Coconino National Forest, Arizona, comprising approximately 108 acres, as generally depicted on the map entitled ''Double Cabin Park Lands'', dated September 2002.

(c) FEDERAL LAND.—The Federal land described in this subsection is the approximately 222 acres in the Tonto National Forest, Arizona, and surveyed as Lots 3, 4, 8, 9, 10, 11, 16, 17, and Tract 40 in section 32, Township 11 North, Range 10 East, Gila and Salt River Meridian, Arizona.

(d) EQUAL VALUE EXCHANGE.—The values of the non-Federal and Federal land directed to be exchanged under this section shall be equal or equalized as determined by the Secretary through an appraisal performed by a qualified appraiser mutually agreed to by the Secretary and MCJV and performed in conformance with the Uniform Appraisal Standards for Federal Land Acquisitions (U.S. Department of Justice, December 2000), and section 206(d) of the FLPMA (43 U.S.C. 1716(d)). If the values are not equal, the Secretary shall delete Federal lots from the conveyance to MCJV in the following order and priority, as necessary, until the values of Federal and non–Federal land are within the 25 percent cash equalization limit of 206(b) of FLPMA:

(1) Lot 3.

(2) Lot 4.

(3) Lot 9.

(4) Lot 10.

(5) Lot 11.

(6) Lot 8.

(e) CASH EQUALIZATION.—Any difference in value remaining after compliance with subsection (d) shall be equalized by the payment of cash to the Secretary or MCJV, as the circumstances dictate, in accordance with section 206(b) of FLPMA (43 U.S.C. 1716(b)). Public Law 90–171 (16 U.S.C. 484a; commonly known as the ''Sisk Act'') shall, without further appropriation, apply to any cash equalization payment received by the United States under this section.

SEC. 4. DIAMOND POINT—Q RANCH LAND EXCHANGE.

(a) IN GENERAL.—Upon receipt of a binding offer from DPSHA to convey title acceptable to the Secretary to the land described in subsection (b), the Secretary shall convey to DPSHA all right, title, and interest of the United States in and to the land described in subsection (c).

(b) NON-FEDERAL LAND.—The land described in this subsection is the approximately 495 acres of non-Federal land generally depicted on the map entitled ''Diamond Point Exchange—Q Ranch Non–Federal Lands'', dated May 2002.

(c) FEDERAL LAND.—The Federal land described in this subsection is the approximately 108 acres northeast of Payson, Arizona, as generally depicted on a map entitled ''Diamond Point Exchange—Federal Land'', dated May 2002.

(d) EQUAL VALUE EXCHANGE.—The values of the non-Federal and Federal land directed to be exchanged under this section shall be equal or equalized as determined by the Secretary through an appraisal performed by a qualified appraiser mutually agreed to by the Secretary and DPSHA and in conformance with the Uniform Appraisal Standards for Federal Land Acquisitions (U.S. Department of Justice, December 2000), and section 206(d) of FLPMA (43 U.S.C. 1716(d)). If the

values are not equal, they shall be equalized by the payment of cash to the Secretary or DPSHA pursuant to section 206(b) of FLPMA (43 U.S.C. 1716(b)). Public Law 90–171 (16 U.S.C. 484a; commonly known as the ''Sisk Act'') shall, without further appropriation, apply to any cash equalization payment received by the United States under this section.

(e) SPECIAL USE PERMIT TERMINATION.—Upon execution of the land exchange authorized by this section, all special use cabin permits on the Federal land shall be terminated.

SEC. 5. MISCELLANEOUS PROVISIONS.

(a) EXCHANGE TIMETABLE.—Not later than 6 months after the Secretary receives an offer under section 3 or 4, the Secretary shall execute the exchange under section 3 or 4, respectively, unless the Secretary and MCJV or DPSHA, respectively, mutually agree to extend such deadline.

(b) EXCHANGE PROCESSING.—Prior to executing the land exchanges authorized by this Act, the Secretary shall perform any necessary land surveys and required preexchange clearances, reviews, and approvals relating to threatened and endangered species, cultural and historic resources, wetlands and floodplains and hazardous materials. If 1 or more of the Federal land parcels or lots, or portions thereof, cannot be transferred to MCJV or DPSHA due to hazardous materials, threatened or endangered species, cultural or historic resources, or wetland and flood plain problems, the parcel or lot, or portion thereof, shall be deleted from the exchange, and the values of the lands to be exchanged adjusted in accordance with subsections (d) and (e) of section 3 or section 4(d), as appropriate. In order to save administrative costs to the United States, the costs of performing such work, including the appraisals required pursuant to this Act, shall be paid by MCJV or DPSHA for the relevant property, except for the costs of any such work (including appraisal reviews and approvals) that the Secretary is required or elects to have performed by employees of the Department of Agriculture.

(c) FEDERAL LAND RESERVATIONS AND ENCUMBRANCES.—The Secretary shall convey the Federal land under this Act subject to valid existing rights, including easements, rights-of-way, utility lines and any other valid encumbrances on the Federal land as of the date of the conveyance under this Act. If applicable to the land conveyed, the Secretary shall also retain any right of access as may be required by section 120(h) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. 9620(h)) for remedial or corrective action relating to hazardous substances as may be necessary in the future.

(d) ADMINISTRATION OF ACQUIRED LAND.—The land acquired by the Secretary pursuant to this Act shall become part of the Tonto or Coconino National Forest, as appropriate, and be administered as such in accordance with the laws, rules, and regulations generally applicable to the National Forest System. Such land may be made available for domestic livestock grazing if determined appropriate by the Secretary in accordance with the laws, rules, and regulations applicable thereto on National Forest System land.

(e) TRANSFER OF LAND TO PARK SERVICE.—Upon their acquisition by the United States, the ''Montezuma Castle Contiguous Lands'' identified in section 3(d)(1) shall be transferred to the administrative jurisdiction of the National Park Service, and shall thereafter be permanently incorporated in, and administered by the Secretary of the Interior as part of, the Montezuma Castle National Monument.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. RENZI) and the gentlewoman from Guam (Mr. BORDALLO) 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. 622 would require the Secretary of Agriculture to perform two land exchanges in the Tonto and Coconino National Forests in Arizona, the Montezuma Castle Land Exchange and the Diamond Point Land Exchange. With the help of the gentleman from Arizona (Mr. HAYWORTH), I introduced this legislation on February 5, 2003.

First, under the Montezuma Castle Land Exchange, the Forest Service would acquire a 157-acre parcel of private land adjacent to Montezuma Castle National Monument, which it may reconvey to the National Park Service, and the 143-acre Double Cabin Park parcel, both in the Coconino National Forest. In the exchange, the Montezuma Castle Land Exchange Joint Venture, an Arizona partnership, will receive approximately 122 acres of National Forest system land adjacent to the Town of Payson municipal airport. The Town of Payson has entered into an agreement to purchase a portion of the property to create a private-sector business development and job opportunities. This exchange will protect riparian areas around Beaver Creek, the view-shed for the National Monument, and it will transfer Double Cabin Park to Federal ownership.

Second, under the Diamond Point Land Exchange, the Forest Service will receive a 495-acre parcel known as the ''Q Ranch'' in an area which has completed previous acquisitions and consolidated Federal land. In exchange, the Diamond Point Summer Homes Association will acquire 108 acres of Federal land which have been occupied by the association's 45 residential cabins since the 1950s. The Tonto National Forest Plan specifically recommends conveyance of the Federal land to the cabin owners.

The exchange will transfer public land of limited public use to the association in exchange for private lands that will greatly increase the management efficiency and enhance public use, access and the enjoyment of the surrounding National Forest lands. Both exchanges have multiple benefits, enhancing environmental protection and recreation, while also increasing economic opportunities for the community.

H.R. 622 is the result of almost a decade of cooperative efforts between local officials and the Forest Service and is based on a balanced solution to responsibly use the land and conserve this area. I urge adoption of this measure.

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

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

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

Ms. BORDALLO. Mr. Speaker, H.R. 622, the Tonto and Coconino National Forest Land Exchange Act, would direct the Secretary of Agriculture to complete two separate land exchanges, Diamond Point and Montezuma Castle in Arizona. The Secretary already has the authority to consummate the land exchanges, but the amendment would expedite the transactions and make them a priority for the Secretary. I support the bill and urge its adoption.

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. 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. 622.

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.

REASONABLE RIGHT-OF-WAY FEES ACT OF 2003

Mr. RENZI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 762) to amend the Federal Land Policy and Management Act of 1976 and the Mineral Leasing Act to clarify the method by which the Secretary of the Interior and the Secretary of Agriculture determine the fair market value of certain rights-of-way granted, issued, or renewed under these Acts.

The Clerk read as follows:

H.R. 762

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 ''Reasonable Right-of-Way Fees Act of 2003''.

SEC. 2. CLARIFICATION OF FAIR MARKET RENTAL VALUE DETERMINATIONS FOR PUBLIC LANDS AND FOREST SERVICE RIGHTS-OF-WAY.

(a) LINEAR RIGHTS-OF-WAY UNDER FEDERAL LAND POLICY AND MANAGEMENT ACT.—Section 504 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1764) is amended by adding at the end the following new subsection:

''(k) DETERMINATION OF FAIR MARKET VALUE OF LINEAR RIGHTS-OF-WAY.—(1) Effective upon the issuance of the rules required by paragraph (2), for purposes of subsection (g), the Secretary concerned shall determine the fair market rental for the use of land encumbered by a linear right-of-way granted, issued, or renewed under this title using the valuation method described in paragraphs (2), (3), and (4).

''(2) Not later than one year after the date of enactment of the Reasonable Right-of-Way Fees Act of 2003, and in accordance with subsection (k), the Secretary of the Interior shall amend section 2803.1–2 of title 43, Code of Federal Regulations, as in effect on the date of enactment of such Act, to revise the

per acre rental fee zone value schedule by State, county, and type of linear right-of-way use to reflect current values of land in each zone. The Secretary of Agriculture shall make the same revisions for linear rights-of-way granted, issued, or renewed under this title on National Forest System lands.

''(3) The Secretary concerned shall update annually the schedule revised under paragraph (2) by multiplying the current year's rental per acre by the annual change, second quarter to the second quarter (June 30 to June 30) in the Gross National Product Implicit Price Deflator Index published in the Survey of Current Business of the Department of Commerce, Bureau of Economic Analysis.

''(4) Whenever the cumulative change in the index referred to in paragraph (3) exceeds 30 percent, or the change in the 3-year average of the 1-year Treasury interest rate used to determine per acre rental fee zone values exceeds plus or minus 50 percent, the Secretary concerned shall conduct a review of the zones and rental per acre figures to determine whether the value of Federal land has differed sufficiently from the index referred to in paragraph (3) to warrant a revision in the base zones and rental per acre figures. If, as a result of the review, the Secretary concerned determines that such a revision is warranted, the Secretary concerned shall revise the base zones and rental per acre figures accordingly.''.

(b) RIGHTS-OF-WAY UNDER MINERAL LEASING ACT.—Section 28(l) of the Mineral Leasing Act (30 U.S.C. 185(l)) is amended by inserting before the period at the end the following: ''using the valuation method described in section 2803.1–2 of title 43, Code of Federal Regulations, as revised pursuant to section 504(k) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1764(k))''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. RENZI) and the gentlewoman from Guam (Mr. BORDALLO) each will control 20 minutes.

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

Mr. RENZI. Mr. Speaker, I yield 5 minutes to the gentlewoman from Wyoming (Mrs. CUBIN).

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

Mr. Speaker, I rise today in support of H.R. 762, the Reasonable Right-of-Way Fees Act of 2003, which I introduced February 13, 2003.

□ 1330

This bill will help to facilitate the deployment of critical infrastructure to States that are made up largely of Federal lands, such as Wyoming and almost every western State. While exploring ways to bring advanced telecommunications services and pipeline infrastructure to Wyoming, I found that Federal land management agencies were considering ways which would actually discourage deployment of critical infrastructure. The Bureau of Land Management and the U.S. Forest Service had started down a road to abandon a commonsense right-of-way fee schedule that had been in place for many years by charging a per-line fee for fiberoptic deployment instead of a fee based on linear footage of the pipe. In other words, when fiberoptics were being deployed to rural areas, the agencies wanted to charge a right-of-way fee for every single line that went down the pipe which would obviously make it financially impossible to deploy fiberoptics to rural areas. My bill ensures that rights-of-way fees are reasonable and that private users of public lands pay a fair price for that privilege.

This bill creates a policy that protects the value of our Federal lands and at the same time helps to ensure that these Federal lands continue to be available to a multitude of compatible uses. This bill will not increase the environmental impact of the rights-of-way corridors, nor will it reduce any environmental monitoring. I am confident as we work to place the Reasonable Right-of-Way Fee Act into law that there is little public interest in turning our Federal lands into roadblocks on the information superhighway or along the path of any of our Nation's critical infrastructures.

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

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

Ms. BORDALLO. Mr. Speaker, investigations conducted by the Department of the Interior's Inspector General and the General Accounting Office have provided ample evidence that the right-of-way fees currently being charged by the Federal land management agencies are far below fair market values. States, local governments, and private individuals all charge significantly more than the Federal Government for rights-of-way across lands that they own. This undercharging for the use of Federal public lands means that large corporations, who stand to make vast profits from the use of those lands, are not being required to pay the American people a fair rate of return for that privilege.

As a result, we share, the gentlewoman from Wyoming's desire to correct this problem. This legislation will require the agencies to review their existing fee schedules and the land valuations which underlie them to ensure that they represent current values. In addition, Mr. Speaker, this measure will ensure that once these new fees have been promulgated, they will be adjusted annually for inflation. This approach is a significant improvement over the status quo and should move us closer to a system that adequately compensates the taxpayers for the use of their lands.

We would like to thank the gentlewoman from Wyoming (Mrs. CUBIN) for her willingness to work together on this legislation, and we do support H.R. 762.

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

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

The SPEAKER pro tempore (Mr. MILLER of Florida). 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. 762.

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.

OTTAWA NATIONAL WILDLIFE REFUGE COMPLEX EXPANSION AND DETROIT RIVER INTERNATIONAL WILDLIFE REFUGE EXPANSION ACT

Mr. RENZI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 289) to expand the boundaries of the Ottawa National Wildlife Refuge Complex and the Detroit River International Wildlife Refuge, as amended.

The Clerk read as follows:

H.R. 289

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 ''Ottawa National Wildlife Refuge Complex Expansion and Detroit River International Wildlife Refuge Expansion Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) the western basin of Lake Erie, as part of the Great Lakes ecosystem—

(A) is the largest freshwater ecosystem in the world; and

(B) is vitally important to the economic and environmental future of the United States;

(2) over the 30-year period preceding the date of enactment of this Act, the citizens and governmental institutions of the United States and Canada have devoted increasing attention and resources to the restoration of the water quality and fisheries of the Great Lakes, including the western basin;

(3) that increased awareness has been accompanied by a gradual shift toward a holistic ecosystem approach that highlights a growing recognition that shoreline areas, commonly referred to as nearshore terrestrial ecosystems, are an integral part of the western basin and the Great Lakes ecosystem;

(4) the Great Lakes account for more than 90 percent of the surface freshwater in the United States;

(5) the western basin receives approximately 90 percent of its flow from the Detroit River and only approximately 10 percent from tributaries;

(6) the western basin is an important ecosystem that includes a number of distinct islands, channels, rivers, and shoals that support dense populations of fish, wildlife, and aquatic plants;

(7) coastal wetland of Lake Erie supports the largest diversity of plant and wildlife species in the Great Lakes;

(8) because Lake Erie is located at a more southern latitude than other Great Lakes, the moderate climate of Lake Erie is appropriate for many species that are not found in or along the northern Great Lakes;

(9) more than 300 species of plants, including 37 significant species, have been identified in the aquatic and wetland habitats of the western basin;

(10) the shallow western basin of Lake Erie, extending from the Lower Detroit River to Sandusky Bay, is home to the greatest concentration of marshes in Lake Erie, including—

(A) Mouille, Metzger, and Magee marshes;

(B) the Maumee Bay wetland complex;

(C) the wetland complexes flanking Locust Point; and

(D) the wetland in Sandusky Bay;

(11) the larger islands of the United States in western Lake Erie have wetland in small embayments;

(12) the wetland in the western basin comprises some of the most important waterfowl habitat in the Great Lakes;

(13) waterfowl, wading birds, shore birds, gulls and terns, raptors, and perching birds use the wetland in the western basin for migration, nesting, and feeding;

(14) hundreds of thousands of diving ducks stop to rest in the Lake Erie area during autumn migration from Canada to points east and south;

(15) the wetland of the western basin provides a major stopover for ducks, such as migrating bufflehead, common goldeneye, common mergansers, and ruddy duck;

(16) the international importance of Lake Erie is indicated in the United States by congressional designation of the Ottawa and Cedar Point National Wildlife Refuges;

(17)(A) Lake Erie has an international reputation for walleye, perch, and bass fishing, recreational boating, birding, photography, and duck hunting; and

(B) on an economic basis, tourism in the Lake Erie area accounts for an estimated $1,500,000,000 in retail sales and more than 50,000 jobs;

(18)(A) many of the 417,000 boats that are registered in the State of Ohio are used in the western basin, in part to fish for the estimated 10,000,000 walleye that migrate from the lake to spawn; and

(B) that internationally renowned walleye fishery drives much of the $2,000,000,000 sport fishing industry in the State of Ohio;

(19) coastal wetland in the western basin has been subjected to intense pressure for 150 years;

(20) prior to 1850, the western basin was part of an extensive coastal marsh and swamp system consisting of approximately 122,000 hectares that comprised a portion of the Great Black Swamp;

(21) by 1951, only 12,407 wetland hectares remained in the western basin;

(22) 50 percent of that acreage was destroyed between 1972 and 1987, leaving only approximately 5,000 hectares in existence today;

(23) along the Michigan shoreline, coastal wetland was reduced by 62 percent between 1916 and the early 1970s;

(24) the development of the city of Monroe, Michigan, has had a particularly significant impact on the coastal wetland at the mouth of the Raisin River;

(25) only approximately 100 hectares remain physically unaltered today in an area in which, 70 years ago, marshes were 10 times more extensive;

(26) in addition to the actual loss of coastal wetland acreage along the shores of Lake Erie, the quality of much remaining dike wetland has been degraded by numerous stressors, especially excessive loadings of sediments and nutrients, contaminants, shoreline modification, exotic species, and the diking of wetland; and

(27) protective peninsula beach systems, such as the former Bay Point and Woodtick, at the border of Ohio and Michigan near the mouth of the Ottawa River and Maumee Bay, have been eroded over the years, exacerbating erosion along the shorelines and negatively affecting breeding and spawning grounds.

SEC. 3. DEFINITIONS.

In this Act:

(1) INTERNATIONAL REFUGE.—The term ''International Refuge'' means the Detroit River International Wildlife Refuge established by section 5(a) of the Detroit River International Wildlife Refuge Establishment Act (16 U.S.C. 668dd note; 115 Stat. 894).

(2) REFUGE COMPLEX.—The term ''Refuge Complex'' means the Ottawa National Wildlife Refuge Complex and the lands and waters in the complex, as described in the document entitled ''The Comprehensive Conservation Plan for the Ottawa National Wildlife Refuge Complex'' and dated September 22, 2000, including—

(A) the Ottawa National Wildlife Refuge, established by the Secretary in accordance with the Migratory Bird Conservation Act (16 U.S.C. 715 et seq.);

(B) the West Sister Island National Wildlife Refuge established by Executive Order No. 7937, dated August 2, 1937; and

(C) the Cedar Point National Wildlife Refuge established by the Secretary in accordance with the Migratory Bird Conservation Act (16 U.S.C. 715 et seq.).

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

(4) WESTERN BASIN.—

(A) IN GENERAL.—The term ''western basin'' means the western basin of Lake Erie, consisting of the land and water in the watersheds of Lake Erie extending from the watershed of the Lower Detroit River in the State of Michigan to and including Sandusky Bay and the watershed of Sandusky Bay in the State of Ohio.

(B) INCLUSION.—The term 'western basin' includes the Bass Island archipelago in the State of Ohio.

SEC. 4. EXPANSION OF BOUNDARIES.

(a) REFUGE COMPLEX BOUNDARIES.—

(1) EXPANSION.—The boundaries of the Refuge Complex are expanded to include land and water in the State of Ohio from the eastern boundary of Maumee Bay State Park to the eastern boundary of the Darby Unit (including the Bass Island archipelago), as depicted on the map entitled ''Ottawa National Wildlife Refuge Complex Expansion and Detroit River International Wildlife Refuge Expansion Act'' and dated September 6, 2002.

(2) AVAILABILITY OF MAP.—The map referred to in paragraph (1) shall be available for inspection in appropriate offices of the United States Fish and Wildlife Service.

(b) BOUNDARY REVISIONS.—The Secretary may make such revisions of the boundaries of the Refuge Complex as the Secretary determines to be appropriate to facilitate the acquisition of property within the Refuge Complex.

(c) ACQUISITION.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary may acquire by donation, purchase with donated or appropriated funds, or exchange the land and water, and interests in land and water (including conservation easements), within the boundaries of the Refuge Complex.

(2) MANNER OF ACQUISITION.—Any and all acquisitions of land or waters under the provisions of this Act shall be made in a voluntary manner and shall not be the result of forced takings.

(d) TRANSFERS FROM OTHER AGENCIES.—Administrative jurisdiction over any Federal property that is located within the boundaries of the Refuge Complex and under the administrative jurisdiction of an agency of the United States other than the Department of the Interior may, with the concurrence of the head of the administering agency, be transferred without consideration to the Secretary for the purpose of this Act.

(e) STUDY OF ASSOCIATED AREA.—

(1) IN GENERAL.—The Secretary, acting through the Director of the United States Fish and Wildlife Service, shall conduct a study of fish and wildlife habitat and aquatic and terrestrial communities in and around the 2 dredge spoil disposal sites that are—

(A) referred to by the Toledo-Lucas County Port Authority as ''Port Authority Facility Number Three'' and ''Grassy Island'', respectively; and

(B) located within Toledo Harbor near the mouth of the Maumee River.

(2) REPORT.—Not later than 18 months after the date of enactment of the Act, the Secretary shall—

(A) complete the study under paragraph (1); and

(B) submit to Congress a report on the results of the study.

SEC. 5. EXPANSION OF INTERNATIONAL REFUGE BOUNDARIES.

The southern boundary of the International Refuge is extended south to include additional land and water in the State of Michigan located east of Interstate Route 75, extending from the southern boundary of Sterling State Park to the Ohio State boundary, as depicted on the map referred to in section 4(a)(1).

SEC. 6. ADMINISTRATION.

(a) REFUGE COMPLEX.—

(1) IN GENERAL.—The Secretary shall administer all federally owned land, water, and interests in land and water that are located within the boundaries of the Refuge Complex in accordance with—

(A) the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.); and

(B) this Act.

(2) ADDITIONAL AUTHORITY.—The Secretary may use such additional statutory authority available to the Secretary for the conservation of fish and wildlife, and the provision of opportunities for fish- and wildlife-dependent recreation, as the Secretary determines to be appropriate to carry out this Act.

(b) ADDITIONAL PURPOSES.—In addition to the purposes of the Refuge Complex under other laws, regulations, executive orders, and comprehensive conservation plans, the Refuge Complex shall be managed—

(1) to strengthen and complement existing resource management, conservation, and education programs and activities at the Refuge Complex in a manner consistent with the primary purposes of the Refuge Complex—

(A) to provide major resting, feeding, and wintering habitats for migratory birds and other wildlife; and

(B) to enhance national resource conservation and management in the western basin;

(2) in partnership with nongovernmental and private organizations and private individuals dedicated to habitat enhancement, to conserve, enhance, and restore the native aquatic and terrestrial community characteristics of the western basin (including associated fish, wildlife, and plant species);

(3) to facilitate partnerships among the United States Fish and Wildlife Service, Canadian national and provincial authorities, State and local governments, local communities in the United States and Canada, conservation organizations, and other non-Federal entities to promote public awareness of the resources of the western basin; and

(4) to advance the collective goals and priorities that—

(A) were established in the report entitled ''Great Lakes Strategy 2002—A Plan for the New Millennium'', developed by the United States Policy Committee, comprised of Federal agencies (including the United States Fish and Wildlife Service, the National Oceanic and Atmospheric Administration, the United States Geological Survey, the Forest Service, and the Great Lakes Fishery Commission) and State governments and tribal governments in the Great Lakes basin; and

(B) include the goals of cooperating to protect and restore the chemical, physical, and biological integrity of the Great Lakes basin ecosystem.

(c) PRIORITY USES.—In providing opportunities for compatible fish- and wildlife-dependent recreation, the Secretary, in accordance with paragraphs (3) and (4) of section 4(a) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(a)), shall ensure that hunting, fishing, wildlife observation and photography, and environmental education and interpretation are the priority public uses of the Refuge Complex.

(d) COOPERATIVE AGREEMENTS REGARDING NON-FEDERAL LAND.—To promote public awareness of the resources of the western basin and encourage public participation in the conservation of those resources, the Secretary may enter into cooperative agreements with the State of Ohio or Michigan, any political subdivision of the State, or any person for the management, in a manner consistent with this Act, of land that—

(1) is owned by the State, political subdivision, or person; and

(2) is located within the boundaries of the Refuge Complex.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary—

(1) to acquire land and water within the Refuge Complex under section 4(c);

(2) to carry out the study under section 4(e); and

(3) to develop, operate, and maintain the Refuge Complex.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. RENZI) and the gentlewoman from Guam (Ms. BORDALLO) 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. 289, introduced by the gentlewoman from Ohio (Ms. KAPTUR) and the gentleman from Michigan (Mr. DINGELL), would expand the boundaries of two refuges in Ohio and Michigan. This measure has been thoroughly reviewed; and it has been endorsed by the Ohio Department of Natural Resources, the Toledo Chamber of Commerce, the local port authorities, and Ducks Unlimited. Once enacted, this expansion should help to conserve wintering habitat for migratory birds, enhance the natural resources of Lake Erie, and ensure that thousands of sportsmen will have an opportunity to enjoy wildlife-dependent recreation, including fishing, hunting, trapping and wildlife observation. All land acquired by the Federal Government must be obtained in a voluntary manner and absolutely no private property can be added to either refuge as a result of a forced taking.

I urge an ''aye'' vote on this legislation.

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

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

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

Ms. BORDALLO. Mr. Speaker, as noted by the previous speaker, the overall purpose of this legislation is to authorize the expansion of the existing Ottawa National Wildlife Refuge complex in Ohio and to extend the southern boundary of the Detroit River International Wildlife Refuge in Michigan. The overarching goal is to protect and, where possible, to enhance the remaining wetlands and other aquatic habitats within the western basin of Lake Erie. This region provides critical migratory waterfowl habitat and supports the most significant recreational fishery in the entire Great Lakes.

I commend the bill's sponsors, the gentlewoman from Ohio (Ms. KAPTUR) and the gentleman from Michigan (Mr. DINGELL), for their ingenuity in developing a long-term conservation strategy to protect this regional treasure. They have worked tirelessly to adjust the acquisition boundaries set forth by this legislation so that they meet the priorities of the other body, the States of Ohio and Michigan, and the interests of local stakeholders. The U.S. Fish and Wildlife Service has expressed some concern regarding the scope of the proposed boundaries and about possible impingement on existing management activities. However, considering that the service has proposed its own 5,000-acre expansion of the Ottawa Refuge and also, Mr. Speaker, recognizing that any future acquisition at either refuge will be done on a voluntary basis, H.R. 289 will ensure that future expansion is undertaken to enhance existing refuge resources, to complement operations, and to protect critical habitat areas.

In closing, Mr. Speaker, the fish and wildlife resources found in the western basin of Lake Erie are cherished by millions of sportsmen and women. H.R. 289 is innovative legislation necessary to protect this heritage, and it deserves our support.

Mr. Speaker, it is my privilege to yield such time as she may consume to the gentlewoman from Ohio (Ms. KAPTUR), the ranking member on the agriculture appropriations subcommittee who has worked so diligently on this legislation on behalf of her district and the entire Lake Erie region.

Ms. KAPTUR. Mr. Speaker, I thank the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from Arizona (Mr. RENZI) for allocating time so that I might speak on behalf of H.R. 289, which would expand the boundaries, as they have said, of two national wildlife refuges along the north coast, the Ottawa National Wildlife Refuge in Ohio and the Lower Detroit River International Wildlife Refuge in Michigan. Obviously, we are one of the few American flyways that remain.

The bill that is before us today is identical to a measure that passed by unanimous consent here on the House floor late in the 107th Congress. But because of inaction by the other body it was unable to be sent to the President for signature. I would like to thank the gentleman from Maryland (Mr. GILCHREST) and the gentleman from New Jersey (Mr. PALLONE), chairman and ranking member of the Fisheries Subcommittee, for their assistance, and also chairman and ranking member of the Committee on Resources, the gentleman from California (Mr. POMBO) and the gentleman from West Virginia (Mr. RAHALL), for their efforts as well. We deeply appreciate the support they have given on a bipartisan basis throughout.

This bill is modeled on the legislation of the gentleman from Michigan (Mr. DINGELL) to create the Lower Detroit River International Wildlife Refuge. Obviously, our region is right next to Canada, and it builds on the remarkable success of that effort. Let me emphasize that this bill facilitates only voluntary actions. Voluntary cooperation is the byword. Our bill explicitly prohibits any forced takings. It does not force any private landowner or the Federal Government to do anything that both parties are not willing to do. What it does do is create a mechanism and a boundary, again drawing upon the success of the Lower Detroit River International Wildlife Refuge, to foster cooperation and teamwork to promote conservation and the national wildlife refuge system.

The bill facilitates a process by which our U.S. Fish and Wildlife Service can either purchase land or accept donations of land and conservation easements from willing parties, corporations, nonprofit organizations and individuals. That is well under way in the lower Detroit as I speak. In fact, Mr. Speaker, the Ottawa National Wildlife Refuge, which is a part of this, was created in 1961 originally when local conservation and hunting clubs donated pristine Lake Erie marshland to the Federal Government and the U.S. Fish and Wildlife Service. The bill enjoys broad and deep support in northern Ohio along the north coast from conservation groups, wildlife groups, and as the gentleman from Arizona mentioned Ducks Unlimited, and local governments. It is supported by the State of Ohio and the Ohio Department of Natural Resources.

Mr. Speaker, this year we are celebrating as a Nation the 100th anniversary of the national wildlife refuge system that was created by the vision of President Theodore Roosevelt. During this centennial year, obviously the north coast is very grateful to be included. H.R. 289 will help us raise the profile of the Ottawa National Wildlife Refuge, the Lake Erie marshlands and also the Lake Erie islands so that more Americans and people from throughout the world can enjoy their natural splendor.

The refuge now attracts over 130,000 visitors a year, hunters, fishermen, photographers, birders, hikers, artists and schoolchildren. We expect that number to increase dramatically. I might say as a result of our recognition of our dependence on our natural system, when we first began work in this region of our country, we had but

two or three nesting pairs of eagles that were left in our region of the country. That is now up over 84 nesting pairs of eagles. We expect those numbers to increase in ensuing years as well.

We see the natural wonders of the Lake Erie marshlands as an economic boon to our north coast region through ecotourism, which is expanding. We want families to enjoy the roller coasters at Cedar Point in Sandusky and then drive a few miles west to see the bald eagles at the Ottawa National Wildlife Refuge. We want tourists to enjoy some of the greatest fishing on Earth. I would like to say that I represent the bathtub of the Great Lakes. We have more fish and more swimmers than any other part of the region, or anyplace in the world, in the central and western basins of Lake Erie and also some of the greatest bird watching in the world as well.

H.R. 289 will help us build on this momentum, not only for Ottawa but also for the Lower Detroit International Wildlife Refuge. I want to personally express my deep gratitude to the gentleman from Michigan (Mr. DINGELL), seniority number one here in the House, for his leadership for our entire region.

Mr. Speaker, I urge the Members to vote ''yes'' on H.R. 289.

Mr. GILCHREST. Mr. Speaker, I rise in support of H.R. 289.

This proposal has been the subject of two congressional hearings. We have heard from a diverse group of witnesses testifying in strong support of expanding the boundaries of these two existing refuges. One of those witnesses is the director of the Ohio Department of Natural Resources. In his statement, Mr. Samuel Speck noted that this measure will ''ensure an abundance of ecological and conservation improvements that will truly benefit this ''Great Lake'' and the millions of Americans who benefit from it''.

The fundamental goal of H.R. 289 is to conserve the wetland resources of the western basin of Lake Erie. This shallow body of water is, according to the U.S. Geological Survey, the 11th largest fresh water lake in the world and it has the most productive fishing habitat in all of the Great Lakes.

While sadly more than 98 percent of the original wetlands in Northwest Ohio have been lost, the remaining 12,500 acres provide irreplaceable habitat for 325 species of birds, 300 species of plants and 43 fish species. In fact, the western basin is used by 70 percent of the black ducks that migrate in the Mississippi flyway and it provides nesting habit for 79 breeding pairs of bald eagles.

The remaining wetlands should be protected and the most effective way to accomplish that goal is to include available habitat within the National Wildlife Refuge System.

Furthermore, it is my hope that by expanding these refuges, all interested parties will work together to devise a comprehensive strategy to protect and restore the physical and biological integrity of the Lake Erie western basin ecosystem.

I urge an ''aye'' vote and I compliment my colleagues MARCY KAPTUR and JOHN DINGELL for proposing this innovative legislation.

Mr. DINGELL. Mr. Speaker, I rise in support of H.R. 289, legislation that I co-authored with the distinguished gentlewoman from Toledo, Ms. KAPTUR. This important fish and wildlife conservation measure will expand the boundaries of the Detroit River International Wildlife Refuge to encompass important lands in Southeastern Michigan and Northern Ohio. It is of immense importance to the people of Southeast Michigan and our neighbors to the South in Ohio.

I would like to thank Chairman GILCHREST and Ranking Member PALLONE for their leadership and their assistance. I would also like to thank the Chairman of the full Committee, RICHARD POMBO, and Ranking Member NICK RAHALL, for their assistance is shepherding this bill to the floor. Your efforts are greatly appreciated.

Mr. Speaker, in 2001, thanks to the leadership of the Resources Committee and the support from local grassroots organizations, conservation groups, state and local governments, as well as our Canadian neighbors, we were able to create the Detroit River International Wildlife Refuge. Our refuge on the Detroit River is already demonstrating how—working as a team—federal, state, and local officials in the United States and Canada, can work with businesses, conservationists and private citizens to preserve our remaining wildlife habitat along the River and improve the quality of life. H.R. 289 builds on that success, expanding the refuge south into Ohio, to protect the Lake Erie shoreline.

The lands we are talking about encompass an area of tremendous bio-diversity, with unique geological features and a wide variety of plant life that attracts numerous species of fish, birds, and waterfowl.

In the Great Lakes region, there is a tremendous urgency to protect our remaining high-quality habitats before they are lost to further development. We must also do our utmost to rehabilitate and enhance degraded habitat. This is essential to sustain the quality of life enjoyed by the people living along the Detroit River and the Lake Erie corridor.

The Western basin of Lake Erie is vitally important to the economic and environmental future of the United States. In the 1970s and 1980s, the ecological health of Lake Erie was a running joke—fisherman derisively renamed Lake Erie ''The Dead Sea.'' Water quality was poor, and fish and wildlife suffered as a result.

But in the past two decades, the citizens and governmental institutions of both the United States and Canada have devoted increasing attention and resources to the restoration of the water quality and the fisheries of the Great Lakes, including the Western basin. Numerous grassroots environmental and conservation organizations have worked dutifully to address environmental degradation in the region. I am happy to say that these efforts have been successful, though there is still much more that must be done.

The coastal wetlands of Lake Erie support the largest diversity of plant and wildlife species in the Great Lakes. More than 320 species of birds and 43 species of fish have been identified in the aquatic and wetland habitats of the Western basin. The shallow Western basin is home to the largest concentration of marshes in Lake Erie, which makes it a major migratory bird corridor. Seventy percent of the Mississippi Flyway population of black ducks is concentrated in the Lake Erie marshes during fall migration.

The important of Lake Erie is manifested in the United States congressional designation of the Ottawa and Cedar Point National Wildlife Refuges. Lake Erie has an international reputation for walleye, perch, and bass fishing, as well as duck hunting. On an economic basis, Lake Erie tourism accounts for an estimated $1.5 billion in retail sales and more than 50,000 jobs.

In Michigan, the Refuge will run from the southern boundary of Sterling State Park to the eastern edge of Sandusky Bay, Ohio. The Secretary of Interior is authorized to acquire by donation, purchase with donated or appropriated funds, or grant conservation easements with the boundaries of the Refuge. Any and all acquisitions of lands are voluntary, and federal takings are strictly prohibited. I would note that the Secretary shall administer all federally owned lands, waters, and interests within the Refuge in accordance with the National Wildlife Refuge System Administration Act. Thus, the rights of sportsmen and waterfowlers like myself to hunt and fish in accordance with state law will be protected.

Mr. Speaker, I again thank the Resources Committee for their assistance. Ms. KAPTUR's bill is an important piece of legislation which will be great benefit to the people of Michigan, Ohio, and Ontario, and represents a sound approach to protecting, preserving, and restoring the wildlife habitat of the Great Lakes. I urge its adoption.

Ms. BORDALLO. Mr. Speaker, 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. 289, as amended.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. RENZI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material in the RECORD on H.R. 622, H.R. 762, and H.R. 289, the three bills just considered.

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

There was no objection.

EXPRESSING SENSE OF CONGRESS REGARDING THE BLUE STAR BANNER AND THE GOLD STAR

Mr. GIBBONS. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 109) expressing the sense of the Congress regarding the Blue Star Banner and the Gold Star, as amended.

The Clerk read as follows:

H. CON. RES. 109

Whereas the Blue Star Flag (commonly referred to as the ''Blue Star Banner'') was

patented and designed in 1917, during the height of the World War I, by Army Captain Robert L. Queissner of the 5th Ohio Infantry, who had two sons serving on the front lines;

Whereas the Blue Star Flag quickly became the symbol for a family member serving the Nation in the Armed Forces, and families began proudly displaying these flags in their front windows during World War I;

Whereas each Blue Star on the flag represents a family member serving in the Armed Forces and symbolizes hope and pride;

Whereas beginning in 1918, the Blue Star would signify the living, and a smaller Gold Star would be placed on top of the Blue Star, forming a blue border, if the family member was killed or died while on active duty, to symbolize the family member's sacrifice for the cause of freedom;

Whereas Blue Star Flags were displayed widely during World War II;

Whereas many of the flags displayed during those wars were hand-made by the mothers of those serving in the Armed Forces;

Whereas the legacy of the Blue Star Flag continued during the Korean, Vietnam, and Persian Gulf Wars and other periods of conflict, as well as in times of peace;

Whereas the Blue Star Flag is the official flag authorized by law, at section 901 of title 36, United States Code, to be displayed in honor of a family member serving the United States on active duty in the Armed Forces during a period of war or hostilities, while the Gold Star may be displayed in honor of a family member who has made the ultimate sacrifice for the Nation;

Whereas for over 85 years, families have proudly displayed the Blue Star Flag showing United States service personnel the honor and pride that is taken in their sacrifices for freedom;

Whereas the flag may be displayed by members of the immediate family of a loved one serving in the Armed Forces;

Whereas the flag may be flown by families with a service member stationed either domestically or overseas;

Whereas the display of the flag in the front window of a home shows a family's pride in their loved one and is a reminder that preserving America's freedom demands great sacrifice; and

Whereas such a reminder is especially timely during the current conflict with Iraq and the global war on terrorism: Now, therefore, be it

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

(1) honors members of the United States Armed Forces and their families;

(2) calls on all Americans to honor the members of the United States Armed Forces and their families, to recognize the importance of the Blue Star Flag and the Gold Star and their symbolism of the devotion and service of the members of the United States Armed Forces, and to advance awareness of the Blue Star Flag and the Gold Star through all appropriate information and media channels; and

(3) encourages the families of members of the Armed Forces to proudly display the Blue Star Flag or, if their loved one has made the ultimate sacrifice, the Gold Star.

SEC. 2. The authority on which this resolution rests is the authority of Congress to make all laws which shall be necessary and proper as provided in Article I, section 8 of the United States Constitution.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nevada (Mr. GIBBONS) and the gentleman from Missouri (Mr. SKELTON) each will control 20 minutes.

The Chair recognizes the gentleman from Nevada (Mr. GIBBONS).

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GENERAL LEAVE

Mr. GIBBONS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 109, the concurrent resolution under consideration.

The SPEAKER pro tempore (Mr. MILLER of Florida). Is there objection to the request of the gentleman from Nevada?

There was no objection.

Mr. GIBBONS. Mr. Speaker, I yield 6 minutes to the gentleman from Arizona (Mr. SHADEGG), the author of this resolution.

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

I rise in strong support of the resolution. This is a grand tradition of our Nation, and this resolution encourages all Americans to honor the Blue Star Banner and the Gold Star as patriotic symbols of the proud tradition of the families of our fighting men.

This tradition was started in World War I when, in 1917, the Blue Star Banner was designed by an Army veteran Captain Robert L. Queissner, who had two sons serving on the front lines during World War I. The design is to symbolize the number of members of the family from that household who are currently serving in our armed services; and the intent of the resolution is to simply encourage American families with service personnel currently serving in our Armed Forces to proudly display this banner.

The banner became a particularly strong symbol. Mothers across the country embraced it as a symbol of devotion and their pride for family members who were serving in the war, and it came to its pinnacle of recognition during World War II. As a matter of fact, I would remind my colleagues that in the movie Saving Private Ryan, they may recall that as the Army sedan pulls up to the home of the Ryans, we can see a Blue Star Banner in the window of their home, acknowledging that a member of their family was serving in the war.

If more than one member of the family is serving in the armed services at the time of the combat, then there are as many blue stars as there are members of the family currently serving.

This symbol, as I said, reached its pinnacle during World War II when great pride was exhibited by our American families for the service men and women from their families who were currently serving. It has fallen into some disuse since then, and this resolution simply calls upon all American service families to proudly display the Blue Star Banner, acknowledging that a member of that household's family is currently serving in our armed services somewhere around the world.

Clearly, we are at war. We are at war not only to liberate Iraq, but we are also at war across the globe in our war against terrorism, in Afghanistan but elsewhere around the world; and we all, every single one of us, are tremendously proud of our Armed Forces and the battle that they are carrying forward both to liberate Iraq but also to battle and fight terrorism wherever it appears around the globe.

Our hope, my hope as a sponsor of this resolution, is that all families with service personnel currently serving in our Armed Forces will proudly display the Blue Star Banner, and that all Americans across the Nation will recognize the Blue Star Banner as a symbol of pride and dedication, recognizing not just the sacrifice of the individual service member, man or woman, in our armed services at this critical point in our Nation's history, but also the sacrifice made by that family.

It seems to me that this is a particularly important time, and my hope is that across the country these banners will spring up, hanging in the windows of families with service personnel and that all of us, as a Nation, all of us who do not have a family member serving in the armed services, will step forward and tell those families how much we appreciate not only the sacrifice that the individual serviceman or servicewoman is making to serve our Nation at this critical point in time, but also that the family is making. It seems to me that this is indeed a grand tradition and one that is very important.

I need to go on and explain, however, the tradition of the Gold Star because the Gold Star carries this tradition one step further. As we know as Americans, as the world knows, freedom is not free. It comes at a very heavy price. Not far from here, at Bethesda Naval Hospital, there are many injured servicemen who have come back from the war to liberate Iraq and who are there being healed. But we also know that some service members already in this war have lost their lives.

The tradition of the Gold Star shortly followed the Blue Star Banner, and the Gold Star is a star which is displayed by a family when they have lost a family member, that is, when a member of the service has made the ultimate sacrifice. Tragically, that has happened in this war. Tragically, we have lost all too many soldiers in this war, and the tradition is that when a family member is lost, when a family member has made the final sacrifice, that the Gold Star is placed over the Blue Star, acknowledging that someone from that home has made the ultimate sacrifice.

This concurrent resolution, the Blue Star Banner and the Gold Star, is supported by many groups across the country, the American Legion and its efforts all across the country. The Blue Star Mothers of America, the American Gold Star Mothers and the Gold Star Wives of America, as well as the Veterans of Foreign Wars, are all supporting these banners. Indeed, this is the official banner recognized by Congress in 1967 and by the Department of

Defense as the official acknowledgment of the fact that there is a family member in the services.

This morning at the press conference we held on this topic, a representative of the Gold Star Mothers came forward, and she made it very clear, along with a representative of the Gold Star Wives, that they did not want their group to expand, that indeed because the Blue Star Banner is a moment of pride for a service member serving, the Gold Star Banner, of course, is an acknowledgment of a lost life; and the women from the Gold Star Wives and the American Gold Star Mothers came forward and said they do not want their groups to expand, of course because the only way one gains membership in the group of Gold Star Mothers or Gold Star Wives is to lose a family member. I think every member of the Nation hopes that the Gold Star does not expand, but each day as this war goes forward there is the risk of that.

I think it is time for America to passionately thank our armed services personnel. The Blue Star Banner and the Gold Star are a great tradition for doing that.

I urge my colleagues not to just embrace this resolution and vote for it, but go home and talk about it in their districts, tell their constituents, let them know of this grand tradition, encourage every single family with a member in our armed services to fly the Blue Star Banner with great pride and let every other American express their gratitude and their thanks to those service personnel serving.

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

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

First, let me compliment the gentleman from Arizona (Mr. SHADEGG) for offering this resolution before the Congress, the sense of Congress regarding the Blue Star Banner and the Gold Star. I think this is certainly fitting and proper considering the fact that we today are at war in Iraq, considering the fact that we already have lost American lives in that conflict.

I remember as a young boy growing up in my hometown of Lexington, Missouri, and seeing these banners with Blue Stars and some with two Blue Stars and some with Gold Stars, knowing the fact that members of the family, either a sailor or sometimes brothers; or sometimes a soldier would lose his life on the battlefield and the Gold Star would hang in the window of that family's home. And I think it is certainly fitting that we, in our own way, express our sense that this is the right thing to do now, to bring it home to America that these young men and women who literally put their lives on the line should be remembered in such a visible and fine way.

Cicero, the great Roman orator, once said that gratitude is the greatest of all virtues, and this is one way, a small way, be that as it may, to express the gratitude of not just the Congress but of the American people for the young people who risk their lives on the battlefield.

So, as a cosponsor of this House concurrent resolution, I support this measure. It is a timely resolution recognizing the importance of Blue Stars and Gold Star banners. The Blue Star Banner actually emerged during the First World War when Army Captain Robert Queissner designed a Blue Star to honor his two sons who were serving on the front lines during that conflict. The patented star soon became the country's unofficial symbol which families used to recognize a child serving in our Armed Forces.

In 1918, President Woodrow Wilson approved a recommendation by the Women's Committee of the Council of National Defenses that mothers who had lost a child in conflict wear a Gold Star on the traditional black mourning arm-band. Thus began the tradition of covering a Blue Star with a Gold Star when a family lost such a loved one.

The Department of Defense has recognized the banner as an official service flag for immediate family members of servicemen and women to display during any period of war or hostilities in which the American Armed Forces are engaged.

As I mentioned, when I was a boy growing up in my hometown of Lexington, I still recall those Blue Stars, those banners, hanging in the windows of homes as fathers or mothers, husbands, wives and sons and daughters left to serve our Nation in that Second World War. As men and women were called upon to serve our Nation, the prevalence of the Blue and the Gold Star Banners became a familiar sight wherever we went in my hometown. It was during the Second World War that organizations also displayed the banner to recognize their members who were serving in uniform.

Today, Mr. Speaker, as one travels across our wonderful land, one can still find these traditional symbols being proudly displayed. However, while we have more than a million service members in uniform as we speak, the use of the banner has steadily declined and, sadly, this American tradition has faded. Many Americans no longer recognize this banner for the important part it has played in the history of our country, particularly the military history of our country, and yet American men and women are still called upon to defend our freedoms. Korea, Vietnam, Operation Desert Storm, the Balkans, Afghanistan, and now Operation Iraqi Freedom are just a few of the conflicts which our Armed Forces have served.

This last September, as American forces continued the fight against terrorists, this House of Representatives passed a similar resolution that called upon the President to issue a proclamation in support of the Blue and the Gold Star Banners. As our forces continue to engage in battle in the Middle East, I urge the President to issue a proclamation that calls upon families of service members to display the Blue Star Banner in patriotic support of our loved ones.

As our men and women in uniform fight to bring democracy and stability to the people of Iraq, I hope that we will restore this proud tradition. And it is a proud tradition. I urge all Americans to restore the display of a star for their loved ones who are defending the freedoms that this body was founded upon.

So it is with pleasure, Mr. Speaker, that I endorse and urge this House of Representatives to pass this resolution and that we have a unanimous vote in favor of the Blue Stars and the Gold Stars to be displayed on the banners in our windows of our homes.

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

Mr. GIBBONS. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. BURNS).

Mr. BURNS. Mr. Speaker, this resolution is powerful. It is powerful because it says that if one has a loved one in the armed services, we encourage them to fly a Blue Star Banner. It is powerful because it encourages those families who have lost a loved one in the service of his or her country to display a Gold Star on that same banner. The Blue Star Banner and the Gold Star are symbols not only of our men and women in uniform and the sacrifices that they make for our freedoms, but they are also symbols of hope, symbols of love, and symbols of sacrifice of families who give so much for our troops.

Mr. Speaker, this resolution is particularly significant to me because many of the troops who are leading the charge of our military in Iraq come from the Third Infantry Division out of Fort Stewart, Georgia. These fine young men and women have gone to Iraq. Some, sadly, will make the ultimate sacrifice for freedom and not return. But this legislation is a visible symbol of our support for our troops, their families, and their collective sacrifices for all of our freedoms.

□ 1400

I am proud to be a cosponsor of this resolution, and I urge its immediate passage.

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

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. SOLIS).

Ms. SOLIS. Mr. Speaker, I would also like to thank the gentleman from Missouri (Mr. SKELTON) for conducting this discussion and our friends on the other side of the aisle.

I rise today also to strongly support this resolution. Popular during World War II, we are seeing the Blue Star Banners flown again. I brought a copy of one, because these are being proudly flown in my own district in the cities of El Monte and West Covina, and they are being displayed by families who have loved ones serving in the Armed

Forces, whether their family member is a son, daughter, brother, sister, wife, husband, or even a grandchild.

The banner shows a family's pride in their loved one serving in the military. It also reminds us that we are preserving America's freedom and that demands so much.

Blue Star Mothers and Gold Star Mothers organizations were established back in World War I and remain active even today. There are Blue Star Moms that are popping up in my district where I live in the city of El Monte. Unfortunately, we are also seeing more families displaying Gold Stars on their banners. Families like the Flores family in my district who just learned that they lost their son, Francisco A. Martinez Flores, who was killed in Iraq.

We must honor the United States Armed Forces and their families because they are all heroes. I encourage these families to proudly display the Blue Star Banner.

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

Mr. Speaker, I rise in strong support of the resolution offered by the gentleman from Arizona (Mr. SHADEGG), and I commend the gentleman for bringing this important resolution to the attention of the House.

House Concurrent Resolution 109 reminds the Nation of one of our most cherished wartime traditions, having the families of military servicemembers display the Blue Star Service Flag and wear a service lapel pin.

The daily lives of most Americans remain unchanged by the conflict in Iraq and the war on terrorism. Aside from the television news coverage, many Americans do not think about these very challenging conflicts during the rush of their busy days. However, there are hundreds of thousands of Americans whose family members are fighting on the front lines of these 21st century wars and enduring all the same dangers and hardships that confronted our warriors during previous conflicts.

Mr. Speaker, all of us need to remember that these Americans are experiencing this war in a very personal manner and with a level of fear and uncertainty for loved ones in uniform that only they can understand.

Mr. Speaker, that is why the Blue Star Service Flag and its accompanying service lapel pin are so important. They will be an eloquent reminder for friends and neighbors that our soldiers, sailors, airmen, and Marines are fighting and sacrificing their lives to keep us safe and to keep us free.

We can all benefit from a short, somber moment every day to remember those brave Americans and pledge to do more during our day to support our troops and the families they leave behind.

At this point, Mr. Speaker, I would like to thank my colleague and friend, the gentleman from Missouri (Mr. SKELTON), for his lifelong dedication to the service and our troops. It is a pleasure to serve on the committee with him as the ranking member. Again, I want to commend the gentleman from Arizona (Mr. SHADEGG), and I urge strong support for this resolution.

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

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

Let me first compliment the gentleman from Nevada (Mr. GIBBONS) for bringing this important resolution to the floor. Let me share, if I may, Mr. Speaker, an experience I had yesterday.

I went out to Bethesda Naval Hospital, and I had the opportunity to visit with seven of the 10 young Marines and one sailor who were injured in the Iraqi war, the Iraqi conflict, and some of them were injured rather severely. I have to tell my colleagues that of the seven I visited, all seven were extremely strong in morale, they backed the purpose of our being in Iraq, and were just proud to be United States Marines. I met some of their families too, and what great American families they were. And these families, I know full well, will display with great pride and affection the Blue Star Banner that we are speaking of, which the gentleman from Arizona (Mr. SHADEGG) was good enough to endorse through his resolution.

So let us hope that every member of our military's families will display this banner with pride and exhibit the pride of the families I saw yesterday with those injured Marines at the Bethesda Naval Hospital. I am proud of them. I am proud of everyone who wears the American uniform.

Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Mr. Speaker, I commend both sides for the bipartisan effort they have made here to restore a proud, proud tradition. I am just old enough to remember the Gold Star and Blue Star Banners. I am a war baby born in 1942. But I still have a dim recollection of that and a warm feeling of the pride that those who displayed these banners had, to let all the community know that they had a loved one who was serving abroad or serving in service at some place in time.

I spent this past weekend, Sunday afternoon, in the little town of Jefferson, South Carolina, where we had a memorial service for a staff sergeant in the Air Force, Jason Higgs, whose helicopter was on a rescue mission to pick up two Afghan girls, both of whom were in need of medical care, to bring them back and have them attended to by Air Force doctors. He did not make it back. The next day they sent for the girls, they had their surgery, that was successful. Sunday afternoon we laid him to rest.

All over America there are countless stories like this, about these folks who are laying their lives on the line for us and our freedom. This is a wonderful tradition to restore, and I wholeheartedly support this legislation.

Mr. SKELTON. Mr. Speaker, I have no additional speakers, except to thank the gentleman from Arizona (Mr. SHADEGG) for this resolution and to thank the gentleman from Nevada (Mr. GIBBONS) for sponsoring this resolution. I think it is very, very important that every American family have the opportunity to display a banner such as this resolution endorses, that every American family that does not have a loved one in uniform understands, recognizes, and appreciates those families that do.

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

Mr. GIBBONS. Mr. Speaker, with the eloquent words of my friend, the gentleman from Missouri, I would also urge each and every one of our colleagues to support this resolution.

Mr. FOSSELLA. Mr. Speaker, It is my great pleasure to take a moment to speak about the Blue Star Banner and the Gold Star.

As we continue to battle the enemy of freedom, each day many Americans bid farewell to a loved one that is a member of our Armed Forces, not knowing where they will go or when they will return, these families only have symbols of their loved ones.

These brave men and women who proudly wear our military's uniforms leave behind equally brave friends and relations who look for some way to remain connected to their loved ones abroad. Those on the homefront are eager to show their support for our troops, their hope for a safe return, and their pride in the actions and bravery of their loved ones. The Blue an Gold Star Banner emphasizes the special and difficult role of the family left behind in time of war.

Recognizing this desire to show support and pride for our family members who are off to battle, Army Captain Robert L. Queissner designed the Blue Star Banner in 1917, initially in support of his two sons who were serving on the front lines in World War I. The popularity of this banner spread quickly among those whose family members were also fighting in the War, and continued through many years and many battles to be displayed by families nationwide who anxiously awaited their loved ones' return.

The families of those who did not make it back home displayed a Gold Star over the Blue Star Banner, to symbolize the honor with which their loved ones perished in the name of freedom. This practice continues today, as a way for families to show their pride in the valiant actions of their loved ones in service to our country, who have made the ultimate sacrifice on our behalf.

I therefore encourage the families of all American servicemembers to display the Blue Star Banner and, as necessary, the Gold Star, in show of unconditional support for and pride in our nation's Armed Forces.

Mr. GILLMOR. Mr. Speaker, I proudly rise today in support of H. Con. Res. 109. The Blue Star Banner was originally patented and designed in 1917, by Spanish-American War Veteran and World War I Army Captain Robert L. Queissner of the 5th Ohio Infantry, who at that time had two sons serving on the frontlines. Since its unofficial adoption back in the early 20th century, it has grown to become the

official symbol of all mothers who have children proudly serving their country in the Armed Forces. As our history shows, many of the brave men and women who have so honorably served this country in battle have indeed made the ultimate sacrifice to ensure that the United States of America remains the beacon of freedom and prosperity throughout the world. To honor these fallen heroes family members who lost loved ones in the defense of liberty began placing a gold star over the blue star to symbolize their sacrifice. As we speak, our courageous service men and women continue to secure the safety of the world and bring freedom to oppressed peoples. Therefore, it is only appropriate that we pass this resolution today and show our solidarity and resolve not only to those who serve, but to their family members that they have left behind here on the home-front. Mr. Speaker, I would urge all my colleagues to pass this resolution and show that the steadfastness of the American spirit starts here in the United States Congress.

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

The SPEAKER pro tempore (Mr. ISAKSON). The question is on the motion offered by the gentleman from Nevada (Mr. GIBBONS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 109, 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. GIBBONS. 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.

APPOINTMENT OF CONFEREES ON H. CON. RES. 95, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2004

Mr. NUSSLE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the concurrent resolution (H. Con. Res. 95) establishing the congressional budget for the United States Government for the fiscal year 2004, and setting forth appropriate budgetary levels for fiscal years 2003 and 2005 through 2013, with the Senate amendment thereto, disagree to the Senate amendment, and agree to a conference asked by the Senate on the disagreeing votes of the two Houses.

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

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. SPRATT

Mr. SPRATT. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. SPRATT moves that within the scope of the conference (1) 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 concurrent resolution H. Con. Res. 95 be instructed to eliminate the reconciliation instruction to the Committee on Agriculture, the Committee on Education and the Workforce, the Committee on Energy and Commerce, the Committee on Transportation and Infrastructure, the Committee on Veterans' Affairs, and the Committee on Ways and Means contained in section 201(b) of the House resolution; that (2) such managers be instructed to recede to the Senate on section 319 (entitled ''Reserve Fund to Strengthen Social Security'') of the Senate amendment; and that (3) such managers be instructed to adjust the revenue levels by the amounts needed to offset the cost of the instructions set forth in paragraphs (1) and (2), without resulting in any increase in the deficit or reduction in surplus for any fiscal year covered by the resolution.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from South Carolina (Mr. SPRATT) and the gentleman from Iowa (Mr. NUSSLE) each will control 30 minutes.

The Chair recognizes the gentleman from South Carolina (Mr. SPRATT).

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

Mr. Speaker, but for one vote, the budget resolution that we now seem to send to conference would have gone down. Fortunately, there is still a way out for this budget with its massive deficits and its misguided priorities: we can rewrite it in conference. If we cut through all the words, all the legislative language and the motion that was just read, that is what the motion to instruct calls for.

Now, we do not cover the waterfront and take out every change that we find objectionable and make every change that we feel needs to be made, but we do send the conferees a strong message, and that is to get rid of the worst of the entitlement reconciliation directives in this budget resolution.

First of all, Medicare. Originally, our Republican colleagues on the Committee on the Budget sought to cut Medicare by $262 billion and Medicaid by $110 billion. That was to offset the cost of their prescription drug benefit under Medicare. We tried to knock out these cuts in markup, but failed. The chairman, however, did change his mark twice. After these modifications were made, however, the Committee on Ways and Means is still directed to cut $62 billion out of entitlement programs in its jurisdiction. This sort of saving can only come from two sources under the Committee on Ways and Means jurisdiction: Medicare or programs for the poor, the earned income tax credit, temporary assistance to needy families, or supplemental security income. It will have to come out of these programs, $62 billion; and these could be critical cuts in critically important programs.

The chairman's amendment, the manager's amendment also shaved the reconciliation directions just slightly to the Committee on Energy and Commerce from $110 billion to $107 billion.

□ 1415

But of this amount, $94 billion must still come from Medicaid, or SCHIP, the children's health insurance program. Contrast that, Mr. Speaker, to what we do in our budget resolution, or would have done had it passed. Given the struggle that all the States are having with Medicaid, we sought to increase the Federal share and lighten the States' burden by adding $10 billion at the Federal level to the cost of Medicaid this year.

If the rule had allowed during consideration of the budget, we would have offered amendments when the budget was on the floor to strike all of these cuts. Since everyone knows that they would have emasculated Medicare and Medicaid, I think they would have passed; but we were not allowed to make such an amendment.

Next, veterans. Originally, the Republicans on the Committee on the Budget set out to cut $30 billion from the budget for the veterans. They say that veterans benefits actually increase in their budget, and they may in nominal dollars. But this is the fact of the matter: Their budget resolution, as brought to the floor, provided $15 billion less for veterans health care than the President requested, and it still provides less for veterans disability benefits.

Next, education. The Republican resolution not only cuts appropriations for education below the President's already-low level, it saves none of the 47 programs that the President wiped out or would kill. It goes a step further: It whacks $9.4 billion out of mandatory spending. What does the Committee on Education and the Workforce have in its jurisdiction? Student loans and school lunches. Do we really want to cut student loans and school lunches to pay for a dividend tax exclusion?

Next, railroad retirees. Looking everywhere for programs they could cut to offset a big tax cut of another $1.35 trillion, our colleagues on the Committee on the Budget even called on the Committee on Transportation and Infrastructure to come up with some reconciliation savings, namely, $3.7 billion out of its mandatory or entitlement programs.

The only source that can produce such a cut under the jurisdiction of that committee is railroad retirement, a vested benefit on which 700,000 retirees depend. Surely we are not going to cut $3.7 billion out of that.

Finally, in the same vein, is agriculture. The budget, as it now stands, requires the Committee on Agriculture to cut $18.6 billion of direct spending over the next 10 years, but as in all of the other cases, it fails to mention which programs and fails to say how much.

Where does the Committee on Agriculture go? It can turn to the conservation reserve program, $18.6 billion, roughly what it costs to run that program for 10 years; or the Committee on Agriculture could turn to food stamps and take 12 percent out of food stamps for the next 10 years to produce $18.6 billion. But do we want to take 34 million acres of environmentally sensitive

land out of reserves? Do we want to cut food stamps when unemployment is 6 percent nationwide, in double digits in places like my district?

These are a few of the reasons, Mr. Speaker, that we should tell the conferees and tell them emphatically to recede to the Senate and drop these reconciliation directives. They should not be in here. First of all, these cuts are not in the President's budget, they are not in the Senate's budget, and except for the House budget, they are not on anybody's agenda.

Second, they are wrapped up in ambiguity, written in language so evasive that no one can know where the cuts may fall. They were clouded further by colloquies here on the House floor when we had the budget on the floor, in which the chairman of the committee, the Committee on the Budget, assured chairman after chairman of committees of jurisdiction that, no, they would not have to do what the black letter provisions of this resolution plainly say they must do, and that is cut Medicare, cut Medicaid and cut veterans benefits.

All, in effect, that this motion does is say to the conferees, conform the budget resolution to legislative history as recorded right here on the House floor the night we had the budget up.

Finally, these cuts, Mr. Speaker, would be questionable at any time, but cutting veterans when we are at war and Medicaid when the States are struggling just to sustain it and student loans for no good reason it is just wrong, callous and wrong.

In the end, I will be frank to say that I do not think most of these cuts will ever come to pass, not this year, anyway. But another huge tax cut may be passed. Its impact on the deficit may be obscured by pretending that these spending cuts will be enacted later as offsets. Most of these cuts may not be enacted later for the same political reasons, but as deficits swell, as they surely will if these tax cuts proposed are passed, the cuts will come in time, and this budget resolution is our forewarning of where they will have to fall.

We can ask fairly, what would happen to the budget's bottom line if these spending cuts we are calling for deletion are not enacted? The answer is that these proposed spending cuts are made necessary by the proposed tax cuts. If we forgo the tax cuts, we can forgo the deep cuts in Medicare, Medicaid, veterans benefits, student loans, agriculture, and railroad retirees.

As for the bottom line, if we just leave spending and revenues at current service levels, the Congressional Budget Office tells us the budget will be in balance by the year 2008. That is 4 years sooner and a couple of trillion less debt than this resolution promises. So if Members are for a budget that balances priorities as well as the bottom line, they should vote for this motion to instruct.

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

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

Mr. Speaker, here we are again. We are on the floor discussing the fact that the Federal Government does not have even one penny of waste. Do Members believe that? It is hard to believe that somebody would come to the floor of the House, or that an entire party would come to the floor of the House today and suggest that the United States Government does not have any waste.

I will admit, as the gentleman from South Carolina (Mr. SPRATT) very eloquently stated, that there is no way, as we go to the conference between the House and Senate over the budget, that possibly the House-passed numbers of savings might be difficult to attain, and certainly might be difficult to reach a negotiation between the House and Senate.

But they come to the floor today and basically say that we are going to eliminate the instructions in order to get waste and abuse in this government, and that none of the instructions, not one of the years over the next 10 years can we even find a penny.

Is it going to be hard to find the $300 billion? Okay, let us suggest it is. We made an attempt on our side in good faith to try and look at our programs called entitlements, which are nothing more than automatic spending, which has now basically engulfed the budget to the tune of about 60 percent of all our expenditures are automatic. We have nothing to say about them. We get sent to Washington to make judgments and choices, and those choices were made before us, a long time before us, in many instances.

As we do research on those programs, as we look and examine the programs, where we find challenges, where we find waste, where we find abuse, where we find problems, we even hire an agency called the General Accounting Office to do reports for us, and when we find those, we are not to challenge ourselves to reform those programs. We are not to challenge ourselves to find savings in those programs. We are not to challenge ourselves to look in every nook and cranny of the budget, or every nook and cranny of the Federal Government in order, at a time of challenge for our country, to find savings, so we can save taxpayers a little bit of money.

I do not know about the Members, but I just had to send in my taxes. That is not a fun experience for me, and I am sure it is not for any of my colleagues. I guarantee, Members, it is not for my friends back home in Iowa as they go visit the tax people.

So looking for a little bit of savings, looking for a little bit of waste and fraud and abuse, I thought would be a pretty worthy endeavor. We even put into our budget a couple of different items that we found kind of interesting.

We said that the Inspector General for the Department of Education has found that nearly 23 percent of the recipients whose loans were discharged due to disability claims were gainfully employed. Now, think about this a second. What the Democrats are coming here today and saying is, we cannot find any waste. But the Inspector General who works for the Department of Education has found 23 percent of the claims for disability benefits for education were actually employed, 23 percent.

Can we do anything about that? No, we cannot do anything about that. Heaven forbid we challenge the Committee on Education and the Workforce to go looking for that, so let us eliminate that instruction. Not the amount in the budget, not even a penny, we cannot even find a penny of waste in the Education Department is what the Democrats are saying.

Based on the data provided by the Office of Management and Budget, the Committee on the Budget estimates more than $8 billion in erroneous earned income tax payments are made every year, $8 billion of checks that go out to recipients in the United States, $8 billion.

Can we do anything about that? No, no, we cannot do anything about that. We do not want to challenge that. That is going to be real heavy lifting; we cannot do anything about that.

The Office of Management and Budget estimates there are erroneous payments for food stamps that account for almost 9 percent, 9 percent. With almost one out of every 10 people who get food stamps, something was erroneous about those accounts and those benefits. Can we challenge the Committee on Agriculture to go look at that? No, we cannot do that. Heaven forbid we will come down to the floor and scream that it is going to farmers, when we know full well that it is not.

We put in here that mismanagement of almost more than $3 billion in trust funds controlled by the Bureau of Indian Affairs led the Congress to take extraordinary measures to regain control of the funds because $3 billion were being mismanaged.

Can we find that? No, do not look there. There is no waste over there. Do not look over there. We cannot find any waste over there, not this year, not next year, not for the next 10 years, no waste.

There is no waste in Washington, that is what the Democrats are coming to the floor today to tell us. We cannot do any of that, too heavy. That is too heavy lifting.

Inspector General, Personnel Management, has documented numerous instances of the government continuing to make electronic payments for retirement benefits for the Civil Service Retirement system after the person died, meaning that people who work for our Federal Government, we give them a pension, and after they die, we care so much about the work they did for the United States Government we keep paying them.

But can we ask anybody to go look for that? No, we cannot do that. The motion to instruct says no, we are not going to do that. There is no waste in Washington. That is what the Democrats say, no waste in Washington. Eliminate that instruction. That is too hard. In fact, if it really gets hard, we will come down here and tell people that we are throwing seniors out of nursing homes, or that we are eliminating Medicare benefits, or that we are going to do a disservice to veterans.

In fact, we do such a service to veterans that last year 5,500 veterans received benefits from the Veterans Administration after they died. But can we go to the Veterans Administration? No, we cannot touch them. We do not want to do anything in that department. That is too heavy, that is too hard. Let us just keep paying them, because it is easier to send out the press release today saying, I supported the veterans, or I supported Medicare, or I supported Medicaid, or I supported farmers.

I do not think Members are supporting veterans when they pay them when they die. That does not make much sense. Pay them when they are alive, pay them for their service; there is not anybody who disagrees with that. We all agree with that. But to say there is not at least even a penny of savings over the next 10 years, I would like Members to go home and explain that to Members' constituents in a town meeting. I want Members to explain that they do not believe there is any waste in Washington, no waste at all in Washington.

What we are asking our committees to do is to go look for it and go find it. Is that going to be hard to do? Sure. Some of these are very politically sensitive areas, very politically sensitive, which is why today, for political intrigue and fodder, the Democrats rushed to the floor saying, we are supporting all of these constituent groups, and we are supporting them so much we will support them when there is mismanagement, when there is waste, when there is fraud within the system. We are not willing to challenge our committees to go and get that job done.

The second thing they say is that, what we are going to do about this is we are going to trim back the tax cut. The tax relief in the House-passed budget estimates it will create about 1.4 million jobs. How many jobs do Members want to create? Obviously, not 1.4 million. About half that? It is 1.4 million jobs. Why is it that they want to eliminate the opportunities under this growth package?

□ 1430

And what is more important, going to your second point here about the Social Security trust fund, is that the best way to create money in the Social Security trust fund is to create workers. That is who pays the bills, who pays the Social Security money in the first place, the people who are working. The more people you create, the more jobs you create, the more people you have working, the more money that goes into the trust fund. And so by eliminating jobs by suggesting that you do not want to create these jobs at a time when our economy is struggling does the biggest disservice to the Social Security trust fund.

So I would rather you come here today and basically say that the General Accounting Office, which does all of these reports on the defense, food stamps, here is one on debt collection, here is one on the Defense Department again, public housing, here is a good one on the post office, Federal loans, defense again, foreign assistance, we have got travel cards in the Defense Department and across the country or across the government that are being abused. You do not want to do anything about that. You do not want to do anything about waste, fraud and abuse. That is what we are asking for. And so you come down here today, and you want to basically tie the hands of the conferees and say you do not want to instruct any of the committees to do this job.

Well, we reject that. We are not going to get, we know, all of the waste, fraud and abuse in the first budget, maybe not in the second budget. We may not get much at all, but you have got to start somewhere. And to suggest there is not even a penny, to basically say eliminate it all, eliminate any attempt to go find wasteful Washington spending, to me I think is a disservice. And so even though this is a nonbinding motion to instruct conferees and certainly the minority has an opportunity to come down here and make this motion, it really shows your cards.

It shows that you do not really have a concern about some of these programs and their usefulness, finding the waste and the fraud and abuse within our Federal Government. That is what it shows to me, and I think it shows that to the American people. There is not a person in America that does not believe there is waste in Washington. There is not a person, certainly not a person I have ever run into. I hope if there is somebody, you would let me know because I have not met one yet who does not think there is some waste in Washington.

But your motion to instruct conferees says no there is no waste in Washington. We do not have to do our work. Let us just keep this automatic spending going right on automatically down the line. Let us not worry about it at all. Let us not create those jobs. Let us back down the tax relief. Let us not create taxpayers so we can replenish the Social Security trust fund. Let us not do that, and let us continue on business as usual in Washington.

Well, we do not want to do that. We want to make sure that the conferees, I hope to be one of them, of course, continues to work for waste, fraud and abuse; and that is why we are going to continue that job even in the face of the Democrats coming here today suggesting that there is no waste in Washington.

Mr. Speaker, I reserve the balance of my time. I believe the gentleman has quite a bit of time remaining on his side for debate.

Mr. SPRATT. Mr. Speaker, I yield 4 minutes to the gentleman from Maryland (Mr. HOYER), the minority whip.

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding me time, and I yield to the gentleman from South Carolina (Mr. SPRATT), the ranking member of the Committee on the Budget.

Mr. SPRATT. Mr. Speaker, we are as concerned as any Member of this Congress about squeezing out waste, fraud and abuse. But we sincerely doubt that you can squeeze, ferret out $265 billion in waste, fraud and abuse. If you can, I would say to my colleague, where has the Republican majority been for the last 8 years during which you have controlled the House. Instead of having oversight, we have had overlook, if there is that much waste being accumulated in the Federal operation at this time.

Here are the cuts that are entailed by this resolution as it goes to conference: Agriculture, $18 billion. Waste, fraud and abuse, where is it? Education and the Workforce, Energy and Commerce, 107; most of that is Medicaid. Medicare, $62 billion. The total amount, $265 billion.

If you required these reconciliation savings to be accomplished and laid on the table before you passed your budget resolution, before you passed your tax cuts, they would have more credibility. But they lack credibility with me because if you are going to go ahead and have the tax cuts premised on adopting all of these $265 billion in savings just a few months afterwards, I do not think they will ever come to pass.

Mr. HOYER. Mr. Speaker, there is not anybody in here who is not against waste, fraud and abuse. Ronald Reagan ran in 1980, and he said he was going to save a lot of money by eliminating waste, fraud and abuse. The Republicans were in charge of the Senate. Ronald Reagan was President of the United States. Not once, not ever did Ronald Reagan have a veto of any appropriation bill overridden, not once that asked to spend more money.

He was in charge of the executive department. George Bush was in charge of the executive department for the 4 years following, for 12 years in a row. And, Mr. NUSSLE, you know what happened to waste, fraud and abuse? You quadrupled the national debt, I say to my friend who is trying to ignore me. You quadrupled the national debt from $985 billion to $4 trillion. Why did Mr. Reagan and Mr. Bush not eliminate waste, fraud and abuse?

And then what happened? Bill Clinton came to town, elected President of

the United States, and what happened in those 8 years? For 8 years in a row the deficit came down, for 4 years; and then the surplus started going up until 2001. We had 4 years of surpluses for the first time in 80 years. And then what happened? President Bush came to office. Mr. NUSSLE became the chairman of the Committee on the Budget, and we have reescalated the debt.

This budget proposes the largest debt in the history of this country. This budget is an April fool, a cruel hoax and joke on the American public. And what does the chairman of the Committee on the Budget do? He brings these little blue books. They are important books. The question I wanted to ask you, Mr. NUSSLE, and just an answer, is I am sure your committee staff has added up how would the savings if every piece of waste in those blue books was effected would it provide us. How much, Mr. NUSSLE?

Would it provide the 18 billion you want to take away from farmers who are attacked by drought? Would it take away the money that you are going to reduce school lunches by? Student loans by? Would it provide for the Medicaid that you want the Committee on Energy and Commerce to cut? Would it provide for the Medicare that your own committee has jurisdiction over?

Now, Mr. NUSSLE, it is April Fool's Day but do not take us for fools, because with all due respect, you offered a budget last year. Now you complained it did not pass, but in years past we have deemed adopted the House-passed budget and passed bills.

Again, the chairman of the Committee on the Budget ignores me. It is a shame because, my friends, 11 of the appropriations bills did not pass this House last year. Why? Because they could not get them within the budget. The budget that Mr. NUSSLE offered is not a real document. It is an April fool's joke. It will never be adopted. Never. And, Mr. NUSSLE, I believe you know it. I believe you know that the document that you have provided is unsustainable politically because the American public will reject it out of hand because they do not believe that that railroad retirement and people who work hard for their retirement should be cut. They do not believe that Social Security should be cut. They do not believe that Medicaid should be cut. They do not believe that Medicare should be cut.

The motion to instruct will make it a real budget and turn an April fool's joke into a real document for America.

Mr. Speaker, it is indeed fitting that on this, April Fool's Day, we're voting on this motion to instruct on the House GOP's phony and foolhardy budget.

Why?

Because the fact of the matter is: This GOP budget is a dishonest document designed solely to fool the American people.

To fool them into believing that this Republican Party really does care about balancing the budget, controlling deficits and reducing debt.

To fool them into believing that our nation—which is now prosecuting a war of unknown duration and undetermined costs—really can afford the President's $1.4 trillion tax plan.

And, to fool them into believing that the Members who sit on the Republican side of the aisle really have the courage of their convictions.

Let me ask you: will you really vote to cut Medicaid funding and the Children's Health Insurance Program by $94 billion?

Will you really vote to cut school lunches for poor children and student loans by $9.4 billion?

Will you really vote to cut railroad retirees' pensions and Agriculture programs such as Food Stamps and Farm Support Payments?

And, with our brave armed forces now on the field of battle risking their lives to defend freedom and combat tyranny, will you really vote to cut veterans' benefits by $14.6 billion?

Some of you actually might.

But we all know that most of you have absolutely no intention of walking the plank and voting for legislation that would implement these draconian funding cuts.

Thus, today, we're engaged in nothing more than a cynical charade.

You get to pretend that you're for balanced budgets and enormous tax cuts, too.

That's not leadership. That's a conscious evasion of the responsibility to level with the American people—to tell them that we cannot afford everything—and a deliberate decision to pass the costs of this reckless tax plan onto the next generation.

I urge all of my colleagues—including those on the Republican side of the aisle who are still nursing sore arms after the vote on the budget resolution two weeks ago—to vote for the Spratt motion to instruct.

That motion—which instructs conferees to reject these proposed and clearly unpassable and untenable funding cuts—is an honest one and based in reality.

Everyone of us knows that this GOP budget is not.

Mr. NUSSLE. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. DELAY), the majority leader.

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

Mr. Speaker, I was watching this debate, and I was very intrigued by the Democrat's motion to instruct. And as I look at this motion to instruct and I want to yield to the chairman of the Committee on the Budget to answer, if he sees this as what I see this. This looks like to me that the Democrats are suggesting that we have attacked an economic growth package that sets out a number of about $514 billion. Is that correct, Mr. Chairman?

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

Mr. DELAY. I yield to the gentleman from Iowa.

Mr. NUSSLE. Mr. Speaker, the gentleman from Texas (Mr. DELAY) is correct. If you take the tax number in the bill in the resolution at 726 and what the gentleman from South Carolina's (Mr. SPRATT) motion to instruct conferees backs out, which is $212 billion of what they say, you know, there is no waste in Washington, yes, you would arrive at a tax number of about $514 billion.

Mr. DELAY. So from what the chairman is saying, Mr. Speaker, is that the Democrats of this House are suggesting that the tax number be $514 billion. I might be able to take that, Mr. Chairman. I am a little concerned that in the motion to instruct to continue spending, and I know that the minority loves to spend and they want to continue to spend; and we tried to as we pointed out in the House budget, that it was important not only to get the economy going again but also to show some fiscal restraint in the way the Federal Government spends money around here, and we wanted to go after waste, fraud and abuse and efficiencies and reforms, not cutting programs, but trying to squeeze out, out of this bureaucracy in Washington, D.C. the kind of savings we could find, anywhere we could find them, so that we could show some spending restraint and at the same time have an economic growth package.

So if the minority is suggesting that we go to conference and we go to conference with a number that seems to me to be a floor on the tax bill of $514 billion, having faced in conference that the House has a number of 726 and the Senate has a number of 350 billion, I might take that. I might take that right now. I think we could do some really good stimulative effect with $514 billion. We could go in there and make sure that the accelerated experiencing for small business people to be able to go out and buy equipment and start people making equipment would be there. We might be able to do something on capital gains. We all know through history that lowering capital gains rates always stimulates the economy and provides for long-term growth. And frankly, at 514 billion we could probably fool around a little bit with the double taxation dividends and even get something like that in there.

So I just might vote for this. I am going to look at it a little closer, but I just might vote for this motion to instruct because I for the first time am noticing that the Democrats are suggesting that we have a $514 billion tax relief package, and I think we could do a lot with that.

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

Mr. DELAY. I yield to the gentleman from Iowa.

Mr. NUSSLE. Mr. Speaker, I want to make sure I understand what you are saying because I certainly want to defend the budget that I helped pass. While this technically is a nonbinding motion, I want to understand what we are suggesting here.

The Democrats are coming here and basically suggesting that even though we do not want to reduce the tax number, that they would be willing to go to $514 billion. I do not like that number. I would rather stay at 726. I met very briefly with the chairman of the Senate budget committee today, and I told him that is what I am still interested in doing. But if we can get some agreement here, if the Democrats are willing

to come to the floor today and support a number in the tax bill of $514 billion, at least that would be a more positive signal than what came out of the Senate.

So I still believe there is waste in Washington. I hate the first instruction in here that says that over the next 10 years we cannot even find a penny of waste, is what the Democrats said, not a penny. Nowhere is there waste in Washington. I hate that instruction. Of all of the instructions, that is the one that probably turns my stomach more than any of them. But if the majority leader is interested in this, I certainly would be willing to consider agreeing to the motion and urging my colleagues on both sides of the aisle to agree to a number of about $514 billion.

Certainly at a time when Americans across the country are looking to get back to work and we are looking to try and create jobs, a tax number of $514 billion is certainly, probably a good day's work. So I appreciate the gentleman analyzing the amendment and coming to that very interesting conclusion.

You know what will be interesting now, to see whether or not the Democrats even support their own motion.

□ 1445

I have a suspicion that the Democrats do not even support $514 billion.

Mr. DELAY. Mr. Speaker, reclaiming my time, obviously we are going to have to give them the opportunity to express themselves, but the chairman knows that I want to restrain spending, too, and I want to find that waste, fraud and abuse myself. Just because we have a motion to instruct that says we want to do that does not mean the chairman has to negotiate that way on that particular portion.

But to have the Democrats support a $514 billion tax cut, I think that strengthens us in conference because all throughout the debate, all I heard is, they did not want any of it, they wanted to spend it all. In fact, in their proposal, they wanted to raise taxes in order to bring down the deficit, which I think is a flawed way to go, because we have seen in the past that when we raise taxes and keep spending, the deficits keep going.

The point is, now we have a revelation here where the Democrats want $514 billion. We could do that and we can still fight, or the chairman could fight in the conference committee for those spending restraints that we all want and come out of conference with a $514 billion tax number and still have the spending.

I think the Democrats may have something, and I am going to think real hard about this.

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

Mr. SPRATT. Mr. Speaker, I yield myself 1½ minutes to make a few things clear before I yield to the gentlewoman from California (Mrs. CAPPS).

First of all, as to the tax cut level sought by the resolution that is now going to conference, this resolution has two different provisions with respect to tax cuts.

First, they say, reconcile the passage by a date certain of the President's request for $726 billion of additional tax cuts. Second, in their revenue assumptions and elsewhere, they assume that we will pass and permanently enact the tax cuts that were enacted by the House in June of 2001. When we add those two together, the total amount of tax reduction called for by this resolution is $1.35 trillion, not $726 billion. That should be made clear.

Secondly, we have proposed tax cuts. We would like to have some tax cuts to go to the pockets and hands of people who are likely to spend it and give this economy a boost. On January 6, we proposed just such a rebate, along with some business tax cuts, accelerated appreciation, immediate expensing in order to give this economy a kick.

Thirdly, let me say with respect to these spending levels, Agriculture, Education, Energy and Commerce, which is Medicaid, Transportation, Veterans Affairs, Ways and Means, which is Medicare, as with respect to all of those, Mr. Speaker, we simply seek to restore the level of spending in these programs to the level sought by the President for the veterans and for Medicare beneficiaries.

Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Speaker, I thank my distinguished ranking member for yielding me the time, and Mr. Speaker, I rise to support the Democratic motion to instruct conferees so that we can fix the budget so narrowly passed by the House of Representatives, a Federal budget that is supposed to reflect our values and our priorities, but this House budget resolution does not do that and so we need to change it.

The Republican budget resolution embraces the administration's irresponsible tax cut package at the expense of our Nation's health care needs. This is part of our national security, our health care security, and despite the protests of many Members of this Chamber, the majority resolution still requires Medicare and Medicaid to be cut, Medicaid to be cut by $93 billion, and the appropriating committees are charged to either cut Medicare by almost $200 billion or to shortchange an already weak prescription drug coverage benefit. Terrible choices.

These cuts endanger health care for almost 90 million Americans, among them the most vulnerable members of our society. This is unconscionable. This does not reflect American values.

As we move toward conference, we need to eliminate these terrible cuts, and among them, these health care cuts include cuts to our veterans, even as we are sending our young men and women off to war, and they will one day come back to be our Nation's veterans. We are cutting health care benefits to today's veterans, wheelchair bound, frail, elderly. Promises made should be promises kept.

We need to reflect America's values in our budget, in our budget resolution, and we need to support the Democratic motion to instruct conferees so that we can do that.

Mr. NUSSLE. Mr. Speaker, I reserve the balance of our time on this motion to instruct conferees on a $514 billion tax cut.

Mr. SPRATT. Mr. Speaker, once again, I yield myself 30 seconds just to make it clear.

We do not propose and would not have our motion construed to say that we are adopting a $514 billion tax cut or any level of tax reduction. We are saying that the tax cut ought to be adjusted accordingly after restoring these entitlement cuts that we have proposed in the motion to recommit.

Mr. Speaker, I yield 2 minutes to the gentleman from North Dakota (Mr. POMEROY).

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

We are watching quite a performance on the other side this afternoon. First, we had the Budget chairman trying to explain away the vicious cuts they have made to programs as vital as veterans services. Imagine that, passing a budget that cuts veterans services, right in the middle of the Iraq war. It was unconscionable and unthinkable. Small wonder he tried to talk all around what they have done without ever really owning up to what is the issue before us.

Then the majority leader comes to the floor. He tries to totally redefine the motion that is advanced and before us. It looked a little to me like they are waving the white flag, that they do not have the votes to beat this motion because who, in the light of day, can vote for the cuts to veterans services, to Medicare, to Medicaid and to our Nation's farmers in the agricultural account.

There was no other budget advanced, not the administration's, not the Republican-controlled Senate's, that had this measure of cuts. It was a phenomenon of the House Committee on the Budget, led by the chairman and endorsed by majority leadership.

I view always as one of the darker moments of my time in the House the vote to support our troops taken at 2:30 in the morning followed by, 15 minutes later, the passage of the budget which cut the funding of veterans services. Frankly, it was a high water of hypocrisy in a Chamber that sees a good bit of hypocrisy.

We have got to reject these cuts, and this is what this motion before us does today. Reject the cuts to veterans services. Reject the cuts to agriculture. Reject the cuts to education. Reject the cuts to Medicare. That is the issue before us, and I will be very pleased if we can have a strong bipartisan vote overturning the really ill-advised direction the House budget would take us down.

Let us have a bipartisan vote on the motion to instruct.

Mr. NUSSLE. Mr. Speaker, I reserve the balance of our time on the Democrat motion to cut taxes by $514 billion.

The SPEAKER pro tempore (Mr. ISAKSON). For the benefit of the gentleman from Iowa (Mr. NUSSLE) and the gentleman from South Carolina (Mr. SPRATT), the gentleman from Iowa reserves the balance of his time, which is 12½ minutes. The gentleman from South Carolina has 12 minutes remaining.

Mr. SPRATT. Mr. Speaker, once again, I yield 30 seconds to myself to say that in no way can this resolution be construed to support a tax cut of $514 billion. If the gentleman wishes to put that construction upon it, I am here to say, as the author of it, it does not apply. We do not support such a tax cut. We have supported tax cuts to boost the economy, but not the tax cuts that this budget resolution proposes because it would drive a deficit deeper and deeper into debt.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Oregon (Ms. HOOLEY).

Ms. HOOLEY of Oregon. Mr. Speaker, it is interesting when we talk about people saying they are against cutting waste, fraud and abuse. We are all for doing everything we can to cut waste, fraud and abuse, and I would suggest to my colleagues on the other side that possibly we should look at waste, fraud and abuse and use those dollars for tax cuts that we find.

Again, I want to reiterate, the maker of this motion is not talking about tax cuts. What he is talking about is restoring funds to some of those programs that are vital to the United States.

Here we are 2 years after Members from both sides of the aisle pledged to leave no child behind, and yet the House majority has approved budget cuts of over $9 billion from Leave No Child Behind. The budget passed by this House proposes cuts in so many vital education programs I do not even know where to begin.

After-school programs: After-school programs have been one of those programs that have done more to help keep children getting into our juvenile system than anything else. It has cut higher education funding. It cuts teacher quality training. It cuts rural education. This budget cuts money from everywhere in education.

When we passed Leave No Child Behind, we demanded more from teachers and students, but this budget would cut billions that would help teachers and students prepare to meet the new tougher standards imposed by the Federal Government. If we are going to demand more from our education system, we need to provide schools with adequate resources to meet those demands. We fool ourselves and cheat our students when we impose higher standards without providing the money necessary to achieve those standards.

Our schools are in dire straits right now. I do not know about the rest of my colleagues, but I know Oregon schools are. I visited a lot of schools throughout my district and the State, and there are schools that are literally falling down. Teachers are using closets as extra classroom space. Kids are sitting on heaters for lack of room.

At a time when State budget crises are forcing schools to lay off staff, increase class sizes and cut days off the school year, the Federal Government is once again failing to live up to its commitment and fund the laws that we have passed.

I do not understand why Congress would spend a year reforming our education system only to turn around and fail to provide States with the money needed for those reforms. We need to fund the No Child Left Behind Act. We need to fund the Individuals With Disabilities Act. Twenty-eight years ago, we promised we would fund 40 percent of that program; we do not even fund half of that. To my State, it would mean $120 million more a year. That is a lot of money to our State.

We need to fund student financial aid. Instead, this budget cuts school lunches, student loan programs, after-school programs, increases class size and diverts public funds to private schools. This is not what we need to improve the education of our students.

Mr. Speaker, I urge my colleagues to vote in favor of the motion to instruct and in favor of increasing education funding and living up to its commitment and living up to its promises.

Mr. NUSSLE. Mr. Speaker, I reserve the time on the Democrat motion to cut taxes by $514 billion.

Mr. SPRATT. Mr. Speaker, I yield myself 45 seconds to say the gentleman is willfully misconstruing this resolution, and if he will simply read his black letter language, he will find out not only do we restore $214 billion of programs like Medicare and Medicaid to be at the level the President requested, we also provide for the Breaux amendment to be adopted and incorporated so that $396 billion can be taken out of the tax cuts and assigned to the solvency of Social Security. That is Section 319 of the Senate budget resolution which we are asking the House to accede to.

Add those two together, it is about $700 billion. That is about the size of the tax cut. This is not an endorsement of that tax cut in any way, shape or form.

Mr. Speaker, I yield 3½ minutes to the gentleman from Virginia (Mr. SCOTT).

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Mr. SCOTT of Virginia. I thank the gentleman for yielding me this time and would just want to point out, Mr. Speaker, this chart, which shows in stark terms what the budget deficit looked like over the years, until 1993, when this green box right here shows the Democratic plan to a surplus, and in 1 year we are back to worse than where we were. I would point out that this chart was done before the supplemental war budget, which has no way to pay for itself, so the red ink would go even $70 billion further down than this chart.

Mr. Speaker, because of the tax cuts that caused this drop, we are having to do spending cuts; spending cuts like cuts in school lunches, Pell Grants, student loans, health care, and veterans benefits. That is right, over $14 billion in veterans benefit cuts will be restored if the motion to instruct is adopted.

Mr. Speaker, what are some of those cuts? Fraud, waste and abuse? No, they are cuts in disability compensation, pensions, GI bill benefits, housing subsidies, and burial funds. This is an unconscionable attack against our military personnel at a time when they are deployed in Iraq.

And Mr. Speaker, some say that we could get this through eliminating waste, but the President of the United States does not need funding cuts to stop paying benefits to people that are ineligible for benefits. This budget will cut benefits for eligible veterans.

Now, what do some of the veterans groups say? Letters to the Speaker from the American Legion, Veterans of Foreign Wars, and Disabled American Veterans say that ''we recognize that our country has serious budget problems, but cutting already underfunded veterans programs to offset the cost of tax cuts is indefensible and callous.''

The Disabled American Veterans wrote, ''Has Congress no shame? Is there no honor left in the hallowed halls of our government that you choose to dishonor the sacrifices of our Nation's heroes and rob our programs, health care, and disability compensation to pay for tax cuts for the wealthy? You will be reducing benefits and services for disabled veterans at a time when thousands of our servicemen are in harm's way fighting terrorists around the world, and thousands more of our sons and daughters are preparing for war against Iraq.''

And what do the Paralyzed Veterans of America say? They say, in a letter to the Speaker, ''The House Committee on the Budget proposal also calls for cutting $15 billion over 10 years, $463 million in fiscal year 2004 alone, in VA mandatory spending under the guise of eliminating 'fraud waste and abuse.' We do not consider payments to war-disabled veterans, pensions for the poorest disabled veterans, and GI benefits for soldiers returning from Afghanistan to be fraud, waste, and abuse. Fifty percent of the spending in VA entitlement goes to monthly payments to those veterans and their survivors. The House Committee on the Budget plan, if approved, would force cuts in each of these programs.''

Mr. Speaker, listen to our veterans, support our troops, and pass the motion to instruct conferees.

Mr. Speaker, I submit for the RECORD the letters I just referred to.

MARCH 17, 2003.

Hon. J. DENNIS HASTERT,
Speaker of the House, House of Representatives, Washington, DC.

Hon. NANCY PELOSI,
House Minority Leader, House of Representatives, Washington, DC.

DEAR MR. SPEAKER AND REPRESENTATIVE PELOSI: As so many of our nation's finest men and women are poised for possible war in the Persian Gulf region, fighting a global war on terror and defending our ideals at home and abroad, Congress is considering budget cuts that would deny sick and disabled veterans much-needed medical care and other earned benefits.

The House budget resolution proposes reducing both mandatory and discretionary spending for veterans programs and services by $15 billion over the next 10 years. Especially appalling is a proposed 1 percent cut in mandatory spending, including veterans disability compensation and pensions, which is the main source of income for many veterans.

We point out that the monthly compensation for 3.3 million veterans and survivors increased just 1.4% this year. That is the smallest cost-of-living adjustment in three years. Now, with soaring energy costs driving up prices for other goods and services, it is callous and indefensible to propose slashing these benefits.

We recognize that our country has serious budget problems, but cutting already under funded veterans' programs to offset the costs of tax cuts is indefensible and callous.

Congress must rethink drastic cuts in benefits and services for disabled veterans at a time when we have thousands of our service members in harm's way fighting terrorism around the world and when we are sending thousands more of our sons and daughters to fight a war against Iraq.

RONALD F. CONLEY,
National Commander, The American Legion.

RAY C. SISK,
Commander in Chief, Veterans of Foreign Wars.

EDWARD R. HEATH, SR.,
National Commander, Disabled American Veterans.

DISABLED AMERICAN VETERANS,
March 17, 2003.

Hon. J. DENNIS HASTERT,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: I write today on behalf of the 2.3 million disabled veterans, including the more than 1.2 million members of the Disabled American Veterans (DAV), to communicate our deep-seated outrage regarding the fiscal year 2004 budget adopted by the House Budget Committee, which would cut veterans programs by more than $15 billion during the next 10 years.

Has Congress no shame? Is there no honor left in the hallowed halls of our government that you choose to dishonor the sacrifices of our nation's heroes and rob our programs—health care and disability compensation—to pay for tax cuts for the wealthy? You will be reducing benefits and services for disabled veterans at a time when thousands of our servicemembers are in harm's way fighting terrorists around the world and thousands more of our sons and daughters are preparing for war against Iraq.

The budget adopted by the Committee, on a nearly party-line vote, would reduce funding for veterans health care by $844 million below the President's recommendation for next year. It also proposes to cut $463 million from benefit programs, such as disability compensation, pension, vocational rehabilitation, education and survivors' benefits, next year and $15 billion over the next 10 years. The budget proposal is in distinct contract to the recommendations made by the Committee on Veterans' Affairs to increase discretionary programs, such as veterans health care, by $3 billion to help ensure that our nation's sick and disabled veterans can be cared for properly.

Mr. Speaker, you are personally aware of the crisis in veterans health care and the urgent need to adequately fund the Department of Veterans Affairs (VA) health care system. If you, in your leadership role in the House, allow this budget proposal to pass the House without exempting VA programs from the massive cuts, it could mean the loss of 19,000 nurses, equating to the loss of 6.6 million outpatient visits or more than three-quarters of a million hospital bed days. But that is not all of the devastation that will be caused by the proposed cuts. You will be reaching into the pockets of our nation's service-connected veterans, including combat disabled veterans, and robbing them and their survivors of a portion of their compensation. Ninety percent of VA's mandatory spending is from cash payments to service-connected disabled veterans, low-income wartime veterans, and their survivors.

As hundreds of thousands of America's brave young men and women await the uncertainties brought on by war, including the potential of biological and chemical attacks at the hand of a fanatical tyrant, they should not have to also be concerned about the discouraging possibilities of a Department of Veterans Affairs that cannot provide either the necessary services or benefits they have earned and might need. Nor should World War II veterans, the ''Greatest Generation,'' now in their twilight years, who are directly responsible for the freedom and prosperity of our nation, be forced out of a system designed specifically to provide for their needs.

All eyes will be on the critical action of the House this week as you vote on the budget. With America's sons and daughters prepared to do battle with the enemies of our country, and our veterans locked in battles over the crisis in VA health care and drastic cuts to our programs, the American public will want to know whether our government will honor its commitment to our veterans and to their children—our future veteans—serving in harm's way.

There is no question that the vote on the proposed budget is an important vote, one that will set the tone for the remainder of this Congress, and likely the next Congress.

Mr. Speaker, this budget dishonors the service of millions of service-connected disabled veterans, including combat disabled veterans, and seriously erodes the nation's commitment to care for its defenders. If this budget resolution retains provisions to cut veteran's programs, I will use all the resources at my disposal to take our case to the American people and call upon members of Congress to oppose and vote against the budget resolution. I urge you to reconsider the inequitable and ill-advised course proposed in the Committee's partisan budget proposal. I look to you, in your leadership position, to ensure that this Congress honors our government's commitment to its veterans.

Sincerely,

EDWARD R. HEATH, Sr,
National Commander.

PARALYZED VETERANS OF AMERICA,
Washington, DC.

Hon. J. DENNIS HASTERT,
Speaker of the House, Capitol Building, Washington, DC.

DEAR MR. SPEAKER: On behalf of the members of Paralyzed Veterans of America (PVA) I am writing to express our profound objection to the provisions contained in the FY 2004 Budget Resolution as approved by the House Committee on the Budget that would cut veterans health care and benefit programs by nearly $25 billion. The proposal, if implemented, would have a shocking effect on VA health care services and would be an affront to millions of veterans facing reductions in their health care, compensation, pension and education benefits.

The FY 2004 budget proposed by the Administration is already inadequate to meet the health care needs of veterans. The proposal, approximately $1.3 billion above the FY 2003 appropriation, would not even cover inflationary impact and anticipated salary increases for VA health care workers. That budget proposal already relies too much on unrealistic management efficiencies, increased copayments, a new annual enrollment tax on certain veterans using the VA health care system and other ''efficiencies'' such as eliminating 5,000 VA nursing home beds. If the House Budget Committee plan is approved, Congress would have to vote to further block health care eligibility for hundreds of thousands currently eligible veterans, and drastically increase waiting times for health care and benefits adjudication. A cut of this size would force the House of Representatives to vote for a budget that would call for a loss of 9,000 VA physicians equating to a loss of nearly 900,000 days of hospital care.

The House Budget Committee proposal also calls for cutting $15 billion over ten years, $463 million in FY 2004 alone, in VA mandatory spending under the guise of eliminating ''fraud, waste and abuse.'' We do not consider payments to war-disabled veterans pensions for the poorest disabled veterans and G.I. Bill benefits for soldiers returning from Afghanistan to be ''fraud, waste and abuse.'' Ninety percent of the spending for VA entitlements goes in monthly payments to these veterans and their survivors. The House Budget Committee plan, if approved, would force cuts in each of these programs.

Mr. Speaker, budget resolutions set spending priorities. We find it hard to fathom that veterans would not be a priority to the Budget Committee, or the leadership of the House of Representatives. We know that forcing spending cuts on veterans in order to pay for other priorities, such as large tax cuts, would not be the priority of the American people. Hundreds of thousands of this country's men and women in the Armed Forces are poised to invade the country of Iraq in defense of the United States. In defense of them and their best interest, we must strongly object to this Budget Resolution in its entirety if the magnitude of these cuts in veterans benefits and services is sustained in any fashion. The vote on this budget resolution will be closely watched by our members and all veterans.

Sincerely,

JOSEPH L. FOX, Sr.,
National President.

Mr. NUSSLE. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. THOMAS), the very distinguished chairman of the Committee on Ways and Means.

Mr. THOMAS. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in part because I have

just now read the motion to instruct conferees. The ranking member on the Committee on the Budget had indicated that perhaps there were some misrepresentations by a description of what some of the black letter language was. If the gentleman would be willing to respond to some questions that I have, it might assist us in understanding, or at least it will assist this gentleman from California in understanding.

When, for example, on page 5 the gentleman indicates that we be instructed to eliminate the reconciliation instruction, that means to remove the 1 percent across-the-board cut; is that correct?

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

Mr. THOMAS. I yield to the gentleman from South Carolina.

Mr. SPRATT. Mr. Speaker, it means it is to remove, in the case of agriculture, a reduction of $18 billion.

Mr. THOMAS. That is 1 percent across the board.

Mr. SPRATT. If the gentleman would be so kind as to let me finish answering his question.

Mr. THOMAS. Reclaiming my time, Mr. Speaker, if we are going to go through each of the committees, that will eat up my entire time.

The instruction was a 1 percent.

Mr. SPRATT. We are seeking to restore to the level the President requested Medicare, Medicaid, education.

Mr. THOMAS. Reclaiming my time, it does not say restore to. Reading the black letters in front of me, it does not say restore to the President's request. It says eliminate the reconciliation instruction, not restore to the President's request.

So it is clear, then, it is the removal of the 1 percent no matter what they may say they mean based upon that language.

Then when we drop down further and the gentleman talks about the managers receding to the Senate on section 319. It was described, I understand, as the Breaux amendment. The Breaux amendment is in two sections. One section is to cut by $396 billion, the other is to create a reserve fund to strengthen Social Security.

My assumption is that when the gentleman refers to 319, not tying it to the money number that was included in the Breaux amendment, he is referring only to the creation of a reserve fund or a lockbox for Social Security; is that correct?

Mr. SPRATT. In the amount of $396 billion, which would be deducted from the gentleman's tax cut. We would instead invest it in the insolvency of Social Security.

Mr. THOMAS. Does that language include the $396 billion which was included in the Breaux amendment?

Mr. SPRATT. If the gentleman will continue to yield, section 319 reads, ''If legislation is reported by the Senate Committee on Finance, or if an amendment is offered or conference report is submitted to extend the solvency of the Social Security trust funds, the chairman of the sitting Committee on the Budget may revise the aggregates, the functional totals, the allocations and limits by up to $396 billion in budget authority.

Mr. THOMAS. In other words, Mr. Speaker, this is an attempt to create a lockbox to preserve Social Security.

And then, no matter how much the gentleman may not like the explanation, when we read the black letter language, what it says is that instead of a $1.3 billion reduction in taxes, there will be a $1.1 billion reduction in taxes, and it in no way addresses the $726 billion amount that was included in the House budget resolution.

That is not discussed, nor is it altered by this motion to instruct. There may be an attempt through language on the floor to convey that that is the intent; but as the gentleman requested, if we read the black letter language in front of us, the $726 billion budget cut for taxes is retained. It is a removal of the 1 percent cut across the board, and it is to create a Social Security lockbox. That is what they are attempting to do.

Mr. SPRATT. Mr. Speaker, I yield myself 1 minute to correct the gross misstatement the gentleman just made as to the construction of this motion.

If he will read on, the last sentence says, ''and that such managers be instructed to address the revenue levels by the amounts needed.'' ''To adjust the revenue levels by the amounts needed to offset the cost of the instructions in paragraphs 1.'' Those are the entitlement reclamations. ''The restoration of the entitlement expenditures.'' And two, that is the Breaux reserve fund. To adjust the levels of revenues in this resolution.

Mr. Speaker, I yield 30 seconds to the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. Mr. Speaker, this is a most extraordinary debate. Where I come from they mean what they say and they say what they mean.

Let us look at this debate. In the first 10 minutes, the chairman of the Committee on the Budget talks against the resolution. He is surprised by the majority leader, who comes to the floor and says, you know, I think we can go for this, even while the chairman of the Committee on Ways and Means tries to parse the language.

It is quite clear they are a little uncertain of what to do. What is this all about? It is because cuts to veterans services do not stand the light of day. And this is not 2:30 in the morning. This is in the afternoon, with America watching and our country at war. So it is time we pass this resolution and reject the cuts to veterans services contained in the majority budget.

Mr. NUSSLE. Mr. Speaker, I yield myself 30 seconds to say, no, that is not what it says. It says cut taxes $1.1 billion and freeze veterans benefits. That is what the other side's motion to instruct says.

You have to read it. You wrote it; you read it. I do not like it, because, quite honestly, I think our budget was better. But if the other side is going to instruct us, at least know what you are instructing us. You are instructing us to freeze on spending at 2003 levels, and you are saying cut taxes by at least $1.1 trillion. That is what the letter of the law in the instruction says.

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

Mr. SPRATT. Mr. Speaker, I believe we have the right to close.

The SPEAKER pro tempore (Mr. LATOURETTE). That is correct.

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

Mr. NUSSLE. Mr. Speaker, I yield 3 minutes to the gentleman from Connecticut (Mr. SHAYS), the vice chairman of the Committee on the Budget.

Mr. SHAYS. Mr. Speaker, I did not think that the last speaker, a colleague who used to be for controlling the growth in spending, would be advocating spending so much.

When we were in the Committee on the Budget voting out this bill, my Democratic colleagues came out with a total of $982 billion of new spending over the next 10 years. That is far more than the amount of the tax cut. It would not have helped reduce the deficit. It was simply more government spending.

Only in Washington when we spend more money do people call it a cut. The total budget is going to go up 3 percent. Medicare is going to go up 7.9 percent. Veterans spending is going to go up 6.9 percent, but they called it a cut. They call a $3.97 billion increase a cut when it is actually an increase of 6.9 percent.

I believe that during the time I was on the Committee on the Budget we had some clear delineation. We wanted to cut taxes. Our Democratic colleagues did not want a cut in taxes; they wanted to spend more. We never had a debate with President Clinton in which he thought we were spending too much. It was always that we needed to spend more, and that is the dialogue that is happening now. Then some of my conservative colleagues on the other side of the aisle are saying they cannot, in some areas, have a 1 percent cut in the budget for 1 year and then allow it to go back on its trail of new spending.

I was proud of what the Committee on the Budget did. I would have liked for us to stay on that issue. I would have liked for us, for 1 year, to take a deep breath and show at least some of what local communities are doing, where Governor Richardson in New Mexico is cutting spending and cutting taxes. He happens to be a Democrat doing what Republicans usually do.

In my judgment, we should control the growth of spending, take a breath for a year, cut taxes and grow this economy. But instead, what we are seeing once again are my Democratic colleagues saying we are not spending

enough. We need to spend more and more and more. I think we need to do what they are doing on the State and local levels: suck it in a little bit, control, and spend 1 percent less on nondefense, non-homeland security and get our country's financial house in order. That is what I believe we should be doing.

Whether or not my colleague on the other side of the aisle is supporting a $514 billion tax cut or a $700 billion-plus tax cut, the bottom line is we need a tax cut to grow this economy. This side of the aisle is not going to be like President Hoover. We need to move this economy forward. That is absolutely essential.

Mr. SPRATT. Mr. Speaker, how much time remains on this side?

The SPEAKER pro tempore. The gentleman from Iowa (Mr. NUSSLE) has 5 minutes remaining, and the gentleman from South Carolina (Mr. SPRATT) has 3¼ minutes remaining.

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. MENENDEZ), the chairman of our caucus.

Mr. MENENDEZ. Mr. Speaker, today must be April Fool's Day, because what I hear in this debate is our Republican colleagues renouncing their budget and, in essence, accepting ours.

This motion to recommit is about values. Mr. Speaker, what message is the Republican majority sending our brave men and women fighting in Iraq even as we speak when it cuts $14.6 billion in veterans benefits in the budget resolution; when it cuts the health care and disability compensation even as hundreds of thousands of men and women are deployed in the Middle East risking their lives for America, even as dozens of our wounded troops are airlifted back to hospitals in Germany and the United States?

The Republican value is very clear, as is their message: fight for us today, but we cannot make any promises to you about tomorrow. And that is exactly what their budget does. In fact, the Disabled American Veterans described the House Republican approach in the following terms by asking, ''Has the Congress no shame''?

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Mr. Speaker, Republicans choose to dishonor the sacrifices of our Nation's heroes and rob our programs to pay for tax cuts for the wealthy, and it is a real shame. These young men and women may well depend upon the benefits they are seeking to cut.

This weekend, I was fortunate enough to visit 7,000 troops at Fort Dix, New Jersey, 7,000 men and women, 7,000 sons and daughters, 7,000 mothers and fathers about to be deployed to Iraq. They were unanimous in their dedication and selflessness, and they are ready to perform and perform proudly. But soldiers do not pick the battle or the place or the time. They just respond to the call. We should respond to the call by rallying behind them and those that served before them, our veterans.

Mr. Speaker, this motion to recommit is that opportunity. Try telling them that they are part of waste, fraud and abuse. The other side had 8 years of Republican control to root out that waste, fraud and abuse, and Republicans did nothing. Do not do it on the backs of veterans today. Vote for the motion to recommit.

Mr. Speaker, I thank the distinguished gentleman for not only yielding time, but for offering this most important motion to instruct conferees on the Fiscal Year 2004 Budget Resolution.

What message is the Republican Majority sending our brave men and women fighting in Iraq even as we speak, when it cuts 14.6 billion dollars in Veterans' Benefits in the Budget Resolution?

Cuts to health care and disability compensation, even as hundreds of thousands of men and women are deployed in the Middle East, risking their lives for freedom and democracy?

Cuts to health care and disability compensation, even as dozens of our wounded troops are airlifted back to hospitals in Germany and the United States?

The Republican Budget's message is clear: Fight for us today, but we can't make any promises for tomorrow.

And that's exactly what their budget does—in fact, the Disabled American Veterans described the House Republican approach in the following terms:

''Has the Congress no shame? Is there no honor left in the hallowed halls of our government that you choose to dishonor the sacrifices of our nation's heroes and rob our programs . . . to pay for tax cuts for the wealthy?''

It is a real shame. Our men and women in uniform are fighting in Iraq or are about to be shipped out to the Middle East, and Republicans are suggesting cutting benefits many of these young men and women may depend on upon their return.

This weekend I was fortunate enough to visit 7,000 troops at Fort Dix in New Jersey; 7,000 men and women; 7,000 sons and daughters, mothers and fathers, about to be deployed to Iraq.

They were unanimous in their dedication and selflessness—they told me that, no matter what their personal views may be on this war, they will fight honorably and will make us proud.

I wish the Republican Leadership had even an iota of their bravery, selflessness and dedication. But instead, it turns its back on these troops, their families, our communities, and, worst of all, our veterans.

Soldiers don't pick the battle. They don't pick the place. They don't pick the time. they just respond to the call, and we should respond to the call by rallying behind them, and those that served before them, our veterans.

Mr. Speaker, I believe all of us who say we support our troops and veterans should be on this floor supporting this motion when the time comes. I urge my colleagues to vote for the gentleman's motion to instruct.

Mr. NUSSLE. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. DELAY).

Mr. DELAY. Mr. Speaker, the previous speaker should have saved that debate for the debate on the budget. We are debating a motion to instruct conferees.

I have to admit to the gentleman from South Carolina I did misread this. I thought he was eliminating all the cuts, 1 percent across the board. Indeed, what he is doing is freezing. I am willing to accept that. I will take a freeze over the cut. It is still spending restraint, and I will do that.

Secondly, in the provision, the gentleman is right. I thought it was $212 billion out of the $726 billion tax relief, but as I read it and analyze it, it is $212 billion from $1.4 trillion that is in the budget. So we lower the tax number down to $1.2 trillion, more than enough to accommodate the President's economic growth package. I am going to support this motion to instruct, and I ask the gentleman from South Carolina (Mr. SPRATT) in the interest of bipartisanship, I am willing to work with the gentleman on this motion to instruct and ask the gentleman if he is going to call a voice vote on the motion.

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

Mr. DELAY. I yield to the gentleman from South Carolina.

Mr. SPRATT. Mr. Speaker, I intend to ask for a recorded vote.

Mr. DELAY. Then it is obvious this is nothing but a political operation. If the gentleman calls for a recorded vote on this, it is all politics on the other side. The problem is, they so poorly wrote this that now the Democrats are going to support freezing the budget to 2003 levels of all these committees, and give us enough of a tax number to accommodate the President's package.

I am all for it, and I am going to vote with the gentleman.

Mr. SPRATT. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding me this time and I thank him for his tremendous leadership once again in putting forth a proposal that reflects the values of our country. Even the gentleman from Texas (Mr. DELAY), the majority leader, has to admit the gentleman is right on his motion to instruct.

Mr. Speaker, I rise in strong support of this motion to instruct the budget resolution conferees to reject some of the most harmful cuts in the Republican budget.

Mr. Speaker, the Federal budget should be a statement of our shared national values. We should allocate our resources to those proposals and initiatives that are important to our country. The budget passed by the Republicans in the House certainly does not meet that standard. I am not even sure they understand what they passed in the House.

But what we do know is that when the President sent his budget to Congress, we thought we had seen the worst of it. The Bush budget shortchanges veterans, seniors, children and the environment to pay for his tax cut.

But the worst was yet to come. The House Republicans did the President's budget one better, or one worse as the case may be, and made even deeper cuts in education and issues relating to seniors. The difference is significant.

President Bush's budget is not balanced. He pays for his tax cut by adding more than $2 trillion to the deficit. It is reckless and irresponsible.

House Republicans have shown us that the only way they can pay for the President's reckless and irresponsible tax cut and balance the budget by 2012 is to slash veterans benefits, slash student loans, slash the school lunch program, and slash Medicaid. Slashing those priorities in order to give every millionaire in this country a $90,000 tax cut, that does not reflect our values.

Americans value our veterans. We value education. We value access to quality health care. Passing a budget that cuts those priorities to pay for a huge tax cut that will not benefit most Americans is simply wrong.

The Democratic motion instructs conferees to do the right thing. A vote for the Democratic motion is to reject the cuts to veterans benefits, education and health care currently in the bill passed by the Republicans. The announcement by the distinguished majority leader that he would accept the Spratt motion to instruct is an admission that the Republican budget is wrong.

We must not shortchange the veterans who have so courageously defended our country and the thousands of future veterans who are risking their lives in Iraq as we speak. A vote for the Spratt amendment supports our veterans. It is ironic that on the same night that this House properly passed a resolution to honor the troops, the Republican majority passed this budget that dishonors the troops by making deep cuts in veterans benefits.

The conferees should accept the other body's language that provides $14.6 billion more than the House Republican bill for veterans disability and education benefits. We must not shortchange students who rely on student loans and other education programs that expand opportunities and promote excellence.

A vote for the Spratt motion to instruct expands opportunity and promotes excellence. It rejects $9 billion in cuts to student loans and the school lunch program. We must do the right thing for millions of seniors, children and disabled Americans who rely on Medicare for their health care coverage.

We should accept the other body's language that rejects $94 billion in cuts in Medicaid. These cuts threaten access to nursing home care, hospital services and prescription drugs for some of our most vulnerable citizens. A vote for the Spratt motion to instruct would remove that threat from the budget.

It is simply wrong to pass a budget that fails veterans, fails students, fails seniors, fails children and fails the disabled. The American people deserve better. I urge my colleagues to support the Democratic motion to instruct.

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

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman is recognized for 4 minutes.

Mr. NUSSLE. Mr. Speaker, the distinguished minority leader, the gentlewoman from California (Ms. PELOSI) has a great speech writer, but the speech writer failed to read the budget. Great speech, but the speech writer did not read the budget.

School lunches are not mentioned in the budget. It is not in there. Education, not even mentioned. There are no cuts in education. There are no cuts to seniors. We cannot find farmers in here. Hospitals, we will not find the word ''hospital'' in the budget. No, that is not what a budget is about. The gentlewoman knows that. Student loans, that is not mentioned in the budget. Cuts to the school lunch program, she claims. School lunch program is not in here.

See, the interesting thing about it is that Democrats come running to the floor claiming there is no waste in Washington. So very hastily they draw up a motion to instruct conferees. And what does that motion say? It says there is no waste in Washington. The Democrats cannot find one penny of waste in Washington. So instead of finding waste and instead of adopting the Republican-passed budget, what should we do?

Well, it says right here in black and white, let us reduce those instructions so what we end up with is a freeze in spending. So they are freezing school lunches and veterans benefits, freezing hospitals, freezing student loans, freezing all these things that they are talking about. They come running to the floor breathlessly to discuss this and send their press releases and play political games about a motion to instruct.

That is not what this is about. But that is what the other side of the aisle is saying. What do they do with the so-called ''savings'' of just freezing spending? They want to reduce the tax cut. We happen to support a $1.3 trillion tax cut. By reducing this, what the Democrats come running here to the floor today to support is a $1.1 trillion tax cut.

Well, we have considered it. It is not what we passed. We would rather find waste in Washington. We do not want to just freeze spending. We would rather go through each and every program and find the savings, find the waste and the abuse, so the money and the programs go to the intended purpose. But instead, what the Democrats want to do is freeze spending. All right, I guess we can consider doing that when we get to conference.

So I would encourage my Republican colleagues to vote for the Spratt motion to instruct conferees that freezes spending. That is at least a good start. I think we could do better, but I think this is at least a good start to freeze spending. Of course, freezing spending at the 2003 level is a cut, is a cut from the increase that was anticipated, the anticipated increase that the other side of the aisle sometimes comes to the floor and claims that we provide cuts in.

So 2003 levels in a 2004 budget is what the other side of the aisle is supporting.

The second thing they say is, reduce the tax cut by that amount. We have done the math. We have read the black and white letters of the motion to instruct conferees, and the math is very simple. We come up with $1.1 trillion worth of tax relief. That is far and above where the Senate was. That is not where the House wanted to be, but we think it is at least worthy of taking into consideration in the conference.

So I believe even though we can find more waste in Washington than what the Democrats are suggesting, and we can have more tax reform and more simplification and more reduction in taxes to create jobs, even though I believe those things, I believe we should support this motion to instruct conferees. It is nonbinding, it is political, but I think they have been hoisted by their own petard.

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

The SPEAKER pro tempore. The gentleman from South Carolina (Mr. SPRATT) has 15 seconds remaining.

Mr. SPRATT. Mr. Speaker, this restores spending to the present levels for Medicaid, Medicare, school lunches. In addition, this does not endorse any particular level of tax cut. It simply says it adjusts the revenues accordingly after restoring these amounts to the budgets.

It is a good motion. Members should vote for it if they want to vote for Medicaid, Medicare, student loans and other programs which are so vitally important to our country.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of the Spratt/Pomeroy motion to instruct conferees on the budget resolution. This motion rejects the House's mandatory spending cuts to education, health care, and veterans' programs by calling on the conferees, on a deficit-neutral basis, to restore these cuts. These cuts are included in the Republican budget—which I voted against—but not in the Senate resolution, or the President's budget.

As our county is engaged in a war with Iraq that will require additional spending, we must not overlook our domestic priorities.

This motion calls on the conferees to reject the budget cuts to Medicaid and Medicare; cuts to key education programs like school lunches and student loans; cuts in veterans' benefits; cuts to railroad retirees' pensions; cuts in aid for working families and the disabled; and cuts to the food stamp program.

It is astonishing that in this time of conflict, we could cut benefits to our nation's veterans. The House-passed resolution cuts direct spending for veterans' benefits by a total of $14.6 billion over ten years. Veterans all across the Nation will be hurt if these cuts are

not restored. Our Nation's veterans have risked their lives for our country and they served on the front lines. We cannot deny them basic benefits like housing, medical care, and other services that civilians receive.

I offered an amendment in the Rules Committee to restore these cuts. Specifically, my amendment would have stricken the reconciliation instructions to the Committee on Veterans' Affairs in section 201 (b)(2)(M) and increased mandatory budget authority and outlays for Function 700. Unfortunately, the committee rejected my amendment.

The House resolution's cuts are supposed to be unspecified reductions in veterans' benefits that eliminate so-called ''waste, fraud, and abuse.'' We are robbing from our veterans' programs—health care and disability compensation—to pay for tax cuts for the wealthy.

According to Amvets, a veterans organization, more than 200,000 veterans seeking health care in January waited more than six months. VA officials say they are working on improving the wait time. The national goal for a doctor's visit is a 30-day wait. Waits at Texas hospitals and clinics abound.

Hospitalized veterans also are vying for too few doctors and nurses. And the VA system has started drastically rationing its health care, deciding some veterans get care while others don't.

It is still unclear how budget cuts will affect post-war health benefits for troops returning from Iraq, Afghanistan and elsewhere.

A 1998 law compels the VA to provide free medical care to those newly returned from a combat zone, whether or not they have a military service-related disability, for up to two years. After that, only those with medical problems related to military service qualify for lifelong medical benefits.

We wonder how a system that cannot afford to treat the veterans it already serves will be able to handle new ones, especially if some of those new patients may be exposed to chemical or biological weapons in this war. It is unconscionable that we will not provide additional benefits to those who have suffered from Agent Orange while serving in the Vietnam Conflict, and we do not know all the ills that possibly face our troops now deployed in Iraq.

More than 6.5 million veterans are enrolled in the VA health system, but the VA is budgeted to provide care for only 4.8 million patients in 2004.

Will support for our troops evaporate once war ends? We must fund critical programs for veterans. I urge my colleagues to support the Spratt/Pomeroy motion.

Mr. GREEN of Texas. Mr. Speaker, the Budget Resolution approved last month by this body contains cuts to domestic programs that millions of Americans depend on, day in and day out.

The victims of these funding cuts include Medicaid, children's health care, student loan, and veterans programs. To slash programs that provide health care to our seniors and children, educate our students and honor the commitments made to the veterans who have bravely protected our freedom flies in the face of the American values that we hold so dearly.

Mr. Speaker, the President didn't request cuts for these programs. Furthermore, the Senate's budget did not contain these cuts. Yet, this chamber cut these programs in order to fund a tax cut.

Ask any group of senior citizens if they'd trade Medicare funding for a tax cut on their dividends, and I guarantee you they'd choose Medicare. Ask any high school senior what's more important to him, a tax cut or a student loan program that will make his education more affordable. The answer is clear.

Ask any of our troops who are fighting so valiantly to bring freedom to Iraq whether they'd rather have a tax cut or adequately funded veterans programs. I bet you they'd want this country to honor their military service and restore the $14.6 billion this budget cuts from veterans programs over the next 10 years.

We cannot afford this tax cut on economic grounds alone. But to pay for it by taking away from our seniors, students, veterans and farmers is particularly shameful. I urge my colleagues to support this motion and instruct the budget conferees to restore funding for these crucial domestic programs.

Mr. UDALL of New Mexico. Mr. Speaker, I rise today in strong support of the gentleman from South Carolina's motion to instruct conferees on the budget resolution. This common sense, non-binding motion will restore some sanity to this budget.

Put simply, Mr. Spratt's resolution rejects cuts to education, health care, and veterans' programs by urging the House and Senate conferees, on a deficit-neutral basis, to restore these cuts. The House budget is so extreme that these cuts are not included in the Senate-passed budget or even the Bush distraction's budget blueprint.

It is sadly ironic that at the same time we send our young people abroad to fight a war, the majority is advancing a budget that will force those same young people to pay the bill for their recklessness. By showering the most privileged among us with hundreds of billions of dollars in tax breaks and running up more than a trillion dollars in debt, this budget poses a serious threat to the long-term economic well-being of the nation.

Month after month, more American families are suffering from the failure of this Administration's irresponsible economic strategy. With the economy hemorrhaging jobs for every sector, an increasing number of Americans are losing faith that they will ever find a job. With this budget, the majority has turned their backs on the problems of American families. Instead of offering new ideas and fresh solutions, the Administration continues to push a tired ideology that has turned our once-robust economy into a job-destroying machine.

I believe we are obligated to help our States, counties and cities meet the every-increasing burdens of skyrocketing programs. I believe we are obligated to reject the drastic cuts to Medicare and Medicaid. I believe we are obligated to reject the cuts to education funding, including school lunches and student loans. I believe we are obligated to reject the majority's cuts to the critical programs that benefit our veterans. I believe we are obligated to reject the cuts to assistance programs for the working poor—especially important during this economic downturn.

Most important though, this budget will hang more than a trillion dollars of debt around the necks of our children and grandchildren. They will be paying for this mistake for decades to come. The President's own chief economist, in his academic writings, agrees that the chronic deficits perpetuated by this budget will raise interest rates, and cut off economic growth for the future.

I will continue to fight for a budget that contains a fiscally responsible stimulus plan that cuts taxes today, while meeting our obligation to prepare for the future. this is not a time to shrink from our responsibilities to one another. We need to meet the test of this demanding movement in our history.

I thank Ranking Member SPRATT, for offering this reasonable motion to instruct and I urge my colleagues to vote for it.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from South Carolina (Mr. SPRATT).

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

Mr. NUSSLE. 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, this 15-minute vote on the motion to instruct conferees on the budget resolution will be followed by two 5-minute votes on motions to suspend the rules that were debated earlier today.

The vote was taken by electronic device, and there were—yeas 399, nays 22, not voting 13, as follows:

[Roll No. 95]

YEAS—399

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fletcher
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez

Gutknecht
Hall
Harman
Harris
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hunter
Inslee
Isakson
Israel
Issa
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)
Kirk
Kleczka
Kline
Knollenberg
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Nunes
Nussle
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—22

Burgess
Cannon
Culberson
Deal (GA)
Flake
Franks (AZ)
Hart
Hefley
Hostettler
Istook
Kingston
Kolbe
Miller (FL)
Norwood
Otter
Paul
Royce
Shadegg
Taylor (NC)
Thomas
Toomey
Weldon (FL)

NOT VOTING—13

Combest
Crowley
Foley
Gephardt
Hulshof
Hyde
McCarthy (MO)
McInnis
Mica
Oberstar
Simmons
Souder
Walden (OR)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1551

Messrs. KOLBE, SHADEGG, CANNON, PAUL, MILLER of Florida, DEAL of Georgia, NORWOOD, CULBERSON, ROYCE, KINGSTON, TAYLOR of North Carolina, FRANKS of Arizona, WELDON of Florida, HEFLEY, and BURGESS, and Ms. HART changed their vote from ''yea'' to ''nay.''

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

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FOLEY. Mr. Speaker, on rollcall No. 95, had I been present, I would have voted "yea."

The SPEAKER pro tempore (Mr. LATOURETTE). Without objection, the Chair appoints the following conferees:

For consideration of the House concurrent resolution and the Senate amendment, and modifications committed to conference: Messrs. NUSSLE, SHAYS, and SPRATT.

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the remainder of this series will be conducted as 5-minute votes.

HIGHER EDUCATION RELIEF OPPORTUNITIES FOR STUDENTS ACT OF 2003

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1412.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. KLINE) that the House suspend the rules and pass the bill, H.R. 1412, 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 421, nays 1, not voting 12, as follows:

[Roll No. 96]

YEAS—421

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hunter
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher

Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Miller, George

NOT VOTING—12

Combest
Crowley
Gephardt
Hulshof
Hyde
McCarthy (MO)
McInnis
Oberstar
Quinn
Simmons
Souder
Walden (OR)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). The Chair will advise all Members there are 2 minutes left in this vote.

□ 1559

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.

EXPRESSING SENSE OF CONGRESS REGARDING THE BLUE STAR BANNER AND THE GOLD STAR

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 109, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nevada (Mr. GIBBONS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 109, 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 418, nays 0, not voting 16, as follows:

[Roll No. 97]

YEAS—418

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

NOT VOTING—16

Combest
Crowley
Frank (MA)
Gephardt
Hulshof
Hyde
Jones (OH)
Kleczka
Lynch
McCarthy (MO)
McInnis
Oberstar
Simmons
Souder
Tiahrt
Walden (OR)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1606

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

The result of the vote was announced as above recorded.

The title of the concurrent resolution was amended so as to read: ''Concurrent resolution expressing the sense of the Congress regarding the Blue Star Flag and the Gold Star.''.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1006, THE CAPTIVE WILDLIFE SAFETY ACT

Mr. MCKEON. Mr. Speaker, I ask unanimous consent that the gentleman from Louisiana (Mr. ALEXANDER) be removed as a cosponsor of H.R. 1006, the Captive Wildlife Safety Act, as he was mistakenly added as a cosponsor to this legislation.

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

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 743, SOCIAL SECURITY PROTECTION ACT OF 2003

Mr. LINDER, from the Committee on Rules, submitted a privileged report

(Rept. No. 108–54) on the resolution (H. Res. 168) providing for consideration of the bill (H.R. 743) to amend the Social Security Act and the Internal Revenue Code of 1986 to provide additional safeguards for Social Security and Supplemental Security Income beneficiaries with representative payees, to enhance program protections, and for other purposes, which was referred to the House Calendar and ordered to be printed.

MAKING IN ORDER AT ANY TIME CONSIDERATION OF H.R. 735, POSTAL CIVIL SERVICE RETIREMENT SYSTEM FUNDING REFORM ACT OF 2003

Mr. DREIER. Mr. Speaker, I ask unanimous consent that it be in order at any time for the Speaker, as though pursuant to clause 2(b) of rule XVIII, to declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of H.R. 735, and that consideration of the bill proceed according to the following order:

The first reading of the bill shall be dispensed with.

All points of order against consideration of the bill are waived.

General debate shall be confined to the bill and shall not exceed 1 hour equally divided and controlled by the chairman and ranking minority member of the Committee on Government Reform.

After general debate, the bill shall be considered for amendment under the 5-minute rule.

It shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule the amendment in the nature of a substitute recommended by the Committee on Government Reform now printed in the bill.

The committee amendment in the nature of a substitute shall be considered as read.

All points of order against the committee amendment in the nature of a substitute are waived.

No amendment to the committee amendment in the nature of a substitute shall be in order except the following amendments, which may be offered only in the order specified, may be offered only by the Member designated or his designee, shall be considered as read, shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole: (1) the amendment numbered 1 in the CONGRESSIONAL RECORD by Representative WAXMAN of California; and, (2) the amendment numbered 2 in the CONGRESSIONAL RECORD by Representative TOM DAVIS of Virginia.

All points of order against such amendments are waived.

At the conclusion of consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be ordered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit, with or without instructions.

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

There was no objection.

MAKING IN ORDER AT ANY TIME CONSIDERATION OF H.R. 522, FEDERAL DEPOSIT INSURANCE REFORM ACT OF 2003

Mr. DREIER. Mr. Speaker, I ask unanimous consent that it be in order at any time for the Speaker, as though pursuant to clause 2(b) of rule XVIII, to declare the House resolved into the Committee of the Whole House for the state of the Union for consideration of H.R. 522, and that consideration of the bill proceed according to the following order:

The first reading of the bill shall be dispensed with.

All points of order against consideration of the bill are waived.

General debate shall be confined to the bill and shall not exceed 1 hour equally divided and controlled by the chairman and ranking minority member of the Committee on Financial Services.

After general debate, the bill shall be considered for amendment under the 5-minute rule.

It shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule the amendment in the nature of a substitute recommended by the Committee on Financial Services now printed in the bill.

The committee amendment in the nature of a substitute shall be considered as read.

All points of order against the committee amendment in the nature of a substitute are waived.

No amendment to the committee amendment in the nature of a substitute shall be in order except the following amendments printed in the CONGRESSIONAL RECORD pursuant to clause 8 of rule XVIII, which may be offered only in the order specified, may be offered only by the Member designated or his designee, shall be considered as read, shall be debatable for 20 minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole: (1) by Representative OSE of California; and, (2) by Representative ROHRABACHER of California.

All points of order against such amendments are waived.

At the conclusion of consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

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

There was no objection.

PUT VETERANS BENEFITS FUNDS BACK IN THE BUDGET

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

Mr. HOLT. Madam Speaker, the leadership of the House of Representatives narrowly passed a budget resolution on March 20 that would severely cut veterans benefits, including health care, disability compensation, pensions, and other benefits.

Now, 211 of my colleagues and I opposed this budget resolution and many of us voted instead for an alternative budget resolution preferred by the American Legion and other veterans groups that would have increased veterans benefits. I am sad to say it did not pass.

Now today, the majority party voted for a motion to instruct conferees presented by the Democrats. I must question the seriousness of this vote. Maybe it is April Fool's Day, but cutting veterans benefits does not seem very funny to me.

How can Congress even consider cutting veterans benefits during a time of war?

I must question the seriousness of it because only a week ago when my Republican friend and colleague, the gentleman from New Jersey (Mr. SMITH), the chairman of the Committee on Veterans' Affairs, expressed his own outrage at the leadership's budget proposal, he was severely rebuked by his own party. Now, no American should be rebuked for standing up for veterans.

The promise that the gentleman from New Jersey (Mr. SMITH) got and this motion to instruct today should not have been necessary. It should have been in the original budget resolution that the veterans were looked after, that their disability payments would be taken care of. Certainly at a time of war and great sacrifice by our Nation's armed services, we cannot let these cuts stand.

□ 1615

VETERAN BUDGET CUTS

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

Ms. SOLIS. Madam Speaker, I rise today with much disappointment. I am disappointed that the Republican-driven budget resolution that passed cuts, over 10 years, $14.6 in direct spending for our veterans benefits and $14.2 billion in veterans health care.

How can the Congress even consider cutting benefits to our veterans when hundreds of thousands of American men and women in uniform are currently risking their lives overseas? What will it tell them upon their return? Thanks for your service, but you are on your own?

Our veterans and our future veterans deserve a lot better. Every day I pray for the safe return of our troops, realizing that some may not come back at all. Lance Corporal Jesus Alberto Suarez del Solar is one of our heroes who was killed recently in action, last Thursday. Suarez, although not even a U.S. citizen, chose to serve our country as a Marine.

Suarez' father is a U.S. citizen, and feels, and I quote, ''both betrayed and proud.'' In the Los Angeles Times article Mr. Suarez says, ''President Bush has not demonstrated to me or to thousands of other people that this war is justified.'' These are the words of his father.

How can we send our sons and daughters off when we cannot promise them support back home? I urge my colleagues on the other side of the aisle to reconsider these cuts.

ON THE NEED TO REVITALIZE AMERICA'S ECONOMY AND TELECOMMUNICATIONS SECTOR

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

Mr. GREEN of Texas. Madam Speaker, I rise today to speak on the need to revitalize our economy, and particularly the telecommunications sector.

The telecommunications industry has been in a severe decline. Part of it was an investment bubble, but a big part of the decline was due to regulatory uncertainty. The Federal Communications Commission had a chance to give the industry some certainty, and instead, created even more chaos. They avoided making the tough decisions and have punted the responsibility to our States.

In fact, they have succeeded in pleasing no one and punishing every sector of the telecommunications industry. Unlike Solomon in the Old Testament, the SEC actually did cut the telecom baby in half.

This chaos immediately struck Wall Street as the telecom stocks plummeted, wiping out over $15 billion in market capital. When the telecommunications companies are already hurting, devaluing their stock makes matters much worse because they do not have that money to invest in upgrades.

Madam Speaker, it has been more than a month since the FCC released their decision on the Triennial Review, and we still have not seen the details. The FCC needs to take actions that foster investments by all parties, not create artificial competition.

I hope their final order accomplishes its goals, but I am concerned that it may fall far short.

SPECIAL ORDERS

The SPEAKER pro tempore (Ms. GINNY BROWN-WAITE of Florida). 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.

PARTIAL BIRTH ABORTION

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

Mr. KING of Iowa. Madam Speaker, an issue that concerns me a great deal has come before us here this evening. That subject matter is partial birth abortion.

Given that the Committee on the Judiciary marked up the Partial Birth Abortion Act last week and that it will be debated on the floor soon, I would like to bring our attention back to the fundamental principles and facts of the issue.

I have here a picture of an unborn baby 19 weeks old. Unborn 19- and 20-week-old boys and girls are often victims of partial birth abortion, though many abortionists will abort unborn babies up to 24 weeks old and older.

At 20 weeks old, this baby's body does not need to form new parts or develop new body systems. Instead, she will use the remaining time in her mother's womb to grow over the next 4½ months. She can dream, and she has REM sleep, just like you or me. At 20 weeks, she recognizes her mother's voice. Unborn babies, born prematurely at 21 or 22 weeks, can routinely be saved. Sometimes they can be saved even younger.

If we open up the phone book, we will find in the Yellow Pages, and particularly here in Washington, D.C., advertisements offering to abort unborn babies up to 24 weeks.

Many people recognize that this unborn baby's life should be protected. States have tried to outlaw these abortions, and many States have banned late-term abortion. But the Supreme Court in Doe v. Bolton created a mandatory loophole in all State laws that protect unborn children from abortion that allows abortionists to drive a truck through. The Supreme Court added an exception for the health of the mother to Georgia's law protecting unborn children that went far beyond an abortion necessary to save the life of the mother.

Here is what they said: ''We agree with the District Court that the medical judgment may be exercised in the light of all factors—physical, emotional, psychological, familial, and a woman's age—relevant to the well-being of the patient. All these factors may relate to health. This allows the attending physician the room he needs to make his best medical judgment. And it is room that operates for the benefit, not the disadvantage, of the pregnant woman.'' That is a quote from the case.

Abortionists continue to get around State bans on late-term abortions by finding excuses and justifications relating to emotional, psychological, and familial health. However, they neglect entirely the health of the unborn baby and his or her physical, emotional, psychological, and familial well-being.

Dr. Warren Hern of Colorado, the author of the standard textbook on abortion procedures, who also performs many third-trimester abortions, has stated: ''I will certify that any pregnancy is a threat to a woman's life and could cause grievous injury to her physical health.'' Any pregnancy is a threat to a woman's life, according to Dr. Hern.

Statements like those of Dr. Hern's that any pregnancy injures a woman's health underscore the need for a partial birth abortion ban at the Federal level. I hope Members will take my words to heart as we consider partial birth abortion and the right to life for all human beings, born and unborn.

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

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

TRIBUTE TO ADOLPH REED, SR., 1921–2003, PROFESSOR, UNIVERSITY OF ARKANSAS, PINE BLUFF; SOUTHERN UNIVERSITY, BATON ROUGE, LOUISIANA; UNIVERSITY OF ARKANSAS, FAYETTEVILLE

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

Mr. DAVIS of Illinois. Madam Speaker, I was indeed fortunate as a teenager to attend the Arkansas Mechanical and Normal College, which is now the University of Arkansas at Pine Bluff. While this was one of the historically black colleges and universities, it did not have a great deal in the way of material supplies and resources. However, it had some of the most profound educators and education administrators this country has ever known.

I could cite any number of them, but today I will mention three and highlight one. Prexy, President Lawrence A. Davis, Sr., had no peer as an administrator and was beloved by generations of individuals who are connected to the University of Arkansas at Pine Bluff.

Mr. Ray Russell, chairman of the History Department, was one of the most exciting professors that I have ever known. I was a history major, and he was my friend, mentor, and a father figure.

However, the man that I would highlight and the man whose thinking helped to shape my own passion for democratic principles and social activism, Professor Adolph Reed, Sr., was my political science professor. I remember Mr. REED so well, as his other students have described him, slender, suave, in constant motion, talking incessantly, keeping us in rapt attention as he waxed eloquently about Locke, Rousseau, Abraham Lincoln, Frederick Douglass, Sojourner Truth, Daisy Bates, Martin Luther King, and the nameless sharecroppers, common, ordinary people, everyday people who would march, demonstrate, picket, boycott, and do whatever they could to try and obtain justice.

Professor Reed, like so many others of his generation, migrated from Arkansas to Chicago, where he worked as a railroad dining car waiter and sat in on classes at the University of Chicago. His experiences in the hustle and bustle in the predominantly black South Side of Chicago remained a central part of his being as he continued on the path to greatness.

He was drafted into the Army, was part of the Normandy invasion, and saw action at the Battle of the Bulge. He was involved in protests by black troops in Charleston, South Carolina, and in Manchester, England. He often remarked about the contradiction of having been sent to fight the racist Nazis in a racially segregated United States Army.

After the war, Professor Reed, like many other veterans, especially African American males who had never before had the opportunity to attend college in large numbers, enrolled at Fiske University in Nashville, Tennessee. He pursued postgraduate studies at New York University and American University.

Mr. REED taught at Arkansas A.M. and N. College, where he was my instructor. He then moved on to Southern University, where he resigned as the result of a clash with the university's president over his expulsion of student protestors who were demonstrating for civil rights, equal opportunity, and an end to segregation. He held visiting professorships at the University of North Carolina at Chapel Hill and the University of California at San Diego.

At Arkansas A.M. and N., we knew Mr. REED was spellbinding, but we did not know that while at Fiske he had been editor of an independent radical newspaper called ''Give Me a Name,'' or that during the 1940s had been active in the American Labor Party. In 1948, he was a delegate to the Progressive Party convention that launched Henry Wallace's Presidential campaign.

We did not know that he had been at Peekskill, New York, in 1949 to show support for our hero, Paul Robeson; or that he had been a reporter for the New York Compass.

After getting to know Dr. Adolph Reed, Jr., a well-known college professor who teaches political science at the New School for Social Research in New York City, and to know that Mr. REED's grandson, Toure F. Reed is a history professor at Illinois State University in Bloomington, Illinois, it reinforces for me the kind of legacy that he left.

Mr. REED taught at the University of Arkansas at Fayetteville from 1971 to 1994, when he retired with the title ''professor emeritus.''

Madam Speaker, it is good to have known one who lived what he taught, who practiced what he preached, who understood that you cannot lead where you are unwilling to go, and that you cannot teach what you do not know.

I want to end this with Dr. Reed, Jr.'s, characterization of his father. ''Professor Reed as a political scientist remained convinced that both major political parties are too beholden to corporate interests, which he frequently described as the basis for the perverted priorities of American politics.''

In recent years, he became an active supporter of the New Labor Party, created in 1996, and its project of building a politics in this country based on a working-class economic agenda. He was a man for many seasons, and oftentimes thought of as a man before his time.

I am proud to have known him, and appreciate the tremendous contribution that he made to all of America.

Madam Speaker, it is so good to have known one who lived what he taught, who practiced what he preached, who understood that you cannot lead where you are unwilling to go and that you cannot teach what you do not know.

I want to end this with Dr. Adolph Reed Jr.'s characterization of his father. Professor Reed as a political scientist:

> . . . remained convinced that both major political parties are too beholden to corporate interests, which he frequently described as the basis for the ''perverted priorities'' of American politics. In recent years, he became an active supporter of the New Labor Party, created in 1996, and its project of building a politics in this country based on a working class economic agenda that cuts across other potential social divisions. All his life he lamented what he perceived as the ruling class's success in inducing too many poor and working people to identify the wrong enemies.

He stressed the roles of the news media, education system and organized religion in perpetuating that situation:

> These convictions shaped his approach to intellectual and political life. He was widely known among colleagues and in the political science profession as a person of uncommon honesty and integrity, a witty and engaging raconteur, big ban jazz aficionado, a biting critic and a generous friend. Although he never shied away from expressing intellectual and political disagreements, he refused to take differences personally and could maintain friendships with those with who he differed sharply. His teaching philosophy was simply to encourage students to think independently.

Professor Reed was an important force in the development of a generation of Black Political scientists and a prominent voice in the organization throughout its formative years. He was also a founding member of the American Political Science Association's Caucus for a New Political Science.

When I learned that Mr. Reed and his family had lived in Dumas, Eudora and Reed, Arkansas, his being became even more meaningful to me, given the fact that this is the largely rural, impoverished area where I grew up. This has provided me with even more affinity for this great scholar and tremendous teacher.

Adolph Reed Sr. 1921–2003, a man with exceptional insight, common experiences, menial work, a soldier, activist, uncompromising philosopher, served on State Constitution Committees in Arkansas and Louisiana, inspiration to Dr. Martin Luther King Jr., acknowledged prominently in Race and Democracy, a book by Adam Fairclough depicting the Civil Rights Struggle in Louisiana from 1915 to 1972, heralded by activists like Stokley Carmichael, featured in the Black Press for being at the core of student unrest and activism on black college campuses, intellectual giant. Mr. Reed, when your family and friends gather in Fayetteville, Arkansas to pay tribute, please know that there are thousands of us across the country who are there in spirit and of course, you will always be with us. ''Sante Sana'' ''The Struggle will Continue.''

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.)

EXCHANGE OF SPECIAL ORDER TIME

Mr. WELDON of Florida. Madam Speaker, I ask unanimous consent to claim the time of the gentleman from Indiana (Mr. BURTON).

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

There was no objection.

SALUTING A GREAT AMERICAN, THE LATE PRIVATE MICHAEL RUSSELL CREIGHTON-WELDON

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

Mr. WELDON of Florida. Madam Speaker, I rise this afternoon to salute a great American, Private Michael

Russell Creighton-Weldon. Private Creighton-Weldon of Palm Bay, Florida, was killed this past weekend while serving in Iraq as part of Operation Iraqi Freedom. He was one of the soldiers killed by the suicide bomber driving the taxi.

Private Creighton-Weldon was in Company A, the 27th Infantry, Third Division, out of Fort Stewart, Georgia. My prayers and condolences are with Michael's family during this hour of loss. My family and my staff grieve with them in honor of Michael.

President Lincoln was once quoted saying that we as a nation ''should have faith that right makes might, and in that faith let us, to the end, dare to do our duty.'' Michael dared to do his duty, and in so doing, he gave the ultimate sacrifice for our continued freedom. We owe him a debt of gratitude that we can never repay.

□ 1630

This morning, I had the honor of speaking to Michael's mother, retired U.S. Army Sergeant Major Jean Weldon. She said that Michael, or Big Mike as his family affectionately called him, was a hero to his family and now he is a hero for America.

Mrs. Weldon also had great praise for the Palm Bay Police Department and the mayor for the support that they have provided her during this time of grieving. Specifically, they have had to deploy officers to her house to keep the press away from her and her family who have been very grieved by the constant approaches of the press. And I think America's press should be aware of this that one grieving mom would like some space and that they should be sensitive to this all across the Nation because I am sure her experience is not unique.

While sadness comes with the loss of each soldier, we can have faith in our military commanders and in our Commander in Chief. Coalition forces continue to make good progress towards our objective of ending the Iraqi regime, freeing the Iraqi people, and disarming the country of weapons of mass destruction. It was in this cause that Michael gave his life, and it is a worthy cause.

Secretary Rumsfeld said this past weekend that there are difficult days ahead. We know this in Palm Bay, as we are experiencing it firsthand. To the extent that the Republican Guard poses difficulties, which we expect them to, there will be dangerous days ahead, Mr. Rumsfeld went on to say. Baghdad may not be easy, but the outcome is certain and at some point the Iraqi people will end up fearing Saddam Hussein and his regime less and they will end up anticipating liberation and freedom more; and it will end and it will end successfully.

The true nature of the Iraqi regime is being revealed by what we see. Brutal treatment of POWs; use of human shields to protect military assets from attack; the torching of oil fields which are the future of the Iraqi people; false reports about coalition attacks on civilians, mosques and cultural centers; lies about Iraqi adherence to Geneva Conventions which they have blatantly violated; Feyadeen infiltration of regular Iraqi forces to prevent surrender and defection; using false acts of surrender in flagrant violation of the laws of war, and using them to attack coalition forces; and, yes, the use of suicide bombers, one of whom took the life of a great American, Michael Russell Creighton-Weldon.

We all in the 15th congressional district and in our Nation salute Michael for the service he provided our Nation and the sacrifice he made. We join with his mother, his father, his entire extended family in extending our condolences, and our prayers are with them and our Nation and our troops in the field as we continue in this cause.

CHURCH PENSION PLAN FAIRNESS ACT

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

Mrs. BIGGERT. Madam Speaker, I rise today to introduce legislation that amends our Nation's security laws in order to end discrimination against church pension programs.

One thing most Americans understand is the importance of saving money to ensure financial security after they retire. Just as important, they understand that investing in an employer-sponsored pension plan is a great way to help achieve this goal. America's clergy are no less interested in their retirement. In fact, for thousands of dedicated men and women of our clergy, pension plans are just as important, if not more so, as they are to members of the laity.

Yet for far too long, Congress has unintentionally failed to update church pension laws making it more difficult for clergy and other church employees to maximize their retirement savings.

Madam Speaker, one arcane, yet important, provision of our security laws allows corporate and other secular pension plans to band together into what are called collective trusts. These trusts allow pension plans to pool their assets for investment purposes in various stock and nonstock interests. For example, some collective trusts invest in real estate or private investment opportunities. They represent a way for pension plans to diversify their investments and to share the risks and transaction costs with other pension plans.

Collective trusts are not the problem. The problem is current law prohibits the Christian Brothers Church in Romeoville, Illinois, along with thousands of other church pension plans across the country, from participating in collective trusts. As a result, church pension plans cannot pool their assets and reap the benefits of collecting buying power. My bill is intended to correct this inequity.

There are three other points that are important for me to make: first, the SEC requires that collective trusts have sole management and control over the assets that are invested; second, nothing in this legislation is intended to alter the traditional SEC interpretation that the financial institution is responsible for exercising hands-on control over the collective trust; and, third, this measure does not in any way effect Tax Code provisions governing the treatment of pension plans, including the requirement that a church plan must be maintained by a church or eligible church-affiliated organization.

My bill allows church plan assets to be included in collective trust funds that also include assets of private employee and governmental plans.

Madam Speaker, there is no sound policy reason for our security laws to exclude church plan participation in specifically tailored pension plan investments. The Church Pension Plan Fairness Act is a reasonable, measured, and fair response to many of the concerns raised by clergy and other church employees around the country.

I want to thank my distinguished colleague and friend from Tennessee (Mr. FORD) for his strong support in cosponsorship of this legislation, and I urge my colleagues to join us in supporting this bill. Our clergy deserves no less than the millions of other working men and women of America.

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

(Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

EXCHANGE OF SPECIAL ORDER TIME

Ms. WOOLSEY. Madam Speaker, I ask unanimous consent to take the time allocated to the gentlewoman from the District of Columbia (Ms. NORTON).

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

There was no objection.

FIGHT FOR OUR VETERANS

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

Ms. WOOLSEY. Madam Speaker, in Iraq our Nation is creating 300,000 new war veterans. As these future veterans are fulfilling their duty to America in time of war, we must commit to fulfill our responsibilities to them in times of peace. But instead, the Bush administration recently saved $388 million by

eliminating 174,000 veterans from eligibility in the VA health care systems. Some might say that that is fiscally responsible; but I say it is absolutely dishonorable.

While we are warring in Iraq, this House is engaged in a debate on whether to give Americans who earn more than $1 million a year a tax cut of almost $90,000 each, while just two months ago President Bush decided that veterans earning more than $29,000 a year do not need America's help getting health care.

Where are our priorities? Giving money to the richest of the rich while taking services from the bravest and sometimes the poorest is unacceptable. Giving the wealthiest Americans extra spending money should not be the first priority of this House. But making sure we give every veteran health coverage must be. It seems like the priorities of this Congress are all wrong.

We have forgotten about responsibility, morality, and justice. We have forgotten our commitment to our men and women in uniform. We have forgotten about human dignity. Finding money for veterans programs is not impossible. It is a matter of priorities. We can pay for concurrent receipt, but not if we pass a huge tax cut for the wealthiest of the wealthy.

Families are the glue that make America strong. We cannot forget the sacrifices of those family members who have supported veterans from the homefront. America owes them a debt of gratitude as well. That is why it is so important to fix the survivor benefit plan which ensures that veterans' families have the resources needed to deal with the death of a loved one.

I am proud to co-sponsor H.R. 548, which would fix the problems with our current system and ensure that survivors get the assistance that they deserve. But, Madam Speaker, the Republican budget resolution is also a slap to America's veterans. It cuts over $14.5 billion from mandatory veterans benefits and another $14 billion in discretionary programs; $14.6 billion that veterans could spend on health care, on housing, and feeding their families.

Every American owes veterans a debt of gratitude. We must do more than give speeches on Memorial Day. The rhetoric of patriotism is absolutely not enough. We must ensure that veterans get the services and the resources they have earned and the resources and the services that they deserve. Let us also make sure that disabled veterans receive the retirement pay along with disability compensation. It is an issue of fairness and our veterans deserve better than what we are giving them. This is money that should serve those that have served America. This is money that would go to our soldiers fighting today in Iraq and Afghanistan. This is money that veterans have been promised and that veterans deserve.

Unfortunately, this money is being denied to veterans so that the wealthiest Americans can get an obscenely large tax cut. If we cut money for veterans, we should be ashamed, all of America should be ashamed. Veterans deserve to be one of this Nation's number one priorities. I urge my Republican colleagues in this House to remember that. Veterans are fighting for us. We must fight for them.

AMERICA MUST NOT ALIENATE ITSELF

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

Mr. PAUL. Madam Speaker, this week we will be working on the $75 billion supplemental appropriations to pay for the war. Financing the war is not as simple as it appears. It involves more than just passing a piece of legislation labeled as support for the troops.

It has now been fashionable to bash France and Germany and other friends if they are less enthusiastic for the war than we think they should be. Yet foreign corporations provide millions of jobs for American citizens. French companies alone employ over 400,000. There is a practical reason why offending the French and others may backfire on us.

In 2002 we earned $11.9 billion less from our investments overseas than foreigners did here. This is not a sign of financial strength. A negative balance on the income account contributes to the $500 billion annual current account deficit. Since 1985 when we became a deficit NATION, we have acquired a foreign debt of approximately $2.8 trillion, the world's largest. No nation can long sustain a debt that continues to expand at a rate greater than 5 percent of the GDP. This means we borrowed more than $1.4 billion every day to keep the borrowing binge going. This only can be maintained until foreigners get tired of taking and holding our dollars and buying our debt. Bashing the French and others will only hasten the day that sets off the train of economic events that will please no one.

In thinking about providing funds for the war and overall military expenditures, not only must every dollar be borrowed from overseas, but an additional $150 billion each year as well. The current account deficit is now 44 percent greater than the military budget and represents the amount we must borrow to balance the accounts. The bottom line is that our international financial condition is dire and being made worse by current international events.

It is true that military might gives a boost to a nation's currency; but this is not permanent if fiscal and monetary policies are abused. Currently, our budget deficits are exploding, as there is no restraint on spending.

□ 1645

No one can guarantee permanent military superiority.

The dollar has already significantly weakened this past year, and this trend will surely continue. A weaker dollar requires that we pay more for everything we buy overseas. Foreign borrowing will eventually become more difficult, and this will in time cause interest rates to rise. Be assured that domestic price inflation will accelerate. Economic law dictates that these events will cause the recession to linger and deepen.

My humble advice, consider being nicer to our friends and allies. We need them more than we can imagine to finance our war efforts. There is more to it than passing the supplemental appropriation. Besides, we need time to get our financial house in order. Antagonizing our trading partners can only make that task that much more complicated.

The day will come when true monetary reform will be required. Printing money to finance war and welfare can never be a panacea.

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

(Ms. CARSON of Indiana addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

EXCHANGE OF SPECIAL ORDER TIME

Mr. MILLER of North Carolina. Madam Speaker, I ask unanimous consent to claim the time of the gentlewoman from Indiana (Ms. CARSON).

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

There was no objection.

REPUBLICAN BUDGET

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

Mr. MILLER of North Carolina. Madam Speaker, we speak of the generation that fought the Second World War as our greatest generation. The men and women now serving our Armed Forces, the soldiers now in harm's way in Iraq and Afghanistan, are pretty great, too. They are dedicated and courageous, and I am proud of them.

I am not proud of the budget that this House passed less than 2 weeks ago in the dead of night, however. The budget makes severe cuts in benefits for our veterans, benefits that our Nation has seen as simple gratitude for more than a century, as the least that we could do for those Americans who defend our freedom at the risk of their own lives.

The House budget cuts veterans benefits across the board, health care benefits, disability benefits, survivor benefits, pensions, everything, a total of $28

billion in cuts over the next decade. In my State, in North Carolina, more than 30,000 veterans will be pushed out, forced out of the VA system. Tens of thousands more North Carolina veterans would face sharply higher costs.

The budget cuts benefits when needs are increasing. World War II veterans and Korean War veterans are aging. Their health care needs are pressing, and Vietnam veterans are just behind them. There are already waiting lists, and those lists will only grow longer, if the benefits are available at all.

The men and women in uniform in Iraq and Afghanistan must see this budget and wonder if our praise for them today is simply hollow rhetoric intended to score political points, not a sincere appreciation for their service. The House budget walks away from our debt to veterans so we can cut taxes.

I know that I am not the first today to point out on this floor how lopsided that tax cut favors the richest Americans. I know that I am not the first to point out that Americans making more than a million dollars a year get a tax cut of $90,000, but ordinary Americans fare much less well. Half of North Carolina families get less than $100 a year. One-third of North Carolina families get nothing at all.

Madam Speaker, the Americans who would benefit the most from proposed tax cuts owe the most to our veterans, and the veterans who need their veterans benefits the most would benefit least from the proposed tax cut.

The majority party is now saying that they did not really mean it, they had their fingers crossed behind their backs the whole time. They knew the Senate would put veterans benefits back into the budget and that they would go along. Just minutes ago, the majority party voted to repudiate the very budget that they adopted less than 2 weeks ago.

Veterans deserve better than that kind of political double talk. There should not be bargaining chips and back-room budget deals between the House and Senate. They have earned better than that.

Madam Speaker, I do not believe that the House budget adopted less than 2 weeks ago reflects our Nation's values. I do not believe that we have become a Nation of ingrates.

ILLEGAL IMMIGRATION

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

Mr. TANCREDO. Madam Speaker, I would urge my colleagues to consider and to just picture something with me, and that is, picture a life in rural Arizona, a life that is in the one of the most bucolic settings one can possibly imagine, the beautiful desert, a life where a family has been operating a ranch for generations, as a matter of fact, six generations.

Imagine waking up every morning to that kind of an environment and going out to do what is necessary to keep that ranch going, as it has been going and has been running for someone's parents, grandparents, and generations on back. It is a beautiful life, as they say, and as the movie title goes.

Then one day, picture this. One day a person gets up, but their whole life is completely turned around because of something that has happened, a change in the environment I guess one might say. Imagine finding that across the land people are coming, and people are coming in very large numbers. People are coming by the hundreds, by the thousands. People are cutting the fences in order to get on the land. People, once they get on to the land, are defecating in the water supply and/or breaking the water valves. This is, remember, the middle of the desert, and the water there is the most precious commodity imaginable.

Imagine them strewing trash all over the ranch so that the cattle begin eating some of this trash and eventually die.

Imagine being threatened by these people who are crossing the land. Land, remember again, land on which you have been for six generations, but your children all of a sudden are afraid to go to their grandmother's house because of the danger that exists in moving just a few miles across the land.

This is the situation that Steven and Tammy Sue Smith are facing. The Smiths own and operate a cattle ranch located only 30 miles north of the U.S.-Mexico border. This is their family. There are, as I say, six generations of owners of this particular property. Like many other ranch families in Arizona, their family has been there longer than Arizona has been a State.

The Smiths have three children: two sons, Chance, 17, and Will, 15, and one daughter, Shaye, Shaye Lynn, that is to say, 14. All three children live and work on the ranch while attending school.

Over the past several years, the Smith family has had to deal with an invasion of thousands of illegal aliens trespassing over their ranchland. Not surprising when we consider that in one month alone the Tucson sector, which is the area in which this particular ranch exists, reported that they had, in fact, stopped or identified or collected 23,000 illegal aliens. That was in the month of November, last.

Also, remember that they even admit that they get one in five. So, in the Tucson sector, where this ranch exists, 100,000 people came across that border from Mexico and into the United States illegally, and many of them came across this ranch.

Since September 11, as security at ports of entry in and around cities has stepped up, the flow of illegal aliens has shifted to the public and private rangeland where countless miles of border are marked by barbed-wire fences and little else. There this open rangeland is rapidly becoming one of America's most dangerous doorsteps.

Steven and Tammy Sue Smith have concern for their property and for their children and for the safety of their family. This concern is not misplaced nor is it exaggerated.

I will cite a few examples of the very direct and dangerous encounters that the Smiths and their children have had on their own land. Remember, that this has only really happened to them in the last several years.

The Smith ranch is a popular travel route for people smuggling and drug smuggling because of the very mountainous terrain. The hilly and rocky terrain makes it harder to track the trespassers and harder to see them and apprehend them. Thus, the Smith family finds itself a major thoroughfare for hundreds of illegal aliens and drug smugglers every month.

Shaye Lynn, when she was 12 years old, was driving with her grandmother across their own ranch to feed some cattle. They were confronted on the road by a car with two illegal aliens who subjected them to threats of violence. Fortunately, they were able to essentially outrun the pursuers. Their vehicle made it to safety.

Steven, the dad, almost died 2 years after he contracted a very serious illness after coming in contact with a cadaver on his land, and the doctors asked him if he had, in fact, done that, if he had come across something like that, because they told him that they were encountering many strange diseases for which they did not have any sort of treatment, and they did not know essentially what to do.

Their son Will rolled his pickup truck in avoiding hitting two illegal aliens who tried to hijack him by placing large boulders in the middle of the road. I have seen this out there. They, in fact, will use either boulders on the road or sometimes they will cut down a tree, cut down a large saguaro cactus laid across the road, and then when people stopped, they are hijacked. This is on a little, tiny, dirt road in the middle of nowhere.

Will and Shaye were able to identify a man on America's Most Wanted one night based on the appearance on their property a few weeks earlier. He had demanded food and then tried to steal two horses. America's Most Wanted described this man as one of Mexico's most dangerous coyotes, the thugs who smuggle people across the border for money.

On another occasion, the Smith family observed a group of 32 aliens crossing their lands very near their house. They tracked them and were able to stop 27 of them and were able to detain them until the Border Patrol arrived. One, who appeared to be of Middle Eastern descent, was later found to have been from Guatemala. This is also very typical.

These people are homeland heroes, and we should not forget them, and we should hold them up in high regard because they truly are on the front line of an invasion.

EXCHANGE OF SPECIAL ORDER TIME

Ms. HARMAN. Madam Speaker, I ask unanimous consent to claim the time of the gentlewoman from Texas (Ms. JACKSON-LEE).

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

There was no objection.

HONORING OUR VETERANS

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

Ms. HARMAN. Madam Speaker, ''let us strive on to finish the work we are in, to bind up the Nation's wounds, to care for him who shall have borne the battle and for his widow and his orphan,'' so Abraham Lincoln reminded the Nation at his second inaugural.

Regrettably, Congress is poised to forget those who bore the battle, the widow, the widower and the orphan.

To finance a huge and ill-timed tax cut, the House recently passed a budget resolution that calls for cutting the Veterans Affairs budget by $15 billion in benefits and health care. It also calls for huge cuts to Medicare and Medicaid, two health programs critical to the well-being of many veterans and their spouses.

This is not the appropriate way to honor the men and women who bravely defended our freedom nor is it the way to honor the men and women currently in Operation Iraqi Freedom, nor those like 22-year-old Marine Lance Corporal Jose Gutierrez from the small town of Lomita in my district who was killed in action there.

Madam Speaker, honoring our veterans is a lifelong commitment, beginning with the warm welcome upon their return from war. It continues when we fly the POW-MIA flag, when we care for our veterans and their families and, ultimately, when we lay them to rest with appropriate remembrance and tribute.

Madam Speaker, deeds must match words. Our budget resolution must restore funding for valued veterans programs. To honor these veterans, our deeds must fund their services.

□ 1700

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

(Mr. FILNER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

TREATMENT OF VETERANS IN FY 2004 BUDGET RESOLUTION

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

Mr. LANGEVIN. Madam Speaker, I rise today as a proud American and member of the House Committee on Armed Services to strongly condemn the cuts to our veterans health care that were pushed through in the House budget proposal for fiscal year 2004, and that we thankfully restored today when we voted overwhelmingly to instruct conferees to prevent those cuts from being considered by the conference committee.

It is outrageous that upwards of 90 percent of the mandatory spending that would have been cut came directly from programs that provide service-connected disability and education benefits to our Nation's bravest citizens. These programs are the heart of the Veterans Administration, and in fact they are the very reason the VA was created.

The across-the-board cuts did not stop there. Discretionary funding, which includes veterans health care, was also grievously cut by $14.2 billion over the next 10 years. Health care takes up 96 percent of that spending, meaning we were slashing at least $1.63 billion per year in health funding. At a time when this Congress is searching for ways to provide better health programs, like a prescription drug benefit to seniors, how could we have justified cutting into successful programs veterans currently receive? Many of these men and women would have no choice but to turn to Medicare because of our actions; and until the Spratt amendment, which was passed today, and spearheaded by so many of my colleagues on the Democratic side of the aisle, Medicare itself would have been cut as well.

The path this House almost chose to embark upon is even more troubling given the action our military is now engaged in overseas. Our courageous servicemembers are engaged in dangerous combat, and a number of them will inevitably sustain injuries. Madam Speaker, I will not return home and tell the brave men and women and families of those deployed overseas that we are not doing everything in our power to support them when they return. We have promised these benefits again and again as the very least we can do to repay the risk and sacrifice the men and women of our Armed Forces make on a daily basis. We must not break that promise now.

I choose to show our servicemembers that I support them and will continue to support them when they return home from combat. I want them to remain confident that they will be cared for should they be injured. I want the families to know that they will not be abandoned should, God forbid, their loved ones not return home to them.

Madam Speaker, the Republican budget resolution did none of these things and must be improved. We took that step today. Earlier today I voted for the Spratt motion to instruct conferees to eliminate proposed cuts in so many programs vital to veterans to show our Armed Forces and veterans that they are not second-class citizens and that we value their efforts and sacrifice. This motion to instruct passed today, and I will continue to fight for our veterans just as hard as they have fought for us. It is the very least that they deserve.

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

(Mr. SCHIFF 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 New York (Mrs. MALONEY) is recognized for 5 minutes.

(Mrs. MALONEY 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 Hawaii (Mr. CASE) is recognized for 5 minutes.

(Mr. CASE 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 Oregon (Ms. HOOLEY) is recognized for 5 minutes.

(Ms. HOOLEY 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 Washington (Mr. INSLEE) is recognized for 5 minutes.

(Mr. INSLEE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

VETERANS

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

Mr. STRICKLAND. Madam Speaker, I rise this evening to talk about our veterans, the way we are treating our veterans; and I would like to give a little history of what has happened in the recent past.

Until about 1 year ago, the veteran that went to one of our VA hospitals or our clinics to get medication was expected to pay $2 in copayment for a prescription. That, unfortunately, was raised; and veterans across this country are aware of the fact that they are now required not to pay $2 per prescription copayment, but they are required to pay $7 per prescription. I thought that was an unwise decision on the part of the VA, and I introduced legislation to repeal that increase and to return it back to the $2 per prescription level.

I was absolutely shocked when the President sent his budget to this House

and in the President's budget he requested that that copayment not be $7 a prescription but increased to $15 per prescription. Think of that. At a time of war, when we are creating more veterans, when we mouth the words in this Chamber about how thankful we are for those who have fought past battles, that we would actually take an action that could increase the cost of medicines for veterans who need those medicines, veterans who have served this country with honor, veterans who may be on fixed incomes.

Now, perhaps if a veteran only has one prescription, a $15 copay would be tolerable. But many of our veterans get 10 or more prescriptions per month. Fifteen times 10 is $150. I am shocked that this administration, that this President, at a time when he and the leadership of the other party are trying to give a $726 billion tax cut that will mostly go to people who are already reasonably wealthy, that we would at the same time want to place an additional burden on our veterans in terms of the cost of their prescription medications. It does not make sense.

But, Madam Speaker, it gets worse. The President, in his budget, also asks that we impose a $250 annual enrollment fee on many of our veterans just to participate in the VA health care system. Think of that, an increase in cost for prescription drugs from $7 to $15 and an imposition of an annual $250 enrollment fee. But it gets worse. The VA also, under the direction of the President and the Secretary of Veterans Affairs, has imposed what is, for all practical purposes, a gag order on the VA health care providers. They are no longer able to market VA services to our veterans.

In other words, this Congress has passed legislation guaranteeing certain benefits to our veterans. Some of those veterans may not be aware of what they are legally entitled to receive, but the VA is prohibiting the health care providers from proactively spreading the word informing veterans as to what they are entitled to receive. Very specifically, they have been told they cannot make public service announcements about VA health benefits programs. They cannot send out newsletters describing benefits and encouraging veterans to participate. And, quite frankly, most participation in health fairs has been prohibited.

I think these actions are shameless and shameful. I just simply do not understand. We are a wealthy country. We are so wealthy that we are taking our Federal resources and we have decided to give those resources in the form of tax breaks to some of the richest people in this country. Millionaires and billionaires will get up to a $90,000 per-year tax cut; but at the same time, we are asking our veterans to pay more for medicine, to pay an annual enrollment fee, and we are prohibiting the marketing of veterans services.

This is just shameful. I do not understand it. I simply find it incredulous that we would be pursuing these policies at this time, especially at this time, when we have so many of our young men and women in harm's way. I believe the best way to honor those who are fighting for us today is to show deep respect and to keep our promises to those who have fought our past wars, the people that Tom Brokaw and others have referred to as the Greatest Generation.

I think the American people need to be aware of some of the things that I have talked about this afternoon. I could go on, because the shortchanging of our veterans is something that is a deep problem. It is contradictory to much of what is spoken in this Chamber.

VETERANS

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

Mr. CROWLEY. Madam Speaker, I rise to address the vital needs of America's veterans, both of past wars and of our future veterans from the current war.

I voted to give our President the authorization to use force against Saddam Hussein, recognizing Saddam's threat to both global and international security, his support of global terrorism, and his mad desire to create and undoubtedly use weapons of mass destruction. That said, whether we voted to approve military force against Iraq or not, the time for that discussion has passed. Our troops are abroad, they are fighting as we speak, and we support them there and hope that they will return home quickly and safely.

My Republican colleagues have tried to use this conflict to paint Democrats as unpatriotic, trying to say if we oppose the war, we are against the cause of America. They forget that many of those who oppose this war are veterans themselves, veterans who know the pains of war better than many of those who would malign them. And just as importantly, these people, our veterans, understand what it is like when one returns home from battle. What we have seen from my colleagues on the other side of the aisle and from this White House with respect to veterans, in my opinion, is appalling.

Our President cautions the loyalty of those who do not walk lockstep with him on the issue of war but then turns his back on our military as soon as they return to our shores as veterans. Our President has dismissed centuries-old health care entitlements to veterans with the stroke of a pen, while simultaneously hitting them with increased taxes on their prescription drug benefits.

With respect to the care and treatment of America's veterans, the President's rhetoric does not match reality. It was offensive enough when our Secretary of Defense Donald Rumsfeld stated that, and I quote, ''The drafted veterans of Vietnam added 'no value,' no advantage, really, to the United States Armed Services,'' a comment to which this President and my Republican colleagues remain silent on, as if to give credence to these ludicrous and untrue remarks. Unfortunately, these comments were less a slip of the tongue and more a precursor of this administration's attitude towards America's veterans.

For example, on January 16 of this year, the VA announced it was cutting health benefits for 174,000 veterans, including 13,000 veterans in my home State of New York, citing the high cost of care. They said this would affect only those 174,000 veterans in the highest income brackets, usually considered between $30,000 and $35,000 annually. Just days later, though, the administration released its budget, promoting an elimination in the tax dividend that would benefit mostly America's richest 5 percent, those making in excess of several hundred thousand dollars a year, well above the threshold for rich veterans of $30,000 to $35,000 a year.

□ 1715

This follows a 350 percent tax increase levied by the Bush administration against the veterans in the 2003 fiscal year budget.

In the President's 2003 budget, our President more than tripled the prescription drug copayment for veterans while also demanding the authority to raise it again if he deems it necessary. But this attack on our veterans hit a crescendo 2 weeks ago with a Republican budget that was to cut $15 billion from veterans disability payments and pensions and almost $900 million from VA hospitals.

The Disabled American Veterans organization stated it best by asking the gentleman from Illinois (Mr. HASTERT), ''Has Congress no shame? Is there no honor left in the hallowed halls of our government that you choose to dishonor the sacrifices our Nation's heroes and rob our programs, health care and disability compensation to pay for tax cuts for the wealthy?''

Again, after much pressure from Democrats and veterans service organizations, the Republicans redrafted their budget to paper over these cuts, waiting for action from the Senate. They did not remedy these cuts to provide new money for veterans; they just said they would wait for the Senate to take action. In fact, this afternoon the Republicans repudiated their own budget by voting on a Democratic motion to strip out all $14.6 million of Republican cuts from veterans programs regardless of what action the Senate may or may not take.

It is my hope that this new-found religion by the Republicans is a serious commitment and not just a cheap April Fool's joke.

But there is little reason to be optimistic about the Republican actions today. America has seen Republicans

drop veterans from what was once a guaranteed health care system, increase veterans prescription drug copayments, and propose massive cuts to veterans pensions and health care. In fact, there has been no outrage by the Republicans over these actions against our veterans, but cut their tax in half, and we can hear their scream of pain.

Actions speak louder than words, and so far, this Congress has shown regardless of what they say, in fact they have no shame. Unfortunately, it appears that the Republicans are once again playing an April Fool's joke on our veterans, and this is not a laughing matter.

CONDITION OF THE U.S. ECONOMY

The SPEAKER pro tempore (Ms. GINNY BROWN-WAITE of Florida). Under the Speaker's announced policy of January 7, 2003, the gentleman from New Mexico (Mr. PEARCE) is recognized for 60 minutes as the designee of the majority leader.

Mr. PEARCE. Madam Speaker, we have been talking about the budget in this body for several weeks now. As I visit back in the district, I find it instructive to deal with the questions that the voters are bringing to me, and so I have brought a series of slides tonight where we can discuss the budget, take a calm look at it, look at some of the factors that surround it and help voters make an assessment of the truth on the budget and the condition of the U.S. economy.

First of all, one of the most pressing questions is a concern of exactly what is the state of the economy today. I have got a chart here that shows the last 10 years of gross domestic product in the U.S., and we see a fairly consistent line of, generally, a 4.9 percent average. We had a slight recession in the period that I have marked here, 2001. It does not show up on the chart, but if we had an expanded chart, we would see that the recession flattened out and caused a depression in the receipts into the treasuries of the United States.

So basically, we can say overall that the economy in the United States is solid, it is in good shape. But people want to know exactly why did we go through this period in the last couple of years.

First of all, the stock market back with the dot-com expansions, we found stocks that were overvalued. They were based not on recognized profit or recognized product, but on the hopes and on some speculation. The stocks were overvalued, and it was necessary at some point for those stocks to collapse back down. They did that and put us into a mild recession that would not have lasted very long, except 9/11 came along.

We had a pretty big shock to our economy on 9/11. Forgetting the human impact, just talking about the impact financially on the country, the estimates range anywhere from a hundred billion to several hundred billion, depending on how it is evaluated.

So first we had the collapse of the dot-coms and the stock market, and then we had 9/11.

Just about the time we were to come into a recovery, then the corporate scandals, the governance issues of Global Crossing and Enron and other corporations that had misused their accounting methods did not actually cause that much financial difficulty in the market, but actually did affect the confidence. So we found that our economy went into slight recession that was accentuated by later factors. Those factors are the reasons that we are running deficits today.

If we look at the next chart, Members can see the revenue line. This is revenue and taxes, and we see the bulge there in 2000–2001. It is interesting to note, if we were able to extend this line directly up, we would find that in fact our tax revenues are actually very stable, but our capital gains in that period where it deviates upward, were creating an anomaly, a bubble in revenues, that could not be sustained; and when the market collapsed back down, then our revenues fell right back in line with the predetermined historic perspective that we had established.

That is an interesting note because people want to assume that our economy is in bad shape, and our friends on the other side of the aisle talk in horrific, frightening terms to people, who are just paying their rent every month, about how desperate our economy is and the reasons for it. I think this chart begins to show that we have been quite predictable except for a little bit of a bubble that was on the positive side, frankly.

People want to know why are we running deficits. The deficits are caused because we oriented our spending to an increased revenue that could not be sustained, and now that our revenue has collapsed back down, we have got a problem with our spending exceeding the revenues that we are bringing in. That is the short answer to why we have a deficit.

People want to know, are we running historic high deficits. They are hearing the talk coming from Washington, and it causes fear among people who do not watch these figures closely. If the postwar average of 1.5 percent, the red line across here, is looked at, we can see that our deficits right now are nowhere near historic highs.

We also see that our surpluses in the period that just preceded us, our surpluses actually reached a very high level, but they were artificial, created by the capital gains on that overinflated stock market.

So again, as we take a patient, honest look, we see that deficits are existing, but they do not necessarily mean that our economy is in horrific shape or that there is reason for fear and concern. There is reason for fiscal discipline.

A lot of people wonder that with deficits, then we create debt; that is, we do not have the money to pay for the bills today, we spend negatively, we borrow money and we create longer-lasting debt. A lot of Americans ask, are we facing a skyrocketing debt. That again is an interesting question that deserves an answer.

Looking at the next chart, we again see the median line of 42.9 since World War II, and we find that our debt is actually quite low, somewhere around 36 percent. The projections there from 2002–2007 would show that if the projections are right that come from the economists, if we do in fact pass the tax relief, if we do in fact cause the economy to grow, that we can hold our debt at the level of 36 percent.

After World War II, our debt was almost 100 percent. Japan today has a debt of almost 160 percent. Our debt is approximately $3.8 trillion. If we had the same percent of debt as Japan, then we would have $17 trillion. As we look at some of these numbers that come from other developed economies, then we begin to put our numbers into perspective.

Madam Speaker, I would say that, so far, the discussions that come from our colleagues on the other side of the aisle are intended mostly to cause alarm rather than to cause understanding. I would say that right now our debt service, that amount that we pay for the debt is at an historic low. It is approximately 3 percent of our budget.

So if we have a period of deficits and we have a period of debt, why are Republicans calling for spending cuts? The next chart would show us that one of the critical elements, one of the critical measures that most economists agree on is that the level of growth in the private economy is going to be created by the level of spending as a percent of our gross domestic product, that is, how much the government spends as a percent of the overall economy in the United States should fall in a target of anywhere from 16 to 22 percent. As it exceeds above that, we find stagnation. We find that capital is not available for reinvestment by private firms because they are having to compete with the Federal Government, and we find that new jobs are not created.

We in this body have opted to keep our spending within restraints, understanding that if we just continue to spend without the tax revenues, that we will actually cause a dampening effect in our economy. And so a lot of people ask that question, and it is justified to ask why we would be seeking budget cuts at a time like this, and it is because we need to maintain that target in the range of 20–22 percent. We can see from this chart, we have had, historically, far less amounts and far greater amounts, but right now we do not have a situation in our economy that is due alarm.

There are those who complain that this Congress is cutting budgets tremendously, that we do not feel the needs of those people in society, and I have a series of charts all of which are

going to show about the same thing, that under Republican rule the actual amount spent on many budgets have increased dramatically from what it was previous to Republican control.

□ 1730

I will simply go through these charts and take a brief look at them to get an understanding of some of the historic perspectives in our spending to date.

We have complaints that we have cut in the agriculture sector, but we see the spending in 1996 versus 2003. Who among us would say that we are actually penalizing the agriculture market? I think reasonable people would assure themselves that we do need fiscal discipline and we need to be careful how we spend our money, but to say that we have not adequately invested in this program is lacking in full truth.

Similar arguments have been made about Medicaid and Medicare, that we have restricted spending, that we have given deep cuts. Again since 1995, about the time that Republicans took over, we can see the tremendous increase in spending in Medicaid and likewise in Medicare. We again find that we have had abrupt increases in the level of investment in these programs. If we are not getting the output in the programs that we need, it is because the programs themselves have flaws in their design, that the processes in which they choose how much and to whom to pay are the problems rather than the level of spending by the Republican Congress.

Much has been made of the situation of veterans. Again we would see that in 1995 we had $20 billion and today we have $30.6 billion. The slope of the line simply tells us that we have increased spending dramatically. This one abrupt drop here is simply due to an accounting anomaly where we had 13 payments in this period and 11 payments in the other period, and so those would even themselves out to show a fairly steady increase of almost 5.1 percent per year. President Clinton before he left office expanded the number of people who are able to tap into the veterans system. Prior to his regulatory change, veterans who were disabled in the line of duty were able to collect benefits, but those who were disabled in some other way were not allowed to collect benefits. That one change has created a tremendous demand for services that did not previously exist and so you can see that we are investing almost one-third more in the past 6 years, but the drains on it have kept the incremental amounts going to individuals, the amounts that people feel have been kept at a low level because of the increased demand by regulation change. If we have problems with veterans and if we have problems with other programs, the problems are problems of process. They are not problems of a failure to invest.

Many people wonder why we are asking for tax cuts at this time when we have deficits. Tax cuts are the way that we grow our economy. Tax cuts become money that are placed back into the hands of investors. They allow businesses to increase their production, to increase their employment. The estimates if we pass the tax plans that the President has submitted are that we would create 500,000 jobs per year. Those are not insignificant in times of higher unemployment. We must cut taxes in order to reinvest in our economy to create growth. We are finding at this point that because of taxes, many of our corporations are not competitive in the international market. We are losing jobs because of our tax plans which penalize companies located in this country.

One of the things that our colleagues often talk about is the fact that we had corporations that have misused their accounting methods. Enron would be the example used most often. I would bring Global Crossing up as an extreme example. One of the things that happens when we cause companies to keep cash and not pay out dividends is that that cash builds up and there is stimulation to try to spend it, there is stimulation to try to create different sections of the company that would shelter and hide that cash from taxation.

It would be much easier if we simply gave the money back to stockholders in the form of dividends. That particular tax cut, which has been accused of being only for the extremely wealthy, needs closer inspection. Almost half of the savings of the dividend taxes would go to seniors 65 and older. The average tax saving for seniors receiving dividends would be $936 per year. More than half of all American families today own stock. Eighty-four million Americans are invested in the stock market. Over half receive dividends. Over half of the ones who receive dividends have an income level of less than $50,000, but that story is not told in this body, Mr. Speaker.

That story is not told because we are not always after the truth in this body, that we want to create fear and that we want to create illusions. But the truth is that many, many Americans would benefit from this dividend tax cut, the creation of jobs, the return of dollars to Americans. The fact that we are one of the last three countries in the world that causes double taxation of dividends cannot be overlooked.

Mr. Speaker, I stand fully in support of the President's tax cuts that would give 46 million married couples an immediate check for $1,500 and continue it every year from now on. Mr. Speaker, I stand fully in favor of the President's tax plan which says just repeal the estate tax. Ben Franklin said that the only two things in life that are certain are death and taxes. He never envisioned the American Tax Code that would cause them to occur simultaneously. Mr. Speaker, we hear tremendous comments that this is just a tax cut for the wealthy. It is never explained that the top 25 percent of taxpayers, those people who have incomes $55,000 and over, pay 84 percent of the taxes, that if we are going to give a tax cut that is large enough to create economic growth and economic stimulus, that we must give it to the wealthy because we are describing as wealthy those households of $55,000 and over.

Mr. Speaker, one of the best examples of the tax cut will occur with small businesses where they will be able to write off expense, up to $75,000 of new equipment. As a small business owner, I know that that single tax cut would create jobs. Mr. Speaker, I think I will close with a quote from the Governor of New Mexico. Governor Bill Richardson, a Democrat who served in this body, now Governor of New Mexico, says that reducing taxes puts us on the road to economic growth.

Mr. Speaker, the other side knows the truth. They use it when it is important for them, but they refuse to discuss it on the floor of this House in this budget. Bill Richardson's plan this year passed in New Mexico's legislature reduced New Mexico's income tax rate by 40 percent from the current 8.2 percent to 4.9 percent by 2008. It cuts the State capital gains tax in half, to 10 percent. It offers tax credits to companies opening new facilities in the State. Richardson agrees that his plan sounds sort of like Bush's tax-cutting agenda, and he argues that Democrats nationwide should consider tax cutting a viable strategy. ''We need to stop talking about class warfare and the distribution of wealth,'' he said. ''Economic growth and reducing taxes puts us on the road to economic recovery.''

Madam Speaker, we do not always get a full and honest discussion in this body. I wanted to share these comments on the budget today.

Madam Speaker, I yield to the gentleman from Florida (Mr. FEENEY).

Mr. FEENEY. Mr. Speaker, I wanted to come down to congratulate the gentleman from New Mexico for his advocacy for fiscal responsibility and his advocacy for taxpayers throughout America. I have been struck by the same sort of surreal, almost bizarre, arguments against this budget that the House has put together at this point and they seem to be in two categories that the gentleman has identified: number one, that we are having Draconian cuts in the budget; and, secondly, that somehow this tax cut proposal, the stimulus package, is designed to help the wealthy in America.

With respect to the first provision, I would suggest, Mr. Speaker, that the Chicken Littles are out in big-time form these days. The sky is falling, the sky is falling, Draconian cuts, et cetera, when the fact of the matter is I have been hearing this argument for about 30, 40 years. I remember watching TV as a small boy when President Ford was a Republican leader in this House of Representatives, and he was accused of cutting the school lunch program. Thirty-five, 40 years later, Mr. Speaker, actually we have an obesity epidemic in America's school

grounds, unfortunately all too often, and so the truth of the matter is that whatever Republicans have been cutting in terms of school lunch programs has not done a very effective job if we have been trying to cut off the food supply. I would suggest that scaring teachers, scaring parents, scaring children, scaring veterans, scaring farmers is the wrong thing to do as a moral political policy; but more importantly it is empirically ignoring all of the facts.

As the gentleman suggested, agriculture spending in America as a consequence of Republican leadership has increased from 1996 to the year 2003 from $6 billion to over $24 billion. Veterans medical care from 1998 to 2003 has increased from $17 billion to $24 billion. Education spending at the Federal level from 1998 to the year 2003, under President Bush especially, has increased from $30 billion to $58 billion. Medicare spending has increased in America from 1996 to the year 2003 from $175 billion to roughly $240 billion.

Mr. Speaker, I am new to Washington; but this is the only place where you can increase your budget an average of 5, 6, 8 percent a year and people will call it a Draconian cut to punish seniors. As a matter of fact, total discretionary spending since 1996 when Republicans took the leadership here has increased from $501 billion in programs throughout the budget to over $740 billion. Those are hardly cuts. As everybody that can do math knows, this is an increase, the overall spending proposed by House leadership and the House of Representatives as a whole, of over 3.1 percent during tough economic times. It comes in the aftermath of really what is soaring spending.

Indeed, the truth of the matter is spending other people's money is an intoxicating experience, but it has consequences. It has effects on the average family. In fact, the Federal Government bites out of every family's budget on average $16,000 per year. That is for every household budget in America. That has huge effects. That is $16,000 worth of spending that families do not get to cut out for their own purposes. Much of this is in duplicative or superfluous spending, unnecessary. There is this appetite of the Federal Government and bureaucrats and politicians to be indiscriminately meddlesome in trying to organize our life's affairs; and unfortunately, that stifles all sorts of economic growth, family planning, business planning, and I could go on.

I have got about five pages of incredibly wasteful spending I could go through; but in the interest of time, I know I have some distinguished colleagues who would like to address this matter, I will skip the details. I will say that for example, however, the Federal Government cannot account, last year alone, for $17.3 billion worth of spending according to our own records. $17 billion just lost somewhere in the system. The Federal Government made $20 billion in overpayments in the year 2001 alone. The truth of the matter is that we are woefully irresponsible and inefficient.

On top of that, what the gentleman from New Mexico knows and that is never pointed out by the opponents of the President of the United States and his fiscally responsible budget is that our cuts, the only cuts that we have asked for in this budget, come out of waste, abuse and fraud. We have instructed all of the budget draft persons to emphasize and never touch any of the important services provided to our military veterans, to the education system, to the farm system, certainly not to homeland security and defense that each see significant increases.

We have instructed them to cut 1 percent out of abusive, wasteful and fraudulent spending. I would submit, Mr. Speaker, that not one person in my district does not believe that we could not cut one cent out of every dollar spent at the Federal level. The truth of the matter is that only one in 4,000 Federal employees is ever laid off because of bad performance. People in my district just do not believe you cannot find more bad performance than that, and they just do not believe that we cannot find one cent out of every dollar in terribly wasteful and abusive spending.

I think the gentleman did a wonderful job talking about the importance. If we want to get this economy moving again, we have got to support the President's tax proposal and stop all of this demagoguery. I applaud the gentleman. I do not know how he and other Republican leaders were able to convince a Democratic policymaker, the distinguished Governor of New Mexico who happens to be a Democrat, how you were able to educate him in terms of the reality of job creation, wealth creation, prosperity and investment; but the quote from him, we need to stop talking about class warfare and the distribution of wealth, we need to start talking about economic growth, and reducing taxes puts us on the road to economic growth.

□ 1745

I want to endorse the comments of the governor of New Mexico, and I am thrilled with the very notion that we can go back home to Florida and convince some of my friends and colleagues on the Democratic side that we can cut taxes and spur economic growth, spur job creation.

Here is the bottom-line truth. If we want employment, we cannot punish all the employers in our State or in our country. If we want job growth, we cannot punish the people who are creating jobs. If we want wealth, we cannot punish those that are busy creating wealth for all of us, and if we want savings, we cannot punish those that save and invest.

I will leave you with this. I am a big proponent of the President's dividend tax cut. The fact of the matter is that dividends in America today are taxed in a very punitive matter. The highest rate at the corporate level is some 36.5 percent, but even after the corporation pays tax, it has only got about 65 cents or so left, and it pays that out in dividends to individual shareholders. Those shareholders may be subject to taxation rates of up to 39 percent. The effective rate of taxation therefore is that the Federal Government takes 70 percent of every dollar earned by corporate investments. No wonder we are having trouble creating new jobs, new economic prosperity, and new wealth.

On top of that, of course, there is a hodgepodge of other Federal taxes that are owed, State property taxes, State income taxes, State sales taxes that are collected by these corporations. It is a very punitive system that has effectively stifled much of the potential growth.

But I will leave the Members with this last thought. The notion that job creation should be continually punished in America, forever, I think hurts every family, but I will tell the Members that especially in Florida there are other portions of the President's tax cut program that make dramatic differences.

We have got some 92 million Americans that earn dividend income. We have got millions of families that will receive a huge benefit from the increase in the child credit. We have got small businesses that, as we expand the deduction for buying new equipment, will be huge beneficiaries. As we phase in the 10-year tax cuts on marginal rates, all sorts of families will save thousands of dollars.

The final thing I will leave the Members with is that the Democratic so-called tax cut proposal allows the average family to go out and buy a used television set on a one-time-only basis. The President's proposal puts an average of between $1,000 and $2,000 in every working family's pocket forever, every year. It will create jobs, it is will free families, and it is the right thing to do.

I thank the gentleman from New Mexico (Mr. PEARCE).

Mr. PEARCE. Mr. Speaker, I yield to the gentleman from Colorado (Mr. BEAUPREZ).

Mr. BEAUPREZ. Mr. Speaker, I thank the gentleman from New Mexico for yielding.

I have been intrigued by this dialogue about the budget and especially the economic growth package, so-called, and there are a lot of ideas going around on this Hill. I want to focus for just a minute on something very near and dear to my heart, job creation.

I have been in the private sector all my life and only a brief while in this distinguished body as a Member of Congress. So my mind and perhaps a good share of my heart is still back home with the folks that actually are creating jobs and doing the work around this country.

In fact, just this afternoon I had an electric contractor, electrician, in my office and he was lamenting with me

the state of things back home, that he is actually for the first time in many years faced with laying people off, with eliminating jobs. And that is a tragedy because these people that work for him, he is a small business owner again, they become more than just employees, they become friends; and he knows that laying them off, especially in times like this, is a bad situation and it becomes a very personal situation.

So I think a concept that has tragically been lost in a great deal of this dialogue is the one of job creation and something that we really ought to be committed to. And I submit that all of us from either side of the aisle, all of us that run for public office say, we are for job creation, we are going to do that when we get to Congress. If we are ever going to do that, if we are wherever going to really mean it, what better time to mean it than right now when we see unemployment up, when we see people like my friend from back home in my home district saying he is going to have to lay people off, that we be serious about it?

Let me share a couple of statistics with the Members. Relative to this much-debated dividend tax elimination, the compelling part of that argument, the big part of it for me at least, is the number of jobs that it will create. Why would it create jobs? In our society, we typically get what we incentivize, and when we incent capital formation, capital which is critical to the creation of opportunity, the creation of an expanding economy, the creation of jobs, that is what we will get. When we incent it, we will get it. So when we incent the investment in capital, the equity side of business, it only stands to reason that we are going to get an expanding economy and jobs as a result.

Point of reference: It is estimated in this economic growth package that has passed this body that, on average, for the next 5 years, almost 1 million new jobs a year will be created. Some have suggested that this dividend tax elimination is not a good idea, that it just benefits the rich, and I will return to that, that it really will not benefit the average guy. The average guy is exactly who we are talking about here who needs a job.

If we eliminate that, we lose almost 60 percent of the job creation of the economic growth package that we are talking about here. We reduce from that almost 1 million new jobs a year, on average, for 5 years to less than 400,000. That is tragic. That hits people right where they live, in their pocketbook, at home, and that will cost us jobs which we need. Again, it defies logic why we do that.

Another critical piece of this economic growth package, if I might, is the increase in the investment credit tax deduction for small businesses from 25,000 to 75,000. Why is that such a big deal? My electrical contractor again, I asked him, If you had the option, would you use that? Yes, he would. What would you do? Well, he would buy some new equipment. He would buy a badly needed new van. He would buy some shop equipment; they fabricate a little bit.

I submit to the gentleman the simple facts of life. If somebody is going to buy something, a washing machine, a drill press, a new computer, that means somebody has to design it. Somebody has to fabricate it. Somebody has to assemble it. Somebody has to ship it. Somebody has to make a box to ship it in. Somebody has to put it on a shelf. Somebody retails it. Somebody delivers it. Somebody installs it. Somebody services it. That creates jobs. That is how America works, and that is what we ought to be about in this body.

And we have got an opportunity not to just stimulate, and I do not like that word, not to just stimulate this economy because typically we poke it here and it comes out there, and then we will poke back later. We ought to do some sound, long-term economic planning. That is what we have an opportunity to do here, to incent job creation.

I submit to the gentleman from New Mexico (Mr. PEARCE) this is a great package. I applaud him for taking leadership on the floor of this House tonight, and I pledge to him my support to seeing this economic package pass this body and, hopefully, become the law of the land. I thank him for yielding.

Mr. PEARCE. Mr. Speaker, I recognize the gentleman from Colorado (Mr. TANCREDO).

Mr. TANCREDO. Mr. Speaker, I thank the gentleman from New Mexico. We have been standing here for some time listening to some of our friends on the other side of the aisle talk about what they saw as the doom and gloom of the tax package of a budget really that allows people to actually begin to operate, begin to do things that will bring this economy back.

It is amazing. If we had listened for any length of time to our friends on the other side of the aisle, we would have heard time and time and time again that the following rhetoric; we would have heard something like this: Oh, my God, they are going to take money from the people who are veterans and children and old people and everybody we can think of to cast in a sympathetic light, and they are going to give it to the rich.

Give it to the rich, this is a fascinating way of talking about letting people keep some of their money, but it is exactly what distinguishes the two sides in this debate. It really is a great way of explaining how one side of this debate looks at the whole issue of taxation and the whole issue of private development, the development of one's own resources and talents. To think that the Government of the United States or any government owns the money to begin with and that they, if they are nice, we are going to let them keep some. But if they are not very nice, and even if they are wealthy, if they made a few bucks in the process, all of a sudden they are the bad guy and we are going to either keep money from them, but if we are going to pass a tax break, we are ''going to give them money.''

It is not giving anybody money to say that they can keep some of the money they earn, but it is only that if we think of it as being all the government's money to begin with, and that is exactly what the other side does, that is how they think about government: It is all government money. We will let them keep some if they are good. That is what really separates these two sides in this debate, and I hope that the people that listen to this debate understand and really are able to see that.

Mr. Speaker, there was a time when the leadership in the Democratic Party, not just a single governor like Governor Richardson today, but the leadership of that party could actually look beyond the whole concept of class warfare and did not try to incorporate that into the philosophy of the Democratic Party.

And there was a time that the leader of the Democratic Party actually came to the Congress of the United States, came to the people of the United States and said, You know what we need? You know what we have to have? We have to have a tax cut. Even though we have got deficits, huge deficits, the way to get us out of those deficits and back into a surplus is to let the economy begin to move again, and we have to do that by giving people tax cuts.

The Members know who that was, of course. It was John F. Kennedy, and he put through a huge tax cut in the face, by the way, of large deficits that were running at the time; and he did not talk about letting rich people keep some of their money. What he said is, we have to allow people to keep some of the money that they are laboring for because that is truly what makes an economy hum. And he was right.

There is another thing that we should pay special attention to, Mr. Speaker and my colleagues, especially my colleague from New Mexico, who I know understands this issue far better than most of us, and that is the importance of energy production and the importance of getting an energy bill through this Congress, the importance of getting the President's energy package through. This will do more to ''stimulate'' this economy than almost anything else we can doing aside from letting people keep more of their own tax dollars.

We have to allow for the development of the economy and the stimulation of the economy to occur as the result of the production of energy resources in this country. No one, no one, believes that we should continue to rely upon foreign sources for our energy needs. That is why it is incumbent upon every single one of us in this body to do everything we can to put an energy bill

in front of the President, let him sign it, an energy bill that will begin to explore the resources that are available in the United States, the coal, the gas, the oil resources available to us here while simultaneously researching what is available to us in alternative resources and the use of alternative energy supplies.

That is what is desperately needed, and I hope we will begin to focus here, even for the remainder of the time we have available to us, on this issue of energy, because it is an extremely important part of this whole discussion of how we get an economy going again.

Mr. PEARCE. Mr. Speaker, in summary, I just would say that, in perspective, people in this city are saying that the tax cut is just too large, that the original figure of $726 billion over a 10-year period, that compares to $120 trillion. Mr. Speaker, we are asking for seven-tenths of 1 cent back in taxes. Economists on both sides of the aisle declare that this tax cut, this tax relief package by the President of the United States to be the boldest tax plan ever presented, that if the dividend tax is repealed, it can surge our economy upward for a 50-year period with an immediate 10 to 15 percent increase in stock prices.

□ 1800

Mr. Speaker, again, I am going to close with the comments on March 31 of this year from Democrat Governor Bill Richardson from New Mexico when he passed a tax cut in New Mexico: ''We need to stop talking about class warfare and the distribution of wealth,'' he said. ''We need to start talking about economic growth, and reducing taxes puts us on the road to economic growth.''

Mr. Speaker, I cannot say it better.

ENERGY POLICY

The SPEAKER pro tempore (Mr. MARIO DIAZ-BALART of Florida.) Under the Speaker's announced policy of January 7, 2003, the gentleman from Utah (Mr. CANNON) is recognized for the remainder of the leadership hour, which is now 20 minutes.

Mr. CANNON. Mr. Speaker, I appreciate the gentleman from New Mexico yielding his time back so that we can take a few minutes to talk about energy policy issues. I would like to immediately turn the time over to our colleague, the gentleman from Montana (Mr. REHBERG).

Mr. REHBERG. Mr. Speaker, I thank the gentleman from Utah for yielding to me on an issue that is so very important.

There is an old Chinese proverb that says, the best time to plant a tree was 20 years ago. The second best time is today. Just think back to 1979 when we were standing in line to buy gasoline, and some of us from energy-producing States said, what happened? Will this ever happen again? It happened again in the 1980s. We continually find that energy prices are going up. We find that OPEC ministers are holding us hostage, and yet this Congress and this country does not have an energy policy. Oh, it may not be the most sexy of issues, because every time the gasoline price in this country goes down, people go, whew, we solved the problem; now we do not have to deal with it.

But we do. Because there is one thing that will create a problem more than any other problem in this world in the future, and it is not the national debt that we talk about, and that is very serious; the national debt can either be solved through increasing revenue or decreasing expenditures. No, the most serious problem this Nation faces is an energy shortage. One day we will not have an opportunity to drill one more well or dig one more shovel full of coal. If we have not done the things, if we have not put in place the environment to create the next generation of energy production, then we have done more damage to the next generation, far surpassing anything else that we could have done with our financial debt.

Montana, my home State, is known as the Treasure State. Why? Because of the natural beauty, but also the natural resources that we can provide to the rest of this Nation under an energy policy. ''Oro y Plata'' is our motto: Gold and Silver. We have gold and silver, but beyond that, we have many of the things that this energy policy that we are discussing in this Congress have to offer.

A couple of the ones that are most important to my State are clean coal and clean coal technology. The energy policy talks about the opportunities. Think about the native Americans in our country. We have reservations in Montana that need economic development. Just in the Crow reservation alone, they have the potential for 1 billion tons of coal, or the Cheyenne reservation, 1 billion tons of coal.

One of the President's priorities was hydrogen fuel cell technology. We need electricity to put through the hydrogen fuel cells. How can it be created in America? Through coal. I traveled to Iceland last year. I watched them want to become the first nation to be entirely fossil-fuel free. How do they create the electricity for their hydrogen fuel cell technology? They use water, hydro, their dams. We certainly cannot do that. We need a source, whether it is natural gas or coal. Montana can fit into that, but we cannot without the incentives that are created in this energy policy. We need this bill.

Marginal well tax credit. Mr. Speaker, in Montana alone, we have 2,700 shut-in marginal wells. Why? Because they cannot afford to open them because the price of oil is so unstable that they do not know that if they open it, they will have to shut it down immediately or they will lose them. We are not talking about the major oil companies here. We are talking about independents; we are talking about Montanans, individuals who pay their income taxes that need the help. Within the energy policy there is a tax credit for marginally producing wells. It could replace as many as 140,000 barrels of oil a day, oil that we will not have to bring in from places like Iraq.

Energy debt. That is what we are looking at in this country. I brought along a picture that I want to show my colleagues real quickly. This is my home State of Montana in the year 2000. These were the fires that burned a million acres of properties, a lot on Federal ground. Unfortunately, along with that, animals burned, pastures burned. We created an unhealthy environment and rather than doing that, we ought to do what other countries and, in some cases, States that are so far ahead of this Nation are doing.

I took a delegation over to Sweden last year to look at biomass. They have cogeneration facilities where they put wood products through those generation facilities to create energy for schools and hospitals. It can be done in America. It is not being done to the extent that it could be, because we do not have an energy policy.

When is America going to wake up? When are we going to say we are not going to let the opponents stop this plan because of one issue or another? And energy policy has a never-ending, expansive environment of creating an opportunity to become energy independent to fuel the economy and to fuel ourselves into the 21st century and beyond. Without it, we are creating an energy debt, and that is not fair to the next generation; and shame on us if we do not solve the problem.

I thank the gentleman from Utah for his leadership in the Western Caucus and for giving me an opportunity to speak today.

Mr. CANNON. Mr. Speaker, I thank the gentleman from Montana for his interest, intensity, and clarity on this issue that is so important to the American people right now.

I could not help but think as he spoke that, in fact, in America, the cost of energy is as regressive as any tax could be. That is that poor people drive cars and rich people drive cars. Sometimes the cars that are driven by the rich, though the car may cost more, uses the same kind of gas or even less gas than an old beater uses. The fact is, the cost of energy is significant to the people, even in a regressive way, to all segments of our society.

We are speaking today as the Western Caucus. I want to thank the gentleman from Colorado (Mr. TANCREDO), a member of the caucus who spoke earlier, and the gentleman from New Mexico (Mr. PEARCE). I hope we can get back to him. We also are joined by the gentleman from Pennsylvania (Mr. PETERSON), who is the communications Chair for the Western Caucus and also by the gentleman from Utah (Mr. BISHOP), who is the secretary of the Western Caucus. I would like to yield to the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Speaker, it is great to join my friends from the West. I come from western Pennsylvania where the energy crisis started. I live 5 miles from Drake's Well, the first oil well ever drilled.

The question is, do we need an energy policy? In my view, it is the number one need of this country. There is no issue that makes this country more fragile economically or in our defense than availability of energy.

Why do we need to have a policy? We need a policy that will provide us with ample sources of all types of energy. There is no silver bullet in the energy issue. Every time we have an energy spike in this country, we then have a downturn in the economy because of the cost that takes out of our economy.

I want to share with my colleagues some numbers that are a little surprising. These are world numbers. We all think that we are just days away from new energy sources that are going to replace fossil fuels. Currently in the world, we consume 39 percent, which is oil, 23 percent of energy that is natural gas, and 23 percent that is coal. Now, when we add those three together, that is 85 percent of our energy is fossil fuel.

We have 8 percent nuclear and 7 percent renewable. Now, renewables are the ones we all hope and support and hope will be the supply of the future. But let us look at those numbers. Hydro is almost half of that 7 percent, or 3.22 percent. Wood is .0266 percent, or just under 3 percent. Wood waste is about a half a percent. When we add wind and solar together, we have just over a half a percent of the energy consumed in this country. Yet, we have a lot of people who keep talking like if we would just stop holding back wind and solar. Folks, nobody is holding back wind and solar. When the wind does not blow, we have to have a redundant source. When the sun does not shine, we have to have a redundant source. And it only blows about 38 percent of the time in the areas where wind power works. So those are not as quick a solution as many people would like to think.

Now, transportation is where we use our oil. Thirty-nine percent of our energy is oil, and the vast majority of that is an oil-based economy: our transportation system. We have a little bit of ethanol which is growing, and we have a little bit of natural gas in there. Sixty percent of the oil we purchase will soon come from foreign countries, unstable parts of the world.

Hydrogen fuel cells, I applaud the President. I have been supporting hydrogen for all of my 6 years in Congress. Hybrid cars is another one that has hope. But they are a long ways from solving the energy problems in this country.

If we quickly look at natural gas, which is 23 percent of our energy, that is home heating, commercial, industrial, and mass transit. Eighty-five percent of that is produced in this country and creates wealth from the ground to the source of use. Many of our best fields, though, in this country, and we were really putting a lot of horses on natural gas because we have added it to electric generation, are locked up. Most of the west coast shoreline is locked up, most of the east coast shoreline is locked up. Under the Great Lakes where we drilled down, do not even drill down through the lakes is locked up. Canada drills under the lakes and sells gas to us, and many of our best fields in the Midwest and all around Florida are locked up.

Electric generation is today 52 percent coal, 20 percent nuclear, 60 percent natural gas, 7 percent hydro, and 3 percent oil. So the electric that we supply in this country has basically, in recent years, all the new electric plants have been natural gas. Now, I have never been a fan of that, because we have always kind of held natural gas back for home heating, for commercial and for industrial. And we found this winter what has happened. Now that we are hooking up these big generating plants, we had natural gas prices just a month or two ago that reached $9 and $10 a thousand, which is devastating to those who depend on it for home heating.

We should be using natural gas for mass transit and short-term transportation, in my view, not for future electric generation.

I will conclude my comments with the following: every downturn in our economy has been preceded by high energy prices. Home heating and transportation, when those two costs spike, it comes right out of the family budget. Seventy percent of our economy is from commerce, and that is the same family budget. When we have energy spikes for driving our cars and for heating our homes, it will hurt our economy every time. We must have an energy policy so that we have ample energy supply in this country.

Mr. CANNON. Mr. Speaker, I thank the gentleman. I could not help but think today about some of the things that the gentleman from Pennsylvania just pointed out. When one of my staffers came in and told me that gas prices today are up to $5.70 per therm, this is an amazing amount and an amazing jump in the springtime when energy demand is down for households, but forced up by this steady demand from large production, energy production facilities.

Mr. PETERSON of Pennsylvania. Mr. Speaker, there is not ample wells being drilled in this country to continue to hook up power plants to be produced by natural gas, from all of the experts I have talked to.

Mr. CANNON. Mr. Speaker, that appears to me to be the fact of our life today, that we do not have the gas coming out of the ground.

Now, the fact is, we have lots of gas. I mean, we could probably drill 50,000 gas wells in Wyoming alone today on where we know those reserves are; and between Wyoming, Colorado, and Utah, in known reserves, we could probably drill a total of 100,000 wells that would make gas available to everybody and reduce that cost so we are not at $5.70, but back to $2 or so per therm that has been typical of the last 10 years.

Mr. PETERSON of Pennsylvania. But so much of those best gas fields are locked up.

Mr. CANNON. Yes. They are locked up by policy. I might just point out that the Constitution gives this body the control of policy. Anything the administration does is based on delegation from this body to the administration; and that is what we need to look at, and that is what this bill does. It takes great strides in turning that around so that we get that locked-up gas flowing to the homes of people who only should be paying $2 per therm instead of $5.70 per therm.

Mr. PETERSON of Pennsylvania. Mr. Speaker, we only can import gas from Mexico and Canada. We can import it from ships, but we only have two ports that can take liquefied natural gas, so we are really limited. We are dependent on what we can drill.

Mr. CANNON. Mr. Speaker, I think we are in fact dependent for heating our homes with gas on the gas we produce here incrementally in America.

Mr. Speaker, I yield to the gentleman from Utah (Mr. BISHOP).

□ 1815

Mr. BISHOP of Utah. Mr. Speaker, I thank my senior colleague from my home State of Utah for yielding to me.

Mr. Speaker, the gentleman and I have been here 3 months. In that time, I have found nothing more exciting than what I wish to speak about today, the potential of an Energy Security Act of 2003.

This country has been for far too long without a comprehensive energy program. With energy prices rising and our dependence on foreign oil, we need to find a domestic source of our potential future energy. What this Congress needs to do to solve this problem and also to eliminate a future crisis is to look to the lands that are already controlled by the Federal Government.

In the coming days, Congress will have the opportunity to debate the Energy Security Act of 2003. Within this critical bill is the authorization allowing drilling in Section 1002 of the Alaska National Wildlife Refuge.

Now, contrary to popular belief, this is not the pristine cathedral of the wilderness or the last great unexplored frontier; it is thousands of acres of frozen tundra, uninhabitable, with its greatest summer crop being mosquitoes.

More importantly, when Congress created this ANWR, we realized that within that there was the great potential for oil. We specifically put a portion of it, the portion in green on this map, aside for future oil exploration for the needs of this particular country.

This section, known as 1002, it is noted, is not all to be used for oil development, only 2,000 acres within it. Let me try and explain what that means.

ANWR is approximately the size of the State of South Carolina, yet, within the northern portion of that, the area in red is the only portion we are talking about, a grand total of 2,000 acres, about the size of the footprint left by the airport in this city.

If we did another analogy, if we can consider a large conference table, we are talking about drilling in an area the size of a postage stamp. That is not, that is not an area that is going to despoil the future. Its disturbance is negligible.

This area does not have, as some critics have said, only 6 months' worth of oil. We are looking at an area that has between 5.7 billion and 16 billion, B, with a B, billion barrels of recoverable oil within ANWR. If Members consider that within every day we import 10 million barrels, we can recognize that clearly this would go a long way as we compare the potential of ANWR to our other sources of foreign oil in providing the kind of natural domestic security that we desperately need.

This cannot be minimized, it cannot be brushed aside. This is a crucial element of the puzzle. It is a crucial element for the long-term viability of our Nation and our energy.

One last point, very quickly. In addition to oil for the future energy needs of this country, we are producing spin-off jobs in almost every State of this Nation. These statistics are somewhat old, I have seen them elevated by as much as 20 percent, but we could produce between 500,000 and 700,000 jobs in this country. Can Members imagine what 500,000 to 700,000 jobs would do to spur this economy, well-paying jobs, in addition to the energy independence?

There are two elements we need, stability and predictability of our source of energy. That is what will spur the future. That is what will give us our independence, our independence from foreign oil and our security at home.

Mr. CANNON. Mr. Speaker, I thank my friend, the gentleman from Utah, and I would like to thank all my colleagues from the Western Caucus for the relatively short time we have taken on the floor today. I can assure my colleagues we will be back in future special orders, trying to flesh out for the people of America these issues and how important they are to the future of America, to the future of jobs, half a million jobs based on a decision made by this body whether or not we will open up a small area in Alaska for drilling. I think that is an important issue.

The gentleman from Utah did a little magic trick with the chart and made it disappear for a moment. There is no magic, there is no magic for solving this problem of energy in America. We need to deal with the realities of these policy issues. We need to get away from demagoguery and toward the very important issue of the price of gasoline for our cars, the price of gas for heating our homes, the price of energy for running our factories and creating jobs for the American people.

VETERANS AFFAIRS

The SPEAKER pro tempore (Mr. MARIO DIAZ-BALART). Under the Speaker's announced policy of January 7, 2003, the gentlewoman from California (Ms. WATERS) is recognized for 60 minutes as the designee of the minority leader.

Ms. WATERS. Mr. Speaker, I rise today to address an issue that some of us started to talk about last week. Mr. Speaker, last week 11 Members came to the floor to speak about the deep cuts in the President's budget. After we made our presentations on the floor, we were inundated with calls by veterans from all over America. They called us, they wrote us, and they are asking Members to join us. They want us to make a special appeal to our Republican friends, to the President, not to cut veterans services.

We are back here tonight. I have more Democratic Members who have joined me. They have come to the floor this evening to appeal to our Republican colleagues and to the President not to cut the veterans budget.

The budget is supposed to outline the Federal Government's priorities for the next year. Apparently, some of our colleagues have decided that their priorities are massive deficits, huge tax cuts that benefit only the most privileged, and drastic cuts to government programs that millions of people depend on. While the Republican budget did not include a dime in funding for the war in Iraq, it did cut the Department of Veterans Affairs by $25 billion.

Mr. Speaker, on the same day that the President of the United States sent our soldiers into war, the Republicans in Congress pushed through a budget that slashed the very programs that our soldiers will count on when they return from their mission. This is unacceptable. I believe that we must live up to our duty and support the men and women who fought throughout our Nation's history to protect our freedom.

However, it seems that many of our colleagues have forgotten the promises we made to our veterans when we sent them to war. This budget, the President's budget, has slashed government spending so that veterans are being impacted in the most unusual and negative way.

The cuts that the veterans are being forced to take are simply unkind and unfair. For example, in January of 2003, Mr. Bush cut off access to the VA health care system for approximately 174,000 veterans. Specifically, the President announced that new VA care would no longer be available to so-called ''Priority 8'' veterans who are not already enrolled in the VA system; that simply means veterans who earn about $24,000.

It is ironic that the President announced this cut on the same day he did a photo op at the Walter Reed Army Medical Center, touting veterans care for vets of the Afghanistan conflict.

It is also ironic that the President was touting care for the veterans of the Afghanistan conflict when we are still, in our districts on a daily basis, responding to the cries of veterans who served in the Vietnam-era War and who served in the Persian Gulf War, veterans who still are not able to access their benefits. We are still dealing with veterans who have been inflicted with all of the diseases that come from the exposure to Agent Orange and other kinds of exposures.

In July of 2002, the President had the Veterans Affairs Department direct all VA regional directors to stop, stop, all marketing activities to enroll new vets in the VA system. This was an effort to curb VA expenditures by not letting the public know about available services. According to several major veterans groups, the President's budget last year fell $1.5 billion short of the inadequate funding that was exhibited in that budget.

THIS YEAR'S BUDGET

So it should not come as a surprise when our President or his party short-changes our veterans, yet again. History has shown that they will.

But Republicans decided that what they have done over the past couple of years was not enough. So when they drew up the Fiscal Year 2004 budget they called for even greater cuts to the Department of Veterans' Affairs. The budget will cut $844 million from health programs next year.

In addition, the budget called for increased co-payments for pharmaceutical drugs and primary care that veterans need—something that used to be provided for free.

And mandatory spending would be cut by 463 million—this year alone. This means that the Montgomery GI Bill education benefits, vocational rehabilitation, and subsidies for VA home loans will be cut.

The Republicans even cut funding for headstones, markers and flag for deceased veterans.

Nor does the Republican's budget provide additional funding for the Homeless Veterans Comprehensive Assistance Act which is a comprehensive effort to eliminate chronic homelessness among veterans within a decade.

I would like to share with you two quotes that I think highlight the anger that many veterans felt after they saw the Republican Veterans' budget.

The first is from John Keaveney of New Directions, Inc, a veterans group located in Los Angeles. He says: ''To propose cuts in VA nurses, doctors, hospitals and other important services to veterans at a time of war feels to many veterans like an act of treason. . . . It seems inexcusable at a time like this to virtually tear up the agreement America has had with veterans for more than 100 years which is to care for those who have borne the brunt of battle.''

And the other is from Dwight Radcliff of US Vets also located in Los Angeles. He said: ". . . the men and women who fought for this country are still struggling to obtain the benefits and services to which they are entitled. In being pro-active, it is imperative that during this time of war, we begin to prepare to address the needs of those who are currently in service as well as the forgotten heroes who still sleep in the streets. It is extremely unfair to tell those who have waited so long and also those who will return shortly that their effort for this country was unappreciated."

Mr. Speaker, I call on the President and the Republican leadership to restore the funding to the Department of Veterans' Affairs and to restore our veterans' confidence in their government which they so bravely defended.

Mr. Speaker, I am going to call on some of my colleagues who are here to make their presentations this evening. I yield to the gentleman from Missouri (Mr. CLAY).

Mr. CLAY. Mr. Speaker, I thank the gentlewoman for yielding to me, and commend her for taking this time in a special order on such a timely matter, while our troops are in the deserts of Afghanistan and Iraq fighting for their lives and while this administration is attempting to cut the budget of the VA.

Mr. Speaker, I rise to voice my opposition to cuts in benefits due our Nation's veterans. I urge my Republican colleagues to reconsider the drastic cuts made to the Department of Veterans Affairs. I oppose these cuts, this mistreatment, and believe our Nation's heroes deserve better. I sincerely urge my colleagues and all Americans to consider just what a vote to reduce the budget to our veterans, both on and off the battlefield, really means.

Today, I submit, there is politics and then there is the presumption of politics; there is patriotism, and then there is the presumption of patriotism; there is support for our troops, and there is the presumption of support for our troops, all the contradictions involving the politics of war and peace.

The notion of who is a true patriot and who is not and the welfare of our troops in combat all have been played out recently in this very Chamber. For my part, I have opposed the war, supported our troops in combat, and now stand to support our troops upon their return.

For those who follow my votes, they may be confused. Do not be, because certainly I am not. Recently, on March 20, 2003, I placed into the CONGRESSIONAL RECORD a statement that noted my long-standing opposition to the war in Iraq. Yet, with the fighting having begun, I offer my support and prayers for the men and women who, out of duty to their Nation, find themselves in harm's way.

On top of this budget, the current administration has also submitted a budget to pay for the war we are currently engaged in. That supplemental budget request is for $75 billion to fight the war in Iraq for 6 months. With the prospect of a long and arduous campaign and occupation of Iraq, the costs will likely soar even higher.

We have 2.3 million disabled veterans who demand our patriotism, just as we demanded theirs in time of war. I echo the appeal of honor and dignity made on March 17, 2003, by some of the veterans groups in response to the GOP budget.

I quote: ''Is there no honor left in the hallowed halls of our government that you choose to dishonor the sacrifices of our Nation's heroes and rob our programs, health care, and disability compensation to pay for tax cuts for the wealthy? You will be reducing benefits and services for disabled vets at a time when thousands of our service members are in harm's way, fighting terrorists around the world, and thousands more of our sons and daughters are preparing for war against Iraq.''

Needless to say, the shooting war started in earnest 2 days later.

I submit to Members, there is politics and then there is the presumption of politics; there is patriotism, and then there is the presumption of patriotism; and there is support for our troops, both on and off the battlefield, and there is the presumption of support for our troops.

In a world where the cost of everything, even our Federal budget, is increasing at breakneck speed, does it make sense to cut benefits to the very people who we promised to take care of if they stood at a post and took care of us in some foreign land, often under an obscure objective that only our highest leaders know about and understand?

In today's world, with the threat of international terrorism in our own backyard, war has come to us all. However, for those men and women who stand up, swear an oath of allegiance to defend our Nation at all costs, and do the bidding of Congress and our President, we are now being asked to turn our backs on them.

□ 1830

How can Congress, in the span of a few days, vote support for the troops fighting in Iraq and then seriously consider revoking by nearly a billion dollars the benefits we promised our warriors past, present, and future for the sacrifices they have sworn and continue to swear to make for the good of our Nation. This is an insult. This is an abomination. We know it. America knows it, and our veterans know it.

It is more patriotic to send our troops into battle with our congressional blessing but upon their return tell them their sacrifices are not deserving of benefits this Nation has traditionally offered those who risk injury, emotional stability and even their lives to keep this Nation secure.

I urge Congress to reject any reduction in benefits to our fighting men and women and support the Democratic alternative. At a time of war and sacrifice by the men and women of our Armed Forces, Congress cannot and must not let these cuts stand. The alternative offered by the gentleman from South Carolina (Mr. SPRATT), the ranking member of the House Committee on the Budget, provides for $1.1 billion in additional discretionary spending in FY 2004 and $17 billion more over the course of 10 years to the Veterans department budget.

If we want their full measure on the battle fields, they deserve a full measure of benefits upon their return. I thank the gentlewoman for yielding to me.

Ms. WATERS. Mr. Speaker, I yield to the gentleman from California (Mr. BACA).

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

Mr. BACA. Mr. Speaker, I thank the gentlewoman from California (Ms. WATERS) for taking the leadership on behalf of veterans.

As a veteran who has served in the 101st and 82nd Airborne Division in 1966 to 1968, I am outraged, I am outraged regarding the 2004 budget adopted by this House committee, $28.8 billion cuts in veterans programs over 10 years; $14.6 million in veterans benefits cut in mandatory veterans program; $14.2 billion cuts in discretionary veterans health care. I speak on behalf of the 2.3 million disabled veterans including more than 1.2 million members of Disabled Veterans of America.

Is there no honor left in the halls of government? Is there no honor left in the halls of government that you would choose to dishonor the sacrifice of our Nation's heroes and rob them of their programs, health care and disability compensation? During this time of war it is crucial to let our soldiers know that they will be taken care of once they return home. I state once they return home that they will be taken care of. Unfortunately, I am ashamed by what the Republican Congress and President Bush have done to our veterans lately.

Since the troops have been deployed to the Persian Gulf, veterans benefits have been shipped away. Shame on you. Shame on you. They are fighting and dying for us. They are fighting and dying for us. And what are we doing? We are pulling the rug out from underneath them. The Republican budget resolution that passed last week cuts $449 million from veterans health care programs. What kind of message does it send to the hundreds and thousands of American men and women in uniform currently risking their lives overseas? Is this the kind of message that we want to send to our young soldiers fighting for freedom and democracy?

Remember that we enjoy today the freedoms because of the sacrifices that many of our veterans made who have served this country, our country before. Is this the best way that we can do for the families of those who have died for this country?

Just recently, Corporal Jorge Gonzalez, a U.S. Marine from my district in Rialto that I happened to visit the

parents this week was killed in Iraq. His heroism is found in the battle field and at home. This occurs daily through this land and the homes of families of American men and women who are serving us, like those of my legislative field representative's husband who is now serving in Iraq. Our men and women in uniform should not have to come back and learn that the government they fought for refused to take care of them, and I state, refused to take care of them.

During the time of war, we all say to our troops, we support you, our thoughts and prayers are with you. And we do, and we do. We display the American flag on our cars, in our homes, and clothing with pride. While this display of patriotism is important, I say we have to do more than that.

We have a moral obligation to provide veterans with benefits and services that they have earned, and I state that they have earned through their honorable service to this country. We have a moral obligation to provide them with prescription drugs and access to care. Is that too much to ask? I ask, is that too much to ask?

I am here to tell the administration and my fellow Members of Congress not to forget those men and women who have served this country. Remember, the freedoms we have today are because the men and women were willing to step up and fight for those freedoms, the freedoms we enjoy every day. Let us not forget them. Let us not forget them. Let us restore the benefits to our veterans. Let them know we will take care of them today and tomorrow, and I state today and tomorrow. I say God bless America. Let us restore our veterans. God bless our veterans.

Ms. WATERS. Mr. Speaker, I yield to the gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. Mr. Speaker, I thank my friend from California for yielding and for organizing this chance for us to come to the floor and speak tonight.

Once a year in my district a group of people gather in the middle of a dusty field and they line up trucks and tents on either side of the field, and over the course of a weekend veterans from all over our area come to this field to receive counseling, health care services, clean clothes, a shower, a meal. This is called a Veterans Stand Down. Most of the veterans who come to the stand down are homeless or living on the street, battered by a mental illness.

Once a month in my district and in districts across the country, veterans look at the calendar as it heads toward the end of the month, and they look at their checkbook and they see nothing left in their checking account because the meager pensions and benefits that we pay veterans have run out before the end of the month.

Once a day in my district and in districts around this country, veterans call health clinics and health care facilities and hear that the waiting list for an appointment is a month, 3 months, 6 months, 7 months to see a doctor that they were promised they would be able to see when they agreed to serve their country.

A few months ago, this Congress debated the use of force in Iraq. I am one who as a matter of deep personal conviction feels that the use of force in Iraq was justified and I voted ''yes.'' I feel equal conviction tonight of a sense of shame that my country is disregarding the needs of men and women who served our country in the past and who serve it today.

Governing is choosing. And this body has already made a choice, which it is not too late to reverse, about honoring the men and women who have worn the uniform of this country. Veterans benefits and services are already insufficient to meet the needs of the veterans of this country. They are not good enough today to do what needs to be done. But just to restore this level of services for the next 10 years, we would need $28 billion more than the majority has provided in the budget that it rammed through this Chamber just a few days ago. So we are going to do $28 billion less in health care, in education, in disability benefits, in counseling, in housing, in burial benefits; $28 billion dollars less than we are doing right now over the course of the next 10 years.

Now, there are only four ways that we can deal with this problem. The first way we can say is, that is just too bad. That is the way it is going to be. And despite all of the ceremonies they will attend at home, despite all of the speeches they will make this Memorial Day, that is the position that a majority of this House took when it voted to cut veterans benefits by $28 billion.

The second choice we could take is to find the $28 billion somewhere else, cut waste, fraud and abuse and come up with the money. Well, it was the majority's budget resolution that could have found that $28 billion in waste, fraud and abuse. I remember the Committee on the Budget chairman came to the floor and stacked up reports from the General Accounting Office that purported to show waste, fraud and abuse and expressed his frustration that we were not cutting that. With all due respect, he was expressing frustration with himself because they wrote the resolution and they wrote the budget that could have cut $28 billion from somewhere else in the budget other than in veterans benefits, and they chose not to do.

The third way to restore these cuts is to borrow the money from our children, which is what the majority chooses to do when it has a higher priority. That is the way they propose to pay for the war in Iraq. I support the effort in Iraq. I voted for it. I certainly support paying for it, but I do not think we should borrow the money from our children to pay for it. I do not think that is a very justifiable response; but when it comes to higher priorities for the majority, that is what they do.

And the fourth way to pay for restoring these benefits is to choose veterans benefits over tax cuts. We are here tonight to say no vets cuts for tax cuts. No cuts in veterans services that are used to finance yet another drain on the Federal Treasury so the favored supporters of the majority can enjoy yet another tax break at the expense of the rest of the budget.

President Kennedy said, governing is choosing. Every Member of this House has a choice to make when it comes to veterans services. You can choose to let this $28 billion in cuts stay in the budget and explain to your constituents why the American Legion, why the Disabled American Veterans, why veterans groups around this country oppose that budget. My colleagues can make that choice. Or my colleagues can choose to identify some other area in the budget that could be cut to pay for this. But it is a little late for that because the budget has already been passed. The third choice is to advocate borrowing more money to cover these benefits, which I think is an irresponsible fiscal position. Or just a few more on the majority side could join the 215 of us who voted to choose veterans benefits over tax cuts, who resolved to say we do not want veterans cuts to pay for tax cuts; and we believe that is the right choice.

So when we all go home, Mr. Speaker, to the American Legion and the VFW for the Memorial Day services this year and tell the veterans how much we appreciate what they have done, I would say to you that with all due respect talk is cheap. And the $28 billion in cuts that are in the majority's budget are an affront and an insult to the people who have worn the uniform of this country. It is not too late to reverse this mistake.

The right thing to do is to repeal a part of the President's tax cut, to choose veterans benefits over this endless stream of worship at the idolatrous alter of tax cuts the majority seems to be engaged in.

So the next time there is a Veterans Stand Down in my district, I want to see doctors and nurses and counselors and therapists there to help the vets. And I want to see the pensions increased and broadened and enriched so veterans can make it to the end of the month and pay their bills. And I want to see the 90-day waiting list cut back to 9 days or 9 hours by hiring more nurses and clinicians and doctors at VA health care facilities across this country.

Governing is choosing. We choose not simply to honor the veterans of this country with our hollow words, a false honor indeed. We choose to honor the veterans of this country with our actions and our votes and to fulfill the promises we have made to them.

□ 1845

I would urge the majority, redress this wrong that you have committed in your budget. Fix this budget. Restore these veterans cuts and take it out of the tax cut you so unwisely passed.

Ms. WATERS. Mr. Speaker, I now yield to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, I thank the gentlewoman, not only for yielding to me, but for organizing this opportunity for us to come to the floor.

Last Friday, I spoke to a group of veterans in my district. They were mostly World War II and Korean War veterans, and of course, I thanked them profusely for their service to our country. And they appreciated it, but what they wanted to know and where most of the questions were was, what is happening to our benefits? I told them about the President's budget proposal, and they did not appreciate that.

We have all been making a lot of speeches lately and offering resolutions, and they are eloquent and they are flowery, and yes, they are heartfelt speeches and resolutions, expressing support for our troops; and I am not denying the sincerity or even the importance of making those supportive gestures. Speeches and resolutions do not provide health care, and they do not provide education, and they do not provide pensions, and they do not provide burial benefits.

Budgets are a statement of values and priorities, and what the veterans are finding out is that they are not a priority in the President's budget and they are not a priority of the Republican leadership. And not only that, despite all the sacrifices that they have made and, as we speak, the sacrifices that are being made, they are being asked to sacrifice yet again in the form of a $28 billion cut in benefits and in health care.

What we know when it comes to dollars and cents is that veterans across Illinois are going to suffer from President Bush's proposed budget. A report that was released by the Democratic staff of the Committee on Government Reform concluded that the changes, that is, the $28 billion in cuts, would cause over 65,000 Illinois veterans, including an estimated 36,000 veterans enrolled at VA facilities in the Chicago area, to be denied VA health care or to drop out of the VA system while increasing costs for thousands more.

First, President Bush would halt enrollment to Priority 8 veterans, denying them access to VA care. The report found that as a result of this proposed suspension, 173,000 veterans nationwide would be denied care, including 7,160 in Illinois, of which 4,000 are in the Chicago area.

Second, President Bush would require the VA to charge all Priority 7 and Priority 8 veterans currently in the system a $250 annual enrollment fee in order to receive service. As a result of the fee, the VA estimates that 55 percent of enrolled Priority 7 and 8 veterans would be forced to drop out of the VA system nationwide, including 32,000 veterans in the Chicago area.

Finally, a third set of provisions would increase copayments for Priority 7 and 8 veterans who do stay enrolled in the VA program. The copayments for primary care payments would increase by 33 percent from $15 per visit to $20 per visit. The copayments for prescription drugs would more than double, increasing from $7 to $15 for 30-day prescriptions. On average, the report concluded, veterans would have to pay a $97 a year increase in copayments, plus the new enrollment fee of $250. However, many veterans can see an increase of almost $600 a year.

I did not support the Republican budget resolution and instead supported the Democratic substitute which would have restored funding for mandatory veterans benefits, including compensation for service-connected disabilities, burial benefits, pensions for permanently disabled, low-income veterans, education benefits, rehabilitation benefits and housing loan programs. Unfortunately, for our veterans and our soldiers currently in the U.S. Armed Forces, the Democratic substitute was voted down.

While our veterans suffer, the administration continues to cut taxes that only favor the rich. While our veterans endure hardship, the administration continues to send our men and women into battle with no guarantees of a safe and healthy life for them and their families when they return home.

Speeches and resolutions are fine, but they are woefully insufficient. Our veterans, those who have served in the past and the veterans of the future, who are risking their lives right now, as we speak, deserve better. It is time for the Republican leadership to put its money where its mouth is.

Ms. WATERS. Mr. Speaker, I yield to the gentlewoman from California (Ms. WATSON).

Ms. WATSON. Mr. Speaker, I want to thank the gentlewoman from California for organizing this time.

Mr. Speaker, our Armed Forces have now been at war for almost 2 weeks. Over 40 members of the coalition have paid the ultimate sacrifice. Scores of others have been injured. Sadly, there is no doubt in our minds that U.S. casualties of war will rise, even as we all pray for their swift and safe return.

Later this week, each of us will be asked to support a $75 billion supplemental appropriation. In part, it will pay for the war effort. A few weeks ago, we were asked to support a budget, minus money for the war effort, that drastically reduced funding for the veterans health care and other benefit programs, a cut of $28.8 billion over 10 years; and today, we have been asked to support a motion to send to conference the same flawed Republican budget that slashes veterans benefits in order to preserve President Bush's tax cuts for wealthy Americans.

In effect, we have been asked by President Bush and the Republican leadership to support funding for the war, support tax cuts for the wealthy and, at the same time, to drastically cut back our soldiers' benefits once they return from the battlefield in Iraq. And even more cruel, we have been asked by the President and Republican leadership to reduce survivor benefits, those that go to the spouses and the children of our service people who have made the ultimate sacrifice.

Mr. Speaker, as others have said, there is no honor in this approach. It is shameful at a time when our dedicated men and women of the Armed Forces are in the field fighting, perhaps to be subjected to attack with chemical or biological weapons, that the President and the Republican leadership have made the choice to underfund our veterans programs.

How can this Congress even consider cutting benefits to our veterans during a time of war? What kind of message are we sending to American men and women in uniform overseas? When they come home, what do we tell them, Thanks for your service to our Nation, but now you are on your own, no thanks?

Mr. Speaker, our veterans deserve better than this. They deserve better than to come home and find that their health care coverage has been reduced, but their enrollment fees and copayments have been increased. They deserve better than to come home to discover that the President and the Republican leadership have decreased spending for Montgomery GI educational benefits and subsidies for VA home loans.

Mr. Speaker, the Republican budget simply disregards the needs of our veterans. It is so shameful in its disregard of their needs that the Disabled American Veterans asked the following question, and we have heard it quoted this evening: ''Is there no honor left in the hallowed halls of our government that you choose to dishonor the sacrifices of our Nation's heroes and rob our programs, health care and disability compensation, to pay,'' to pay for what, to pay for tax cuts for the wealthy, those who lie back and say send them while I enjoy my luxury here at home?

That is reprehensible, Mr. Speaker, and I ask that we preserve the honor of this hallowed institution by restoring cuts to the veterans programs and do it now.

Ms. WATERS. Mr. Speaker, I thank the gentlewoman from California for her comments, and I yield to the gentleman from Ohio (Mr. STRICKLAND), who has been spending every waking moment trying to get these cuts restored to veterans of his district. And the State of Ohio can be very proud of him; he helped to organize this time on the floor last week and tonight.

Mr. STRICKLAND. Mr. Speaker, I want to thank my friend from California for yielding to me.

Mr. Speaker, we are here tonight talking about something that is close

to all of our hearts. I happen to be the youngest son in a family of nine children. My oldest brother was a World War II veteran. My brother-in-law, who is now deceased, lost his leg by stepping on a land mine in Germany during World War II, worked his final years in a Wal-Mart, walking around on an artificial limb; much of the time it was sore. And I just stand here tonight, and I think that we are able to enjoy the kind of freedoms that we all enjoy because of the sacrifices of those who have gone before us, who have suffered immensely.

I think of the mothers who grieved. I think of my own mother. Some of my earliest memories as a child were of my mother weeping as she worried about whether or not my brother was safe as he participated in that great war. We ought to honor those who went before us, who have fought for us, who have sacrificed their time and have lost their health, and that is not what we are doing.

It is almost beyond belief to me that we, at this time when we have young Americans engaged in a battle, even now risking their lives, that we would be so callous, so callous in our decision-making here in this Chamber that we would pass a budget, and I used the word ''we.'' It certainly did not include most of my Democratic colleagues, but a budget was passed in this House by the majority party, supported by the administration, that cuts benefits, health care benefits and other benefits, to our Nation's veterans by $28 billion. Think of that, $28 billion at the same time that the President and majority party is pushing to pass a $726 billion tax cut, and most of that money is going to go to the richest people in this country.

□ 1900

The President has a choice to make. He can either fully fund veterans health care and veterans benefits, or he can ask for his complete $726 billion tax cut. It is a fairly clear choice. We have a unified budget. There is only so much money. If we use the resources we have for this big tax cut, there is going to be an insufficient amount of resources to take care of our other needs, including the needs of our veterans.

I have talked on this House floor before about the outrageous things that are being done: increasing the cost of prescription drugs. It went from $2 to $7 a prescription. Now the President is saying we want to charge veterans, many of them, $15 a prescription. Many veterans in my district get 10 or more prescriptions a month. If we take 10 times 15, that is $150 a month. A lot of these veterans are living on fixed incomes. This is simply outrageous.

And then they created an entirely new priority group of veterans. They call them priority group 8. These are high-income veterans. Of course, you can be one of those priority group 8 veterans and make as little as $24,000 a year. Now, maybe a lot of my colleagues do not want people watching to know that those of us in this Chamber make about $150,000 or so a year. So maybe a $15 copay would not hurt us. It would not hurt me. I could pay $15 if I was going to have to take medication. I can do that. I make $150,000 a year. But what about the veteran who makes $24,000 a year? And we have the gall to suggest that they are high income and so they just can no longer enroll in the VA health care system. They are priority group 8.

And then others who may make a little more than that are priority group 7. Those veterans, those men and women who have honorably served our country, are being told, well, you are in priority group 7 so you can enroll in the VA health care system and continue to participate, but in order to do so you have to pay an annual enrollment fee of $250. And then if you go for a doctor visit, we will increase the cost of that.

It is as if we are singling out our veterans for a disproportionate share of the burden for caring for this country. I just find it amazing, amazing that at a time when nearly all of us in here find that we want to associate with the military, we want to show our support for our fighting men and women, that we would take these actions that would be so harmful to our veterans.

I have talked before about the gag order. I mean, it is unbelievable that the VA decides that too many veterans are coming in for health care. We just do not have the resources to provide that health care, with having long waiting lists and many veterans waiting 6 months or more just to see a doctor. In order to correct that, we should just say we need more money. We need more resources. But the VA has a different approach. They say, well, in order to correct that problem, we will just limit information that is being given to veterans so that fewer veterans will understand what they are entitled to and fewer will come in for services. That is how we are going to solve this problem.

It is almost unbelievable. When is it going to stop? When are we going to have our actions match our words? A couple of Fridays ago, about 3 a.m. in the morning, 3 a.m. in the morning, when most of the country was asleep, we were here in this Chamber and we voted a resolution of thankfulness and support for our fighting men and women who are currently risking their lives in Iraq and Afghanistan and elsewhere around the world. Within minutes of casting that vote, we cast another vote for the budget. And in that budget we voted to cut veterans benefits and health care by $28 billion.

With one hand we saluted the veterans and said thanks, thanks to our servicemen and women. And with the other hand we took our voting card, and we put it in this little gizmo on the back of our chairs here and cast a vote to cut veterans benefits by $28 billion. In my judgment that is sheer hypocrisy. How can we justify those two actions? How can we say on the one hand we honor and appreciate the service of our military men and women and on the other hand cast a vote that cuts benefits to those who have already served?

I think the veterans in this country are coming to understand what is going on. I think they are coming to realize that they have to listen not only to the words but they have to watch the actions of those of us who serve in this Chamber.

Mr. Speaker, I will finish by telling my colleagues this. Talk is cheap. And we do a lot of talking in this Chamber. Talk is cheap, but health care for veterans costs money. And unless we are willing to spend the money, our words are empty.

Ms. WATERS. Mr. Speaker, I would like to thank the gentleman from Ohio for all of the work he is doing on this issue, and I now yield to the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Speaker, I thank the gentlewoman for yielding to me, and I speak this evening from the Republican side of the aisle in the hope that my words, and the words of all my colleagues here tonight, will nestle in the empty seats that are here this evening and, by osmosis, maybe change the hearts and the minds of those who, as the gentleman from Ohio (Mr. STRICKLAND) just said, just last week in one minute voted to support the troops in Iraq, and in the very next vote voting to cut veterans benefits by the $28 billion he mentioned. What sheer hypocrisy, my colleague said; and I think the American people must understand this.

We say they have cut this $28 billion over 10 years. That means $2 billion or $3 billion every year from the budget from what it should have been. Now, $2 billion or $3 billion around here sounds like a little bit of money, but $2 billion or $3 billion out in the countryside sounds like some unimaginable figure. And it really is.

What could we do with that $2 billion or $3 billion every year for our veterans? What should we do with that which is going to be cut by the Republican budget? Here is what we could do with that. Right now there are a quarter million veterans waiting for their first appointment, their first appointment with the VA. They have been waiting for over 6 months. Some of these veterans will die before they have their first appointment the way our system works right now.

There are almost a half million veterans who have made claims for disability to the Veterans Administration that are pending. They may be pending for 2, 3, 4, some even 5 years; 125,000 appeals are pending for years. Why is that the case? Because the VA does not have enough resources to solve those cases within the 30, 60, or 90 days, the way they should be solved. Why is a veteran kept waiting for years? There are veterans in my district who have

died while waiting for their appeals to be adjudicated, as we said. That is what the $2 billion will buy. It will get the veterans the service they need, get them the disability justice that they deserve. That is what the $2 billion will buy.

It will buy full funding of the Montgomery GI bill. For many young people that bill is the only entrance into the economy of today, to get an education. We have the Montgomery GI bill to do it, except we do not fund it. We fund it at a few hundred bucks a month. We need to have the full funding of that so our veterans can get funding.

I could go on with what this $2 billion will buy, and we will be doing that for the next few weeks. We will have colloquies on this. But I will just end by saying that our veterans are being mistreated by this Nation. The folks in Iraq will come home as veterans. What do my colleagues think their morale will be when they know they have to wait years before they can ever get their claim adjudicated? It is time for veterans around the Nation to watch what we do, not what we say. I believe they should be here when the appropriations process occurs. I have suggested they should surround the Capitol while we do that bill until we do the right thing. They should set up tents, bivouacs. Be here so their representatives do the right thing. Let us support our veterans the way we should.

Ms. WATERS. Mr. Speaker, I thank the gentleman very much. I now yield to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me first of all thank the gentlewoman from California. I know that many of my colleagues are aware of her long years of work on the issue of veterans, and I am delighted to be able to join my colleagues. With the sound of my voice, I will be hopefully as potent and as brief as I possibly can be, but one cannot look into the midst of this storm of water and not come to the floor to speak about those who are actually putting their lives on the line and sacrificing so that I might be here today to acknowledge the truth of their predicament.

Mr. Speaker, I come from a State that is noted as one of the States with the largest number of veterans in the Nation. I happen to come from Harris County, which has the largest number of veterans in the State of Texas. In the State of Texas we have almost 2 million veterans. Those that are 65 and older number about 65,000. We have about 100,000 women veterans. In Harris County, where I live, we have about 250,000 veterans. As I speak today, the hospital which is in my district, the Veterans Hospital, is de-enrolling, or closing the door to veterans who are seeking health care.

One of the most disturbing aspects of this is that there are reports that severely disabled veterans have to wait months, and in some cases more than a year, for basic health care and specialized services. A few weeks ago, Mr. Speaker, we passed a budget resolution of shame. And the reason why it was a budget resolution of shame is because it required the Department of Veterans Affairs to cut $14 million from the lives of our veterans. We did that, Mr. Speaker, in light of the fact that young men and women are now on the front lines of Iraq.

It is very clear, Mr. Speaker, that many of us did not vote for the war resolution in October, and we have persisted to press the case of peace; but at the same time we have acknowledged those who fight for us, fight for us because they believe in freedom. And so, Mr. Speaker, I have joined my colleagues today to say that the motion to instruct was not enough. Even though today we have added back the $14 million, what we must do as colleagues is to insist that we never come to this floor to commit an act of shame again.

I know it will happen again, because my colleagues on the other side of the aisle keep asking over and over again for these cuts, in light of or in support of a $726 billion tax cut. But as I close, Mr. Speaker, let me make a personal commitment. As I join my colleagues today, with this voice that is broken but a spirit that is strong, we will not allow a vote of shame to continue unexposed. We will continue to reinforce the values of this Nation; we will continue to support those young men and women, as we have through the years, my relatives and uncles in World War II, those in the Korean War, and Vietnam War and others. We will continue to stand on their side. There will be not one veteran who will have the dishonor to be dishonored if any of us are able to stand. We stand with the veterans and stand with the reinforcement of their resources, and we stand with those who fight for us in Iraq.

Mr. Speaker, as we debate the emergency supplemental request from the President to fund the war, the fiscal year 2004 budget resolution, and the appropriations' bills, and as Iraq war escalates and casualties mount, it is only fitting that we honor our nation's veterans. Their sacrifices on behalf of our civil liberties have too often been overlooked and forgotten.

It is astonishing that as we ask for even more sacrifices from our men and women in the Armed Forces, that this Congress would seek to cut veterans' benefits. America owes our nation's veterans so much.

There are more than 25.3 million veterans in our nation; family members and survivors of veterans total about 41 million. One-third of veterans live in 1 of 5 states: California, Florida, Texas, New York, and Pennsylvania.

The increasing average age of veterans means additional demands for medical services. As we know, the Department of Veterans Affairs operates the nation's largest health care system, with 172 hospitals, 137 nursing homes, 43 domiciliaries, 206 readjustment counseling centers, home health-care programs, and nearly 900 outpatient clinics.

So, as the need for services for our veterans increases it is disturbing that this Congress would consider cutting veterans benefits.

We must be committed to investing resources to improve the efficiency, quality and breadth of the VA medical care system, and to ensure that care is accessible to more veterans. I am particularly concerned about our nation's African-American veterans—African-Americans comprise a substantial percentage of our enlisted men and women. African-Americans comprise 20% of the enlisted in the Armed Forces.

They should be provided with the highest standard of care. African-Americans have served in the Civil War, World War I, World War II, the Korean War, the Vietnam Conflict, the Persian Gulf War, and now many African-Americans are on the frontlines in Iraq.

I have met with many veterans from Texas and what they want is so reasonable: They want our nation to honor the promises we made to our veterans to provide them with decent livelihoods for their sacrifices to our nation. We should not cut benefits to veterans, in order to provide tax cuts to the wealthy.

Many veterans who served in the Gulf War suffer from post-traumatic stress disorder and substance abuse. Our nation owes an obligation to veterans who incur injury, disease, or aggravating existing conditions while in service to the country. Not only must we provide health care to our nation's veterans but we must ensure that veterans have adequate access to education, housing, and other benefits.

Access to priority health care for our nation's service-connected disabled veterans have been seriously eroded over the years due to insufficient health care funding. The veterans health care system is in crisis.

Continued budget shortfalls, combined with rising costs for medical care and increased demand for VA health care, have resulted in unprecedented waiting times for routine and specialty care nationwide.

According to the VA, in December 2002, nearly 236,000 veterans are either waiting for their first appointment or waiting at least six months for care. Additionally, the VA reports that many of its facilities have reached capacity with closed enrollment at some hospitals and clinics.

But most disturbing are reports of severely disabled veterans having to wait months, and, in some cases, more than a year, for basic health care and specialized services.

I was honored to be joined by many veterans' groups, who supported legislation that I introduced, H. Con. Res. 2, to re-examine the issue of sending our troops to Iraq in a preemptive strike. Veterans who have served in foreign wars know the risks, the hazards, and the dangers of combat.

African-Americans have a rich history of serving in the Armed Forces. Today, the Supreme Court heard oral arguments in the University of Michigan affirmative action case. I have to note that the Armed Forces are a model of integration—the Armed Forces were one of the first areas of our society to be integrated.

In Houston, Texas, Dr. Michael Ellis DeBakey is an internationally recognized pioneer of modern medicine. He is an ingenious medical inventor and innovator, a gifted and dedicated teacher, a premier surgeon, and an international medical statesman. I have introduced legislation supported by veterans to re-

name the Department of Veterans' Affairs, the Michael E. DeBakey Department of Veterans Medical Center.

Last week, I received disturbing news. Corporal Brian Kennedy, a Houston native, lost his life on the battlefields. I want to pay a special tribute to this young man and his family. He bravely put his life on the line for the liberties we enjoy in this country. I salute Brian for the service and the sacrifice he made to our country. Our prayers go out to Brian, his family, and the troops stationed in Iraq.

The Origins of Veterans' Day:

In 1921, an unknown World War I American soldier was buried in Arlington National Cemetery. This site, on a hillside overlooking the Potomac River and the city of Washington, became the focal point of reverence for America's veterans.

Our troops embody the ideals of our country: Courage, valor and a sense of pride in country.

Dr. Martin Luther King once said, ''There ultimate measure of a man is not where he stands in moments of comfort, but where he stands at times of challenge and controversy.'' Our men and women on the frontlines in Iraq truly deserve our support.

Our veterans and our active duty troops deserve our highest respect and our commitment as a nation to providing them the best in care and services—they have given us so much as a nation, that it is our moral obligation to return to them the benefits they have given to us. We call on our armed forces to protect us both here and abroad.

Ms. WATERS. Mr. Speaker, I thank the gentlewoman from Texas, and I now yield to the gentlewoman from the District of Columbia (Ms. NORTON).

□ 1915

Ms. NORTON. Mr. Speaker, I thank the gentlewoman from California (Ms. WATERS) and the gentleman from Ohio (Mr. STRICKLAND) for their leadership in bringing this important matter to the floor.

The last thing I thought there would be a bipartisan split on would be veterans benefits. We talk about unity around the troops. What about unity around the veterans? Members want to wave the flag. Let us begin with those who have already served.

Instead, we are talking about the great differences between the Democratic budget and the Republican budget. The Democratic budget was more than $30 billion over a 10-year period than the Republican budget. That tells Members something about the different priorities of the two parties in this Chamber, particularly today when what we are talking about is a volunteer Army. We should be going out of our way to make sure that every ''t'' is crossed and every ''i'' is dotted.

We have used all kinds of inducements to attract these men and women into the Army, and we have a class- and race-based Army. A lot of folks are going in there because there are not a lot of opportunities in society, and they are depending on those education and health benefits.

What have we done? We have spared no cost when it comes to the equipment that they have to go to war, but we are pinching pennies on the health consequences of their going to war. Shame on us. We enticed them into service. We make no sacrifice ourselves, and we ask them to sacrifice when they come home.

Who has made a sacrifice during this war? The only folks I can think about who has made a sacrifice since 9/11 are the people who died in the Twin Towers and at the Pentagon. None of us has been asked to make a sacrifice. Instead, we have been offered a big, fat tax cut.

In this way, we separate ourselves from our ancestors and our forefathers. When they went to war, they said, we are going to pay for war and our veterans, and they raised taxes. These were not folks that liked to raise taxes. Indeed, we had our first Federal income tax during World War I, and nobody had even heard of taxes; but they said, if we are going to war, we are in for a dime, we are in for a dollar. We have raised taxes; and during every war, including the Persian Gulf War, we have never cut taxes in time of war.

We have not asked the other side of the aisle to raise taxes, but we have asked them not to sacrifice veterans benefits in order to offer tax cuts to the wealthy. The veterans who are most offended are veterans who live in the District of Columbia, who have gone to war since our first war, without having full representation in this House.

In their name, I ask that these cuts be restored.

Ms. WATERS. Mr. Speaker, I yield to the gentleman from New York (Mr. OWENS) to close.

Mr. OWENS. Mr. Speaker, we have heard a lot of statistics which show how grave the problem is. Last fall, I had a town meeting of veterans in my district, and those were some of the angriest people I have ever seen. These are members of our society who have been betrayed, and who are continuously betrayed. Those who are fortunate enough to come back, there are 58,000 who died in Vietnam, 300,000 were wounded, and some of the wounded were in that audience, and on and on it goes with the insults they have to endure, like the long waiting lists.

It is important for us to note that those of us who are against war are not against soldiers or veterans. Anybody who places his life at risk, whether as a volunteer or drafted, deserves to have the medal of greatness placed upon them. Out of the nearly 300 million people in our population, those few people become great people. There is no such thing as a greatest generation just because they fought World War II. All veterans, Vietnam, Korea, whoever was able to come back, deserves the maximum that we can do in terms of housing, education and certainly medical benefits.

It is a commentary, which I think has been pointed to several times here, on the heartlessness of this administration that at a time like this they would dare have a $28 billion cut in the benefits for veterans over a 10-year period. Veterans deserve all we can give them. They are all part of a great generation no matter which war they have fought in.

Ms. WATERS. Mr. Speaker, I include for the RECORD a communication from New Directions, signed by Mr. JOHN Keaveney, who is head of this New Directions organization, a fine organization rehabilitating veterans in the greater Los Angeles area; a communication from Mr. Dwight Radcliff from United States Veterans Initiative, another organization providing drug rehabilitation services, providing job training services for our veterans from the Vietnam era and from the Persian Gulf; and a communication from the National Veterans Foundation that is signed by Shad Meshad.

UNITED STATES
VETERANS INITIATIVE, INC.,
Inglewood, CA, March 27, 2003.

MAXINE WATERS,
Member of Congress, 35th Congressional District, California.

DEAR CONGRESSWOMAN WATERS: I have reviewed the findings of Congressman Lane Evans, ranking Democratic member of the House Veterans' Affairs committee regarding the budget adopted by the house budget committee which results in drastic reductions in funding for veterans benefits and services. As the director of the largest veterans-specific program in the country, I am appalled that this administration would consider decreasing the amount of funding available to the Department of Veterans Affairs and the special programs and services provided by community based organizations such as ours.

United States Veterans Initiative provides outreach, housing, employment assistance, case management, counseling, legal assistance, and food services to over 2500 homeless veterans per year at our Inglewood site. At our other sites across the country, we provide services to an additional 3000 veterans annually. The majority of the veterans that we serve are Vietnam Veterans. Today, over thirty years after the war in Vietnam, the men and women who fought for this country are still struggling to obtain the benefits and services to which they are entitled. In being proactive, it is imperative that during this time of war, we begin to prepare to address the needs of those who are currently in service as well as the forgotten heroes who still sleep in the streets of this country each night. It is extremely unfair to tell those who have waited so long and also those who will return shortly that their effort for this country was unappreciated. This is our time to fight for them.

As our congressional representative I am requesting that you strongly oppose any effort to cut funding for the Department of Veterans Affairs. Without this crucial funding, those veterans that are in desperate need of benefits and assistance will not be able to access the needed resources such as medical, psychiatric, housing, and employment.

Sincerely,

DWIGHT RADCLIFF,
Los Angeles Services Director,
United States Veterans Initiative.

NEW DIRECTIONS, INC.,
Los Angeles, CA, March 26, 2003.

To: Representative Maxine Waters.
From: John Keaveney.
Subject: Department of Veterans Affairs Funding Cuts.

DEAR CONGRESSWOMAN WATERS: I am writing for your help Congresswoman Waters because you have always been a strong advocate for veterans, protecting veterans' benefits and defending veterans from special interests in Congress and here locally. I am pleading with you once again to help our Nation's veterans. It has come to our attention that the House Budget Committee chaired by Congressman Jim Nussle (R–IA) pushed through a bill to cut $25 billion from the Veterans' Administration over the next 10 years. I know you agree that if the government can consider funding tax breaks for the rich and businesses, then they certainly can make it a priority to help our Nation's veterans and homeless by not allowing a major cut in benefits to veterans.

The shame of this is that this was done on March 13, as America was asking hundreds of thousands of servicemen and women to lay their lives on the line as our country was making final preparations to go to war with Iraq. I find it difficult to describe my feelings about this development especially considering that this Nation is now engaged in a war and simultaneously enacting legislation making huge cuts in funding for veterans' services. To propose cuts in V.A. nurses, doctors, hospitals and other important services to veterans at a time of war feels to many veterans like an act of treason. I do not believe that the American public is informed properly about this issue. Just imagine, how would our troops in the Middle East feel about this? It seems inexcusable at a time like this to virtually tear up the agreement America has had with veterans for more than 100 years which is to care for those who have borne the brunt of battle.

Veterans expect the promises made to them to be honored as this should be considered a sacred agreement. Thank you for your time and devotion to serving our country in honor of our nation's servicemen and women.

God bless you.

JOHN KEAVENEY.

NATIONAL VETERANS FOUNDATION,
Los Angeles, CA, March 27, 2003.

Congresswoman MAXINE WATERS,
Rayburn House Office Building, Washington, DC.

DEAR CONGRESSWOMAN WATERS: As author and founder of the National Vet Center program (Public Law 96–22), and founder and president of the National Veterans Foundation which has been operating since 1987, I want to express my extreme shock and dismay over the recent announcement concerning the House Veterans Affairs Committee decision to drastically cut Veterans' health-care benefits.

We have seen many disturbing things with past administrations concerning veterans support, but this present attempt to slash budgets supporting our nation's veterans is the most shameful. A $25 billion cut from the Veterans Adminstration over the next 10 years is a staggering amount to an already severely reduced and diminished program. Veterans comprise 30% of the nation's homeless, many of them are in desperate need of services . . . many more are at the brink of homelessness and what is probably worse, a crisis of hopelessness.

Where is the logic of cutting these programs precisely when we are sending our young men and women into the field to secure the peace and safety not just of our nation, but of the world?

Cuts in VA hospitals, in doctors and nurses, in rehabilitation and retraining, and in counseling to heal wounded psyches, seems cruel and treasonous. What kind of country asks its citizens to be prepared to make the ultimate sacrifice, and then penalizes those who rise to the challenge?

Lincoln's Address at Gettysburg dictates our responsibility to these brave men and women: to care for him who shall have borne the battle and for his widow and his orphan.

We are barely doing that now. How is it possible for our existing system to undergo these savings cuts and still offer services to the hundreds of thousands of troops now engaged in Iraq? Then there's Afghanistan, not to mention the countless thousands of military personnel in support positions all over the world. We are looking at a vast increase in the number of those we must serve. To cut funding for veterans services in a time of war while simultaneously offering a tax break that would have its greatest impact on the affluent and on business seems indefensible.

You have always been a strong advocate for veterans. You have protected veterans' benefits from special interests locally and in our Congress. Please help us now. We need your strong, clear voice.

Sincerely,

SHAD MESHAD,
President and Founder.

Mr. TOWNS. Mr. Speaker, today I rise to express my deep concern and stringent opposition to the proposed cuts in veterans health care contained in the President's 2004 Budget. While a tax cut may require us to discuss reductions in many vital programs, there are few cuts that are as unkind as the cuts the President wishes to visit upon those brave men and women who were willing to serve and if necessary die for this country.

Mr. Speaker, this House recently voted on a 2004 budget from the President which will cut funding for veterans health care and benefit programs by nearly $25 billion over the next ten years. These cuts would require the Veterans' Administration for the first time in its history to require monetary payment from those who have already paid with their service to this nation. According to the Veterans' Administration, approximately one out of every two veterans could lose their only source of medical care under the President's budget plan. What should the VA say to a veteran who needs treatment but cannot afford to pay? I cannot believe that we would honor their service by turning them away. And yet, under the President's plan, rejection may be the only response that a fiscally-strapped health care system can give.

Mr. Speaker, I believe that the veterans who served this country responded affirmatively to this nation's call to service. We cannot now respond negatively to their call for help.

Mr. ETHERIDGE. Mr. Speaker, as we stand here today in Washington, DC, thousands of our men and women in uniform are in harm's way, fighting for the freedom and the values that we hold dear.

They are in our thoughts and our prayers. They do not know what fate awaits them, but they know they are fulfilling their duty and serving their country.

When these brave Americans return home, they will join the ranks of over 26 million American veterans.

In my state of North Carolina, we are home to more than 150,000 veterans.

I served in the United States Army for two years. I never fought in combat or served overseas. And I'm certainly no hero, but I understand the sacrifices that our veterans have made.

Our troops fighting overseas today should know that when they come home the country that they have served will not turn its back on them.

Once the fighting is over, veterans should know that the government will fulfill its promises to take care of those injured in battle and to provide for health care and education assistance.

It is absolutely outrageous that the majority in the U.S. House of Representatives wants to push through a budget that severely cuts funding for our nation's veterans.

They passed this budget under the cover of darkness because they knew it could not stand the light of day.

That budget breaks the solemn promise made to the very men and women who fight for our freedom.

You've heard my colleagues tell you how the budget cuts would affect veterans' programs nationwide, but I want to tell you about one specific proposal that would significantly impact North Carolina's veterans.

The budget cuts mean that many North Carolina veterans won't be able to continue receiving VA health care because of new $250 enrollment fees.

The VA estimates that 1.25 million veterans who are already a part of the health care system will be forced out because of these steep new fees.

In North Carolina this could translate into over 27,000 veterans cut out of health care.

For those who can afford to stay in the VA health care system, many will be forced to pay significant new costs.

An estimated 22,000 North Carolina veterans, referred to as Priority 7 and Priority 8 veterans, will pay a new $250 enrollment fee, increased copays for physician benefits and prescription drug fees.

All in all, this will mean a total average increase of $347 each year. Others could be forced to pay even more, as much as $600 annually.

The budget passed by the House means that 4,100 veterans in North Carolina will not even have the opportunity to enroll in VA health system.

These so-called Priority 8 veterans, who were not injured in service and who make above a level between $24,450 and $38,100 depending on location and situation, will be denied care.

Our country made a promise to the men and women in our armed forces. Our troops and our veterans have fulfilled their duty to their country. Now it is our turn to make good on our promises.

Congress should reject the Republican budget and honor our commitments to our veterans.

GENERAL LEAVE

Ms. WATERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of my special order.

The SPEAKER pro tempore (Mr. MARIO DIAZ-BALART). Is there objection to the request of the gentlewoman from Texas?

There was no objection.

DISTORTION OF BILL EMERSON HUMANITARIAN TRUST

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Washington (Mr. NETHERCUTT) is recognized for 60 minutes.

Mr. NETHERCUTT. Mr. Speaker, I am pleased to speak tonight on an issue that deals with American agriculture. Today, as a member of the Committee on Appropriations and the Subcommittee on Agriculture, the House full committee passed a supplemental appropriations bill to assist our soldiers and military folks with respect to the prosecution of the war in Iraq, and provide other humanitarian aid and other financial assistance to the region of the Middle East and assist in the war effort there, and recognize the importance of supporting our fighting men and women in that theater.

Also, as part of the appropriations measure that passed the House Committee on Appropriations today, there was a provision that relates to food assistance for the people of Iraq, and a preparation for the understanding that our country has committed itself to try to help the people of the Middle East region, and certainly the people in Iraq, who are the innocent victims of a tyrannical regime of Saddam Hussein.

I want to address a portion of the appropriations bill that deals with the agriculture commitment that the country has made in the supplemental appropriations bill.

It is a good measure. It is a supplemental that is supported by the President, by the majority party, by I think a unanimous vote in the Committee on Appropriations today, to provide assistance to the troops and make sure that our military receives all that it needs.

The section that I want to refer to in the appropriations bill that we will have a chance to debate and vote on later this week, and certainly in conference with the Senate, the other body, next week and hopefully to get this measure signed into law by the President before April 11, is a measure that has to do with the integrity of the Bill Emerson Humanitarian Trust.

Bill Emerson was a former Member, a wonderful man from Missouri, a dear friend and a colleague of many Members of Congress, who passed away; and the Bill Emerson Humanitarian Trust Fund was created in his memory, and properly so. That Bill Emerson Humanitarian Trust was created to provide food aid on an emergency basis to countries around the world who are struggling for food in times of emergency and dire straits and national consequence.

Our country has been very forthright in providing this assistance and making sure that the Bill Emerson Humanitarian Trust is not only stocked with adequate commodities, but also cash to purchase commodities when the need arises; and it has done millions and millions of people a world of good in making sure that they are able to eat. And it is out of the goodness of the American taxpayer and the American system that we provide that assistance.

What we have seen in the use of the Bill Emerson Humanitarian Trust, administered by the Department of Agriculture in our country, is what I perceive to be a distortion of the operation of the trust. About a year ago, last summer in fact, there was a determination made by USDA to sell onto the open market soft white wheat, which is manufactured, grown, produced in my part of the country, the State of Washington. In doing so, the actions by the U.S. Department of Agriculture depressed the price on the open market of soft white wheat. Over the course of the last few months, since November, additional efforts have been undertaken by USDA to sell wheat stocks, soft white wheat stocks, in anticipation of humanitarian needs around the world.

In the most recent activity in the trust, there has been a move by USDA to monetize soft white wheat in order to obtain cash, which would then be used to buy other commodities, rice and others, which may be useful in Iraq.

Now, I have no quarrel with the idea that we need to provide food aid to Iraq. This is a war-torn country with people starving at the hands of Saddam Hussein. America, as it has in the past, is ready at the present to provide assistance to the people of Iraq. So it is not an issue with me over how or whether we should provide food aid to the people of Iraq.

There is an issue as to the U.S. Department of Agriculture's operation, administration of the Bill Emerson Humanitarian Trust.

What we have seen is the monetization of soft white wheat at the expense of the farmers who grow soft white wheat and at the expense of the market which is driven by the amount of wheat that is on the market at any one time. The price of wheat, we have seen in my farm country, has gone from $4.80 cents a bushel in November to a range of about $3.15 cents to $3.25 cents per bushel currently. The market collapsed to a no-bid market on March 21, just a week or so ago, on the rumor that the Department of Agriculture was going to dump more wheat on the market and raise cash for other commodities.

What my admonition to the USDA has been is, do not monetize soft white wheat so you can buy other commodities. Let us make sure, as we face the needs of the people of Iraq and the humanitarian commitment that our country is willing and able to make, let us make sure this is a wartime cost which is necessary to assist people in other parts of the world who may be facing disasters, natural or otherwise.

So what we are trying to do is make sure that the USDA, number one, follows the intent of the Bill Emerson Humanitarian Trust, and that the process is in place to do so in a fair manner, commodity to commodity, around the country, and not place a monetization practice in place which then puts soft white wheat farmers, for example, at odds with rice growers in different parts of the country.

So the monetization prohibition, which I think is sensible for our government to operate and administer the food aid programs of our country, is part of the appropriations bill that passed in the Committee on Appropriations today and will be before the House of Representatives, most likely later this week. So that is one restriction that needs to be in place. And the Department of Agriculture must listen to this development which has been undertaken by the House, by the legislative branch of our government, and not do more monetization, not undertake more monetization of one commodity which places farmers which grow that commodity against farmers of another commodity that may be suitable for distribution in Iraq.

In addition, the House has put $69 million additional food aid money, unrestricted, able to have any commodity on the market be purchased, to meet the needs of the people of Iraq; and that is an acceptable and appropriate activity development on the part of the Committee on Appropriations and this House and the legislative branch.

□ 1930

It is likely to stay in the bill all the way through the process in dealing with the other body as well as the reconciliation with the House conferees to come up with a final supplemental appropriations package that will assist in the war effort, including humanitarian aid assistance.

I am here, Mr. Speaker, to emphasize most definitively that monetization of commodity that places one grower against another is bad agriculture policy in this country. It is a disservice to the agriculture community, which is struggling for price support and market price in any event; and it puts farmer against farmer, which is an unacceptable condition. In addition, the misuse, I would argue, of the Bill Emerson humanitarian trust to assist in Iraq when additional moneys are being poured into the war effort as part of the defense bill, as part of the supplemental appropriations bill to assist those good people of Iraq who need the assistance from food aid, there is no need to further monetize or further distort the market for soft white wheat or rice or any other commodity that is subject to administration under the Bill Emerson humanitarian trust.

The third point I want to raise is that in depressing the market by government action, which puts more commodities on the market and lowers the price of any commodity, what we are doing is then under the loan deficiency payment program of the farm bill, the agriculture policy in this country, what it is doing is subjecting the taxpayer to additional expense by virtue

of that market price going down below the loan deficiency payment level that then kicks in so that there is more taxpayer assistance to farmers because of that low price. My strong point and my strong message to USDA is the U.S. Department of Agriculture should not be taking actions which depress the price which then expose the taxpayer to other liability in aid to the farmer. Instead, let the market decide what the commodities market price should be. And so when you monetize and sell one commodity to buy another, you distort the market, and that is what USDA in my opinion has been doing and doing improperly.

I come to the floor tonight to make this very strong message to USDA and any others of the eight government agencies who are involved in the decision to monetize soft white wheat. This is bad policy. We should not be doing it, especially in light of the prohibition on monetization that exists in the current House appropriations bill that passed the Appropriations Committee today and will likely come to this House floor sometime this week, hopefully, and then be reconciled with the other body's version of the supplemental appropriations bill and then be signed by the President most likely at the end of next week.

I am urging caution on the part of the USDA. I have had conversations with the agency. I have had conversations with USAID to try to make the point that help is on the way in terms of money and prohibition on monetization; and my great hope is that the agencies of government who are committed to helping the agriculture industry in this country, the farmers who grow the products that you and I consume, that there will be some restraint on the part of the USDA, that there will be a cancellation of any other notices to monetize soft white wheat so that rice can be purchased, because there is additional money in the pipeline that is going to be coming to the rice growers of the country or the wheat growers of the country to provide the commodity needs that will meet the expectations and the requirements of the people who are suffering in Iraq.

We have 69 million additional dollars. We have $250 million for PL–480 assistance. There is additional money that will help the poor, starving people of this war-torn region. We will do that and we should do that but not at the expense of the commodity growers in the eastern district of Washington State or other States around the country who are affected by a misuse or mismanagement or a distorting impact that comes with monetizing the Bill Emerson humanitarian trust.

I will be pursuing this issue in due course to make sure that the U.S. Department of Agriculture agencies understand the consequences of monetization, the impact on the markets and the impact on the taxpayer. Ultimately, the taxpayers when prices go way down in the soft white wheat market are going to have to bear the burden. That is not what the farmer wants. The farmer wants a market price. We had a market price of $4.80 a bushel some several months ago but because of, in part, additional dumping on the market of U.S. Government agency stocks, the price has gone down, and we now have a further crisis in farm country.

We cannot afford to lose the agriculture infrastructure in this Nation. If prices are so low that farmers are not going to grow commodities, we are going to find ourselves in days and months and years ahead, hopefully not, we are going to find ourselves facing the challenge of being independent agriculturally. We are going to be dependent on other countries of the world for our agriculture. That is unacceptable, and that is what we are trying to prevent by allowing market forces to have an important part in agriculture policy, not a distorting impact because of determinations made by USDA, our own Agriculture Department, which has the mission to help the farmers and the food needs of people in this country.

I would just say, too, as we look at the dependence that we have on fossil fuels, on oil from the Middle East countries, we are now in a war that has as a factor in it the issue of oil reserves and who is producing oil reserves. We are dependent on foreign countries. We cannot allow that to happen in America as it relates to our dependence on agriculture commodities from overseas. That is why we need a robust agriculture economy here and proper administration of the Bill Emerson trust, the humanitarian trust, proper administration of the food aid programs, proper respect for agriculture interests and the value of markets and the value of the movement of markets, prices go up and down; but let the markets operate what the prices are rather than have the government be involved in distorting the market. If we have a hands-off policy or a helpful policy, as opposed to a hurtful policy by our U.S. Department of Agriculture, we will be a lot better off.

I would say to the Speaker and my colleagues, be on the lookout for any market distortion that might be coming out of government agencies as it relates to agriculture, and I urge my colleagues to support this idea that monetization is not a good thing when you are trying to put farmer against farmer by our own Department of Agriculture, because the goal ultimately is to have a robust agriculture economy providing enough food so that we can continue to provide assistance to natural disaster consequences and the people who are subject to natural disasters or food shortages or drought or any other consequence that comes around this great world, that America can help solve by providing food aid.

COMMEMORATING THE BIRTH OF CESAR CHAVEZ, AMERICAN LABOR LEADER

The SPEAKER pro tempore (Mr. BURGESS). Under the Speaker's announced policy of January 7, 2003, the gentleman from Texas (Mr. RODRIGUEZ) is recognized for 60 minutes.

Mr. RODRIGUEZ. Mr. Speaker, I want to take time tonight as chairman of the Congressional Hispanic Caucus to pay tribute to an inspiring and beloved man, Cesar Estrada Chavez. Cesar Chavez, 76 years ago this Monday, marked the beginning of his life dedicated to improving the quality of life for all Americans. We honor and pay respect to a man who brought awareness of the labor injustices to the national light and helped pave the path to educating people about the importance of the plight of the working individuals in the fields of this country. He cleared the way for progress and opportunity. Tonight, we have here members of the Congressional Hispanic Caucus; and I want to make tribute to one of our members, the gentleman from Arizona (Mr. GRIJALVA), and ask him to say a few words in behalf of Cesar Chavez.

Mr. GRIJALVA. Mr. Speaker, I want to thank the gentleman from Texas for the opportunity to come and speak today. It is my honor to rise today in this House to acknowledge the birth date of Cesar Chavez. Yesterday would have been his 76th birthday. Cesar Chavez, cofounder, along with Dolores Huerta, of the United Farm Workers' Union, led a historic struggle to give voice to the voiceless and empower the poor and powerless, inspiring a people beyond the limits and barriers that had been artificially placed before them.

Cesar Chavez was born and died in the district that I represent, in Yuma and San Luis, Arizona. It is vital that all Americans acknowledge the profound contributions that Cesar Chavez has made to our country. These contributions were not in the form of money, false praise, or the trappings of power. He reinforced the values of this Nation, values such as commitment and of purpose and strength of cause.

Allow me, Mr. Speaker, to quote directly from Cesar Chavez: ''In this world, it is possible to achieve great material wealth, to live an opulent life. But a life built upon those things alone leaves a shallow legacy. In the end, we will be judged by other standards.''

Another value that Cesar imparted and reinforced for our country is the value of struggle and perseverance. Again let me quote Cesar Chavez: ''When we are really honest to ourselves, we must admit that our lives are all that really belong to us, so it is how we use our lives that determines what kind of men we are. It is my deepest belief that only by giving life do we find life, that the truest act of courage, the strongest act of manliness is to sacrifice ourselves for others in a totally nonviolent struggle for justice. To be a man or woman is to suffer for

others. God help us be men and women.''

But the legacy of Cesar Chavez is a legacy of change that he brought to this country, and we are all obligated in our own way to continue and finish a change that sought equality for all people and the opportunity to live without the yokes of poverty, racism and the domination of others. It is time that this great Nation formally declares support for Cesar Chavez through a holiday, a holiday that celebrates nonviolence, the rights of all workers and the strong spirit of all people to overcome. I am proud that in my community where I formerly served as a county supervisor we have a paid holiday for the employees, we have a livable wage for employees as an acknowledgment to the struggles and as an acknowledgment to the goals of Cesar Chavez. In this country, we face tough times, war, peace, our Nation's obligation to the poor and underrepresented in this country. These are issues that this Congress struggles with on a daily basis.

But let me speak for a second on one issue that intertwines what we are facing today in Iraq and what we are facing today on the question of immigration in this country. Even in this Chamber, we hear the shrill anti-immigrant babblings that Cesar Chavez fought so hard against his entire life. I want to pause and read a letter to the editor that appeared in our local newspaper, the Arizona Daily Star, today. The letter starts ''Truly Ironic.''

It is in reference to a March 26 article entitled ''Immigrant Marine Pledged His Life as a Matter of Honor.'' The gentleman who wrote this letter goes on to say: ''I found this story truly interesting. Lance Corporal Jose Gutierrez from Guatemala was an illegal immigrant, or criminal as the haters and vigilantes would call him, who instead of dying in the Arizona desert was able to find a foster family, go to school in America, then die in the Iraqi desert protecting these haters' and vigilantes' right to keep on hating the so-called illegals.'' Mr. Dennis Jones from Kearny, Arizona, wrote that letter. I think it fits well to the times, and it fits well to the dilemmas that this Congress must face and resolve.

By recognizing Cesar Chavez, we recognize ourselves. We extend to ourselves all the traditions and the realities of the faces in this country. Chavez once said, ''It is possible to become discouraged about the injustice we see everywhere, but God did not promise us that this world would be humane and just. He gives us the gift of life and allows us to choose the way we will use our limited time on earth. It is an awesome opportunity.''

In this time when we anguish about the future and confront the present struggles, it is indeed a fitting time to pause and recommit ourselves to the legacy and the challenge that Cesar Chavez has given us, a legacy of hope, compassion and fairness, and a challenge before this Congress to act to help the people of this country, to act to stabilize our world, to act to assure that opportunity and fairness still is and will continue to be one of the cornerstone traditions of this country.

□ 1945

It has indeed been a pleasure for me to make these comments about someone who influenced my life, and I will be very frank. His motivation, his spirit, his tenacity to lead people that were never represented is a legacy and a tradition that should be part of the history of this country. It is indeed my pleasure.

Mr. RODRIGUEZ. Mr. Speaker, I thank the gentleman from Arizona (Mr. GRIJALVA).

Let me take this opportunity to thank the gentleman for his words and I want to thank him for his leadership. I know that, as a freshman, he has already made some great impacts here at the Congress, and it is great to see two Hispanics from the great State of Arizona representing that State.

As we talk about Cesar Chavez, he was a person who grew up in the fruit and vegetable fields and knew what it meant to work them from dawn to dusk. He knew the injustices that faced labor workers on a daily basis and he knew that something had to be done; and from those fields Cesar rose to head of the United Farm Workers of America, instilling the UFW, the principles of nonviolence practiced by Gandhi and Dr. Martin Luther King.

When the UFW began strikes in the 1960s to protest the treatment of farm workers, the strikers took a pledge of nonviolence, determined not to detract from the message of improving labor conditions; and I want to tell the Members this was a critical time in my life and in my wife's life, Carolina, because this was a time that we had an individual in our community who talked about nonviolence, one of the first. I had been involved in the civil rights movement during that time, and I was involved in Mexican-American youth organizations during that time, working to get single-member districts and getting Hispanics registered to vote.

My wife also, while in college, worked with Cesar Chavez in those efforts. So both of our lives met both as she struggled to help Cesar Chavez, and I worked with voter education and voter registration. And for those of us who have lived through this time period, we heard of the great odds Chavez faced as he led the successful 5-year strike, boycott. Through this boycott, Chavez was able to forge a national support coalition of unions, church groups, students, minorities, consumers. And everyone came together; everyone understood the struggle of the worker. By the end of the boycott, everyone knew the chant that unified all workers, Si se puede, yes, it can be done. It was a chant of encouragement, of pride and dignity.

Chavez continued to speak out in other areas and helped communities to mobilize by assisting them with voter registration efforts and voter registration drives and insisting that the minority communities had just as much a right to have equitable access to educational opportunities as anyone else.

Cesar Chavez's legacy continues to live on today. His influences can be seen in the legislation that comes to our floor, legislation that aims to provide for our children's education, legislation that aims to help improve our children's health care in our communities, legislation that helps and comes forward in the area of civil rights and liberties and respect for human beings.

We must also continue the fight to ensure that in today's world, the rights of workers are still protected, whether it is the workers in the fields, in the kitchens, or in our factories. The blue collar workers are invaluable to America and to the American economy. It is important that these Americans be treated with the respect and dignity that they deserve, and that all rights afforded to those working in air-conditioned offices be provided to those that work in the sun-heated fields and the like.

America has seen few leaders like Cesar Chavez. He is among a rare group who have left a lasting imprint in American history. We can only hope to fulfill this vision as we walk through the halls of Congress, to create a better tomorrow for the Hispanic community and all Americans.

I want to take this particular time and opportunity to also indicate that as Cesar Chavez struggled and worked, we could see the strength in the man's face as we saw his eyes. He was a man of nonviolence, a person who, as we met this humble individual, gave us strength; and I recall distinctly having the opportunity at various times to meet with him and, various times, to be able to share with him and take some pictures with him as well as helping those boycotts that he had as the struggle continued.

He was a unique individual that had a very strong sense of perseverance that was there and that just his presence, as humble as he was, gave us that strength. So that is why, when we look throughout America, if we look at any Hispanic community whether we are in Arizona or California or Texas, anywhere throughout the Southwest and beyond, we see the street names of Cesar Chavez. We see the building names. Especially, I know in my district in south Texas we have a school named after Cesar Chavez. We see the highways that are named after Cesar Chavez, one of the Hispanics who we can say, here is an individual that has really represented us well, an individual that has not only represented the Hispanic community, but the American community, with the strength of nonviolence and the strength to move forward.

As we celebrate his birthday on March 31 throughout this country, and I know like in San Antonio we have

had marches and we had banquets that allow for the opportunity to continue the struggle, continue the education, that we still have people that are out there. We still have individuals that are working the fields. We still have individuals that need our respect and need the services and need to be treated in a dignified way; and it is important for us not to lose track of the fact that these individuals are the ones that either pick the strawberries or pick the fruits and the foods that we eat, and that we need to treat them in a dignified way. And he brought that to us and he brought that education.

And I know that people like President Kennedy had a great deal of respect and would come to him, and he was able to have those contacts during the time when few Hispanics were able to reach those levels.

Cesar Chavez will never be forgotten, mainly because of what he did and what he represents. So I wanted to take this opportunity tonight to talk about this man and talk a little bit about the things that he talked about, because as we talk about those things now, Cesar Chavez began this road of change, but it is up to those of us who come here after him to continue that struggle, to continue that work, and to continue that vision for a better tomorrow, that commitment to the community, that commitment to making sure that we make things better. And it is important as individuals and it is important as a community that we continue those efforts.

I want to ask every American, because I know Cesar Chavez would operate from the same perspective, that each one of us has a responsibility and an obligation. Just like he started without a formal education, he educated himself, and I know that he would want all Americans, both Hispanic and non-Hispanic, to continue that struggle of continuing to further their education, whether it be formal or informal, that effort of trying to better themselves and making sure that whether they are out there as janitors that they continue to move forward to become whatever they can in terms of either, if nothing else, head janitor of that school and then move forward in advancing themselves.

I know that Cesar Chavez valued education, and he stressed the importance of education, and he worked to try to get the migrant workers to get access to education. And as we talk about education, I know that right now we have those struggles that are going on in education. We know that our present budget, when it comes to Leave No Child Behind, is actually $9 billion behind; and I know that he would be talking about the importance of investing in our kids, the importance of investing in our country, and that education is key to fulfilling that American dream. And to him I know that that American dream would be just to fulfill their lives in a way that would allow them to move forward, whether it would be getting a better education, getting better protection, moving forward in obtaining a home, whatever it was.

He lived in humble ways even up to his death, but I know that as he talked about the importance of education, that we must continue. I know, as Latinos and Hispanics throughout this country, that he would argue about the fact that we still have a long way to go.

We still have too many youngsters that are dropping out of school. I know among the Mexican American community in the State of Texas, some districts have up to 50 percent of our kids that drop out. That is too many. Each one of us has a responsibility, starting with those parents, of making sure that their kids stay in school, starting also with the school system, making sure that they also do everything they can to keep those kids in school, starting with those communities that have an obligation and responsibility to also work with the school system and the teachers to help the teachers out in assuring that those kids remain in school.

Because our Nation is a powerful nation. It is a superpower, and the only reason it is a superpower is because we also have a super economy, and that is directly tied into our education. So it becomes really important. And I know that Cesar Chavez would say that education is key, whether it be a formal education or an education where one begins to educate oneself informally about what needs to happen and what needs to occur. That is important.

I know that Cesar Chavez would also feel very strongly when it comes to the issue of health care, and I know that in the area of health care, Cesar worked very hard to try to get access to health care for our young people; and I know as we look at that issue of health care and we look at the issue of the CHIP program that we have right now, the CHIP program is a program that responds to those kids that are out there, to those constituents and those Americans that are out there that are working, making $20,000, $30,000, maybe more, but find themselves without insurance. A lot of them are working for small companies. A lot of them are working individually and find themselves unable to get the coverage that they need. So that CHIP program that provides that health care is one that is extremely important, one that is critical. So at this point in time we need to be supportive of those kinds of programs.

In addition, I know that the administration is looking at taking the CHIP program, the Medicaid program, which is a program that helps our indigents, those that are the most vulnerable of this country, those that do not have access to resources, those that cannot afford to pay for their access to health care.

That Medicaid program is key. Both the Medicaid and the CHIP program are vital programs in this country, and I know the administration is looking at taking both the Medicaid and the CHIP, in addition to that, taking the disproportional share of moneys that go to our hospitals. Those are moneys that go directly to our hospitals, especially those hospitals that provide the indigent care, where they do not get compensated for the type of care that they provide. So these three programs, the proposal is to lump them up and send them to the State.

I know that it goes also with a cap, but it is important for us, and those programs have worked well independently, and we ask that we work hard to keep them independent. In fact, we need additional resources for Medicaid. We need initial resources for the CHIP program, and our hospitals are having difficulty, our trauma centers, in the type of care that they provide throughout this country.

This is the time for us, instead of looking at a tax cut, to move forward and provide access to care, and those three programs are the most vulnerable of this country.

□ 2000

Mr. Speaker, I know Chavez was always supportive of access to health care. In this country that has the best health care in the world, it makes no sense that that access to that health care is not affordable and not accessible to a lot of Americans. So as we celebrate and pay tribute to Cesar Chavez, it is important that we continue that struggle. And I ask all Americans out there and say that we need to zero in and continue those efforts as it deals with education and as it deals with health care.

In the area of education, one of the best programs that we have ever had that has reached out to the young people has been the program on Head Start. Head Start has been a program that was originally designed to meet a need, because States were not going out and reaching out to those young people, pre-schoolers. We knew that if the States were not doing that, that as a Federal Government we had a responsibility and an obligation to do that. So we started the Head Start program.

The studies that we have for the Head Start program reveal that it is a great program. It has great statistics, although it needs more resources. Right now it is only covering about 40 percent of the young people that are qualified for it. So we still have a large number of young people that could qualify for that. So Head Start is a great program. Of the early childhood programs, we only cover 2 percent of early childhood under Head Start. So it is a minimal program that could be expanded. It is under the Department of Health for a good reason, because it also reaches out to those families; it reaches out to the parents of those kids. The data shows that a Head Start baby, a Head Start youngster does a lot better in school and is able to go

through, and the data shows and the statistics indicate that that youngster and those kids under Head Start can do a lot better.

So Cesar Chavez would be extremely supportive of those kinds of programs. As we once again take this time to pay tribute to the legacy of Cesar Chavez, we look at the struggles that he had in meeting the needs of those farm workers, in meeting the needs of those people that work out in the field. And those kids and those Head Start programs that are out there, meeting their needs is important, and it is one of the areas that we need to continue.

This administration is choosing to basically do away with Head Start. Right now it is locally controlled. It is a program that has been doing well and we will say, why mess with it? Well, I think they see the resources there, they are choosing to send out those monies to the State and do away with it. We are hoping that that does not happen. So I ask Americans, if we have a good thing and we have a good program, it is doing well, why mess with it? So as we look at programs such as Head Start, we know that we can improve on those programs and we need resources. So this is the time to look at investing in Americans, investing in the educational opportunities of individuals.

When I was elected, and I have been in public office now for 29 years, I see my responsibility is the responsibility of making things happen, of being able to fulfill and solve the problems that confront us both in our back yards, in our States, in our communities, and in our country as a whole. As we look at those problems, one of the things that we know is that we have to continue to enhance our educational capability as a Nation. It is important. A lot of people will talk about the fact that we have too much immigration coming, but we forget that immigration has also been healthy. And if we do cut immigration, then we better educate our people, because we have also been a brain drain on the rest of the world.

When we look at the figures from 9–11, Mr. Speaker, we had, on the average, we produced 12,000 to 13,000 doctors and bring in 5,000 doctors from abroad. Here we have five people that are qualified to go to our medical schools, and yet we tell two of them, two of those young people, I am sorry, we do not have room for you, we can only accept three to our medical schools; and yet we bring in on the average about 5,000 from abroad. And that is just in the medical field. In engineering and all of the others, it is the same. So if we decide to stop immigration, then we better start educating our own, we better start getting our own engineers, we better start building our medical schools to produce more doctors. I have not seen the will in the House. We have to create that vision of investing in ourselves. We have to be able to make sure that as we move forward we have the qualified people to be able to be our professors, to be able to be our doctors, and to be able to be our engineers in this country.

As we look in terms of our future, we know that in our universities, the expense of higher education, and we have to make sure that we provide that education that is needed.

So I would challenge all Americans out there, in the form of Cesar Chavez, to continue that struggle, to making sure that people can fulfill their American dream, whether they want to become an attorney, whether they want to get the job training to be able to get a better job, whatever it is, we have to make those programs available, we have to make those opportunities available. Sure, they have to be able to come up to the plate and be able to get the work done in order to make it happen. But it is important for us to make sure that we provide those opportunities and not to cut those opportunities. Because we have great people out there. We have youngsters that can be attorneys, but they need that help and that assistance at an early age. They need those programs such as Head Start that can be the basis for making something happen. They need those programs, those after-school programs that are required in order for them to be able to excel and be able to move forward.

I wanted to take this opportunity, as we pay tribute to Cesar Chavez, not only to talk about his work, but the work that also needs to take place now, the work that each one of us has an obligation, each one of us has a responsibility as Americans to make sure that our elected officials are held accountable, to make sure that our communities do the right thing, that our school boards do the right thing when it comes to education. As we move forward, each one of us has a responsibility to participate in the democratic process and to vote.

One of the things that concerns me is that as Americans we take our freedoms very lightly. It is not something that should be taken lightly. Just as we have a right right now, that right might not be there tomorrow. Freedom comes through struggle, and it is an endless process. It does not stop now; it continues. It is one that we have to be vigilant and be able to move forward, especially as we find ourselves now in war with terrorism, because a war with terrorism is also a war of ideologies. So we have to make sure that we move forward in a positive way and that we do not forget the reason why we have been a powerful country and that is that we have been a country of opportunities, we have been a country of immigrants, we have been a country that allows a person to fulfill their greatest potential individually.

So as we take this time, once again, to pay tribute to a great man, Cesar Chavez, who was there for the most needy of this country, those that work out in the fields, those that pick our foods, those individuals that have the least power as we foresee, here is a person who gave a great deal and gave his life to that struggle, a person who saw a problem and worked at it and was persistent about it. So I want to encourage each one of us to look at his life and see in what ways we can participate in our community and in what ways we can come forward and help.

One of the big things about Cesar Chavez is that he never spoke negatively against anyone. He always was an extremely polite individual, was always positive. One of the things that I noticed about him was that he always took personal responsibility for what he did. That personal responsibility is one thing of saying, we all have an obligation to making sure that everyone and every American has an opportunity for an education. We might say, well, they do, but in some cases the reality is that we still do not have that access for everyone. We still do not have that opportunity for where every American is able to go into the universities of this country. That is why we have programs such as the affirmative action or programs such as that that allows an opportunity for minorities to enter universities throughout this country.

Today, the Supreme Court began to hear the cases on affirmative action; and I know that as we look at those cases, as they look at those cases, it is going to be important, the results of what comes about. I know that President Bush basically, by deciding to go against the affirmative action and fighting those opportunities, is basically closing the doors on minority access to higher education. While saying that he supports diversity, his lawyers are working to outlaw affirmative action at the University of Michigan.

The President says that considering race and ethnic background is unfair. Let us look at a system that most of Americans in history silently penalized minority applicants and led the alarming disparity that we have now. Today, less than 10 percent of college-age Hispanics go to higher education. Only 16 percent of Hispanics between the age of 25 to 29 have a bachelor's degree. We have a serious education gap in this country, and we should not tolerate this disparity. We cannot accept excuses. We cannot justify smoke and mirrors. Affirmative action or taking affirmative steps to try to correct this situation in universities' admissions will not solve all the problems, but it is an important tool that is available to schools seeking that diversity, and we should not throw out a system until we have a fix.

The attempt now is to try to throw out a system without providing alternatives. Achieving racial diversity, at least until the vestiges of past racial discrimination are erased, is a legitimate and compelling goal. We know and everyone out there knows that we still do not have the appropriate numbers throughout our universities. In fact, things are getting worse. In

Texas, since the Hopwood case, and I will talk to my colleagues briefly about that, but President Bush said that we should not be satisfied with our current numbers of minorities on American college campuses. He is right. But other than nice words, what does he offer? Allowing a set percentage of top high school graduates is better than nothing, but it is not certainly better than affirmative action. Percentage programs will not even begin to work unless we have States with large, highly segregated minority populations. And even then, it is still second best.

Hispanics will increase by 18 million in the next 25 years. We must ensure that the increase adds up to success, with an educated workforce and a growing economy that provides better lives for all our children and all our populations.

When we look at the issue of affirmative action, the purpose of affirmative action, and it was established during the Nixon years, was an attempt to basically come up with steps that allowed an opportunity to seek out qualified African Americans, qualified Hispanics, and, yes, qualified women. And because of the fact that we knew that there was disparities, and just like coaches went out and got qualified football players, that same effort could be done to get people to go into law school, those same efforts could be done to get people into medical school, and into other professions. So affirmative action, all it means is that we are going to make a sincere effort to taking steps to bringing up the numbers and to make sure that we have that variety of individuals that will be able to be representative of our Nation and have the African American and the Hispanic numbers that are key.

□ 2015

I know that since I have worked, when it came to the issues of injustice, when it came to the issues of equality, those are the issues that I know he fought for extremely strongly. He felt that everyone needed to be given an opportunity, that everyone had a responsibility to work on making sure that everyone was treated appropriately.

If we look at taking affirmative steps to get representation, I want to share a little bit about what the administration is talking about, a 10 percent bill. The only reason I mention that is because the administration mentioned that as an alternative to affirmative action.

I am here to tell the Members that I am the author of the 10 percent bill, although it was 15 percent when I was in the Texas House, before I came to the Congress. The reason why we came up then with 15 and 20 percent, and it became 10 percent, was because we knew we needed an alternative. They just wiped out under Hopwood the affirmative action efforts in the State of Texas. We needed to come up with something that would help out in assuring that Hispanics and minorities had an opportunity to further their education in Texas.

During a conference that I had, we came up with what we called the 20 percent piece of legislation. I filed it during that time I ran for Congress, and then turned over the piece of legislation to a State representative who just passed away. We were able to pass it under the 10 percent rule.

Let me give a little background what it does. It basically says if you graduate in the top 10 percent of your class, that the State of Texas has to bring you in and allow you to start school.

It is also based on the premise that it is also discriminatory. I will tell the Members right out, that is why we passed it, because if we have segregated schools with a concentration of Hispanic Americans, then we have an opportunity to get the top 10 percent to be able to go to those schools.

We were successful in doing that, and the program has been somewhat successful; but it is not as good as affirmative action. The data can show that. But it is a program that works in segregated areas. It is not a program that is going to be successful throughout this country; but it is also, once again, based on the negativism of segregation, and the fact that we have segregated schools in Texas, where there are a large concentration, 80 or 90 percent Hispanics in some of our schools.

The 10 percent has not been that good for African Americans in Texas. In fact, the numbers are a little lower. Yet, despite the gains, it also shows that, and I want to share that one of the other things that the 10 percent rule shows, and this is important to note, that the youngsters who do graduate at the top 10 percent, some of them come up with scores that are much lower, and they show about 1000 or 1100 on the SAT. They were able to get in, and are 200 to 300 points below some of the others, and do just as well as the other students.

If nothing else, the 10 percent has disapproved the test scores that show that even up to 300 points, that those youngsters can outperform those other youngsters that do better in those major tests when it comes to performing in those universities. If nothing else, this particular bill has helped to do away with that.

If Members really want to come up with a good affirmative action effort, we would do away with those test scores and do what we have always said: use a combination of things to really look at the youngster's performance. You look at the youngster's grades, you look at the youngster's tests, you look at his standing in the schools, and look, if you can, at the background of the individual. Because no one can really judge the motivation and the drive that someone has to be able to move forward. That will never show up on an instrument, on an exam or a test. It becomes important that we use multiple criteria for admission.

We have always argued that we should not use one test or another, that it should be multiple criteria that should be utilized for admissions, and that every effort ought to be made.

I have worked since I was in the seventh grade all through high school, and there is no way that we can compare someone who, in all honesty, did not work and had an opportunity to do their homework. Yet I can tell the Members, I sit here, and when I went to college I was able to eat their lunch when I started there. I mean that. Because other people have to do a variety of other things as they move forward, whether because of economics or whatever.

The reality is that we do have youngsters out there that do extremely well; yet they might be youngsters that have dropped out of school for one reason or another. If we look at the dropout rates, we see a lot of youngsters that drop out. It is not, a lot of times, for academic reasons. I can tell the Members that because I have also been responsible for some of the assessments on dropout rates, the reasons why youngsters drop out, especially Mexican Americans. We know that they do well.

My predecessor, Mr. Tejeda, had dropped out of school. Yet he later got a bachelor's and a master's and a law degree, and became the U.S. Congressman for this same district, and was in the military. Now, under these conditions, if he had dropped out now, he could not be even eligible to get into the military because the military does not accept individuals unless they have a high school diploma. They only accept GEDs up to 1 percent in the Air Force and 10 percent in the Army, so those are issues that need to be dealt with.

Education is key. We need to continue to emphasize the Federal role in education, the fact that we have a responsibility to make sure that our constituency throughout this country is well educated.

There is a direct correlation between education and our economy; and I would attest to the Members, there is a direct correlation between our economy and the fact that we are a superpower. If we want to continue to be a superpower, we have to continue to invest in our kids. We need to continue to invest in our people, in getting them opportunities to be able to advance themselves and be able to fulfill their American dream, whether it be getting a better job or being able to buy a home.

I think as we look at those issues, and as we pay tribute to Cesar Chavez, I know that he would be continuing the struggle for the workers in this country. That struggle is a continuation of making sure that everyone is treated in an equitable manner, that everyone will have opportunities to be able to advance themselves, either educationally or in terms of job training that might be offered. That becomes real important.

Let me take this opportunity also to indicate that Cesar Chavez was a humble individual who, as he worked in the fields, was able to organize, was able to educate not only the farm workers but our entire community. I would ask Americans to look at Cesar Chavez and the work that he did, because it is an inspiring work. It is an inspiring thing that we need to continue to come to and educate ourselves about.

Also, Members should ask ourselves in terms of our role as individuals, in terms of our role in the community, our role in the Nation as we continue our struggle on the war on terrorism and the war on Iraq, we need to make sure that we do not lose sight of the fact that we also have a struggle in this country. That is to make sure we turn the economy around. Part of that is a continuous effort in those areas of both education and health.

In the area of health, as I have indicated earlier, health is one of the areas where we continue to make inroads. Yet, it does not make any sense if our constituencies do not have access.

Right now, our seniors are having a great deal of difficulty being able to get access to prescription drug coverage. I have had seniors come to me and talk about the fact that we had a struggle in that area in that they have to sometimes not buy the food that they need in order to buy their prescriptions. That should not be happening in this country.

We argue about on the border we have a lot of problems, and we argue about people coming from abroad and from across the border to access the health care; but a lot of Americans also go across to get access to health care. A recent study revealed that half or 50 percent of those surveyed actually went into Mexico to get access to health care, buying prescriptions and getting medical treatment and dental treatment, because they could not afford it in this country.

So we need to make sure not only that we try to make it affordable but also accessible. That is important. So those specific issues of both education and health were two primary issues beyond the issues of worker rights that Cesar Chavez worked on.

Worker rights need to continue to be on the forefront. We need to understand, and it is unfortunate, yes, that we have to have a minimum wage; but we have a minimum wage because we also understand and recognize that there are still some people in this country that if they could get away with it, that they would pay fifty cents for someone to cut their yard instead of paying them appropriately in order to help them out, and being able to do the work that it entails.

Also, in closing, let me take this opportunity. I know we had some Democrats that were out here. One of the things they talked about was our veterans. I want to take this opportunity to shift, as we pay tribute to Cesar Chavez, to talk a little bit about our veterans.

Tonight we had an opportunity to hear some of our Members talk about the needs of our veterans. I sit on the Committee on Armed Services, and I also sit on the Committee on Veterans' Affairs. We must honor our veterans. We honor them by ensuring that they have access to quality benefits and services once they come home. That is so important and so key.

With our troops in the field, and sadly, with many Americans already experiencing war's devastating effects, it is shameful that the House passed a budget resolution on the same day, Mr. Speaker, on the same day that our soldiers began Operation Iraqi Freedom, cutting $15 billion from the veterans disability compensation programs and $9.7 billion from the veterans health care.

It is clear that this proposal will have a devastating effect on the veterans, the VA health care and the benefit programs, and would serve as a further insult to the millions of veterans already facing reductions in health care, in compensation, in pensions, and in education benefits.

The administration's budget was already inadequate to meet the health care needs of our veterans. Now the Republicans have gone further and cut $844 million above the President's request for veterans health care next year. The proposal, approximately $1.3 billion above 2003 appropriations, will not even begin to cover the inflationary impact and anticipated salary increases for VA health care workers.

That budget relies on unrealistic management efficiencies, increasing copayments. It also relies on new annual enrollment of veterans using the VA health care system when they are going to be taxed, and other efficiencies such as eliminating 5,000 VA nursing home beds. At the same time, we are asking our veterans to fight in Iraq and to continue the struggle in Afghanistan, to continue the difficulties that we encounter in Colombia, and we are eliminating 5,000 veteran nursing home beds.

The budget resolution also calls for cutting $15 billion over 10 years, $463 million in 2004 alone. The VA mandatory spending under the disguise of eliminating fraud, waste and abuse, is cut. Mr. Speaker, when we look at this disguise of fraud, waste and abuse, 90 percent of the spending for VA entitlement is paid out of monthly payments to disabled veterans. I do not consider payments to our disabled veterans and pensions for the poorest disabled veterans in the GI bill, benefits for soldiers returning from Afghanistan, to be fraud, waste, or abuse.

□ 2030

I recently joined my colleagues on the House Committee on Veterans' Affairs and I have a great deal of respect for our leader, the gentleman from New Jersey (Mr. SMITH), a Republican, in a bipartisan recommendation to the Committee on the Budget which would have added $3 billion. And I want to personally thank the gentleman from New Jersey (Mr. SMITH) for those efforts. But next year alone for veterans discretionary programs including Medicare and research construction and programs that fund the administration cost benefits such as compensation pensions and education programs, that is important. That is drastically needed.

I urge all of my colleagues to do the right thing and honor our commitment to our veterans. These cuts are shameful and unacceptable. We must do everything we can in a bipartisan way to make sure that our veterans get those services that they are entitled to.

Let me also just say that people argue, well, the budget is growing. It is growing because of the fact that our veterans are reaching, especially the World War II veterans, are reaching that age where they need us now. They are getting old. They are getting ill. They need our help. And, yes, our roles are increasing. But we have got to assume as those that fought World War II and fought in Korea and Vietnam begin to reach those levels, we have got to be there for them. This is not the time to cut. After that, the numbers are going to get smaller, but we have got to be there for them. And for us to argue, well, we are going to increase it and we have been increasing it and we ought to be comfortable that that is not sufficient, we are actually cutting priority 7 veterans. We are cutting priority 8 veterans. And we have got to be sure that we do the right thing when it comes to our veterans.

So I want to take this time to thank the veterans who have taken the time to come out here. I want to appeal to the Republicans when it goes to conference to do the right thing when this comes to our veterans. We have asked them to go to Afghanistan. We have asked them to go to the Gulf War. We have asked them to go to Vietnam and Korea; and now as they reach their twilight years, they need our help. And what are we saying? Our priority is a tax cut. That is not right. That is not right.

Every single war, we have the data, has shown that we have had a tax increase to pay for the war. But now we got on a tax cut. And I can understand those conservatives that feel that sometimes in order to stimulate the economy that you would need a tax cut. But after looking at that tax cut, Mr. Speaker, I saw that it was $674 billion initially. Thank God it has been cut now. I do not know where it is going to wind up, but it was $674 billion. Of that, if you would argue from a conservative perspective that it is going to go to business, the majority of it, and that would help stimulate the economy, you would also have to take into consideration the fact that 80 percent of new jobs are created in small businesses, not major corporations. So of that $674 billion, less than $18 billion actually goes to small businesses.

So even from a conservative perspective, it does not make any sense. It really dos not if you are trying to stimulate the economy. And that is if you believe in that way, which I personally do not, and I think we could really help stimulate the economy and solve problems. I really feel that I have been elected here to solve problems, and we are not doing that here.

One of the problems that we are encountering is that the States have difficulties with their budgets. For homeland defense, we could be providing resources to them. The VA, for example, just since 9–11 it has cost them close to 50, $55 million just from going to code orange every time with more security and other things that they have to do. So it is costing them money and so we have to help our States, and we could help them by addressing the issue of health care and providing resources to health care. Not only would it help the States, but it also would solve a problem in a very critical area, which is the area of health care that would allow an opportunity for consumers to have access to health care.

It would allow an opportunity for the industry, the hospitals and the doctors who are having a rough time, in trauma centers who are thinking of closing down, it would have that opportunity for them to be able to get access to those resources and do the job they are required to do and do the job that is needed, so we would solve a problem and provide that access to those individual consumers out there that need access to health care. But we would also help in solving the issue and the problem that the States are having with the budgets, which is one of the issues of health care.

So instead of that $675 billion in the form of a tax cut, we can utilize that in a much better way in the area of health care, in the area of education, in the area of meeting the needs of our veterans.

So tonight I take pride in coming up and talking about a variety of issues, but our most important issue once again to pay tribute to the visionary Cesar Chavez who helped to inspire a great number of Americans in this country in a nonviolent way.

I want to thank you, Mr. Speaker, for the opportunity in allowing me to be here tonight, and I want to take this opportunity to say thank you very much and good night.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. SIMMONS (at the request of Mr. DELAY) for today on account of attending the funeral of a constituent who was a member of the Armed Forces who was killed while serving in Iraq.

Mr. MCINNIS (at the request of Mr. DELAY) for today on account of surgery.

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. HOLT) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Ms. CARSON of Indiana, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. CROWLEY, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Mr. MILLER of North Carolina, for 5 minutes, today.

Mrs. MALONEY, for 5 minutes, today.

Mr. LANGEVIN, for 5 minutes, today.

Mr. CASE, for 5 minutes, today.

Ms. HOOLEY of Oregon, for 5 minutes, today.

Mr. INSLEE, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

(The following Members (at the request of Mrs. BIGGERT) to revise and extend their remarks and include extraneous material:)

Mr. PAUL, for 5 minutes, today.

Mr. WELDON of Florida, for 5 minutes, today.

Mr. TANCREDO, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 318. An act to provide emergency assistance to nonfarm-related small business concerns that have suffered substantial economic harm from drought; to the Committee on Small Business.

ADJOURNMENT

Mr. RODRIGUEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 36 minutes p.m.) the House adjourned until tomorrow, Wednesday, April 2, 2003, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1613. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of the Presidential Determination No. 2003-10, on Waiver of Conditions on Obligation and Expenditure of Funds for Planning, Design, and Construction of a Chemical Weapons Destruction Facility in Russia; to the Committee on Armed Services.

1614. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Public Housing Homeownership Program [Docket No. FR-4504-F-02] (RIN: 2577-AC15) received March 31, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1615. A letter from the Deputy Congressional Liaison, Federal Reserve Board, transmitting the Board's final rule—Truth in Lending [Regulation Z; Docket No. R-1136] received March 31, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1616. A letter from the Secretary, Department of Homeland Security, transmitting the Department's final rule—Enforcement of Nondiscrimination on the Basis of Disability in Department of Homeland Security Programs or Activities (RIN: 1601-AA05) received February 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

1617. A letter from the Administrator, Energy Information Administration, Department of Energy, transmitting notification regarding the Energy Information Administration's report entitled, ''Performance Profiles of Major Energy Producers 2001''; to the Committee on Energy and Commerce.

1618. A letter from the Secretary, Department of Energy, transmitting the Department's report entitled, ''Fleet Alternative Fuel Vehicle Acquisition Report For Fiscal Year 2001,'' pursuant to Public Law 105—388 section 310 112 stat. 3481; to the Committee on Energy and Commerce.

1619. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a listing of gifts by the U.S. Government to foreign individuals for the period of January 1 through September 30, 2002, pursuant to 22 U.S.C. 2694(2); to the Committee on International Relations.

1620. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule—Exports and Reexports of Explosives Detection Equipment and Related Software and Technology; Imposition and Expansion of Foreign Policy Controls [Docket No. 030213032-3032-01] (RIN: 0694-AB87) received April 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

1621. A letter from the Secretary, Department of Transportation, transmitting the semiannual report of the Inspector General for the period ending September 30, 2002, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

1622. A letter from the Acting Director, Congressional Budget Office, transmitting the report to waive deduction of pay requirement for two reemployed annuitants; to the Committee on Government Reform.

1623. A letter from the Assistant Director, Executive and Political Personnel, Department of the Navy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

1624. A letter from the Assistant Director, Executive and Political Personnel, Department of the Navy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

1625. A letter from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

1626. A letter from the Secretary, Department of Education, transmitting the annual report concerning surplus Federal real property disposed of to educational institutions,

pursuant to 40 U.S.C. 484(o); to the Committee on Government Reform.

1627. A letter from the Director, Office of White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

1628. A letter from the Attorney/Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

1629. A letter from the Chairman, Federal Maritime Commission, transmitting the Annual Program Performance Report for FY 2002; to the Committee on Government Reform.

1630. A letter from the Chairman, Federal Trade Commission, transmitting the semi-annual report on the activities of the Office of Inspector General for the period ending September 30, 2002, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

1631. A letter from the Comptroller General, General Accounting Office, transmitting information concerning GAO employees who were assigned to congressional committees as of January 21, 2003; to the Committee on Government Reform.

1632. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Seasonal Area Closure to Trawl, Pot, and Hook-and-Line Fishing in Waters off Cape Sarichef [Docket No. 03114012-3046-02; I.D. 121902F] (RIN: 0648-AQ46) received March 31, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1633. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Notheastern United States; Northeast (NE) Multispecies Fishery; Commercial Haddock Harvest [Docket No. 000407096-01; I.D. 031003B] received March 31, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1634. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the 2002 report on the Apportionment of Membership on the Regional Fishery Management Councils pursuant to section 302 (b)(2)(B) of the Magnuson- Stevens Fishery Conservation and Management Act; to the Committee on Resources.

1635. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 of the Gulf of Alaska [Docket No. 021122286-3036-02; I.D. 030703A] received March 31, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1636. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Constructive Sales Treatment for Appreciated Financial Positions—received March 18, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1637. A letter from the Chairman, MedPac, transmitting the Commission's preliminary comments on the Department of Health and Human Services per diem prospective system for inpatient psychiatric facility care; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LINDER: Committee on Rules. House Resolution 168. Resolution providing for consideration of the bill (H.R. 743) to amend the Social Security Act and the Internal Revenue Code of 1986 to provide additional safeguards for Social Security and Supplemental Security Income beneficiaries with representative payees, to enhance program protections, and for other purposes (Rept. 108–54). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. YOUNG of Alaska (for himself, Mr. MICA, Mr. OBERSTAR, and Mr. DEFAZIO):

H.R. 1527. A bill to amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2003 through 2006, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. PORTMAN:

H.R. 1528. A bill to amend the Internal Revenue Code of 1986 to protect taxpayers and ensure accountability of the Internal Revenue Service; to the Committee on Ways and Means.

By Mr. SENSENBRENNER:

H.R. 1529. A bill to amend title 11 of the United States Code with respect to the dismissal of certain involuntary cases; to the Committee on the Judiciary.

By Mr. NUSSLE (for himself, Mr. RAMSTAD, Mr. LUCAS of Kentucky, Mr. GREEN of Wisconsin, Mr. GRAVES, and Mr. PAUL):

H.R. 1530. A bill to amend the Internal Revenue Code of 1986 to clarify the exemption from tax for small property and casualty insurance companies; to the Committee on Ways and Means.

By Mr. MCCRERY:

H.R. 1531. A bill to amend the Internal Revenue Code of 1986 to enhance energy conservation and to provide for reliability and diversity in the energy supply for the American people, and for other purposes; to the Committee on Ways and Means.

By Mr. BARTLETT of Maryland (for himself, Mr. ANDREWS, Mrs. MCCARTHY of New York, Mr. ACKERMAN, Mr. TANCREDO, and Mr. BLUMENAUER):

H.R. 1532. A bill to amend the Animal Welfare Act to strengthen enforcement of provisions relating to animal fighting, and for other purposes; to the Committee on Agriculture.

By Mrs. BIGGERT (for herself and Mr. FORD):

H.R. 1533. A bill to amend the securities laws to permit church pension plans to be invested in collective trusts; to the Committee on Financial Services.

By Mr. CARDIN (for himself, Mr. GEORGE MILLER of California, Mr. RANGEL, Mr. STARK, Mr. LEVIN, and Mr. MCDERMOTT):

H.R. 1534. A bill to improve the ability of the child welfare system to prevent and respond to child abuse and place children in safe, loving, and permanent homes; to the Committee on Ways and Means.

By Mr. ENGLISH:

H.R. 1535. A bill to amend the Internal Revenue Code of 1986 to repeal the mid-quarter convention for depreciable property; to the Committee on Ways and Means.

By Mr. HERGER (for himself, Mr. JEFFERSON, Mr. CRANE, Mr. HAYWORTH, Mr. MCINNIS, Mr. RAMSTAD, Mr. SAM JOHNSON of Texas, Mr. BECERRA, Mr. HOUGHTON, and Mr. FOLEY):

H.R. 1536. A bill to amend the Internal Revenue Code of 1986 to treat distributions from publicly traded partnerships as qualifying income of regulated investment companies, and for other purposes; to the Committee on Ways and Means.

By Mr. JOHN:

H.R. 1537. A bill to amend the Migratory Bird Treaty Act to clarify that restrictions on baiting of migratory game birds do not prohibit the taking of a migratory game bird on or over manipulated re-growth of a harvested rice crop; to the Committee on Resources.

By Mr. KING of New York (for himself, Mrs. MALONEY, Mr. ENGEL, and Mr. STEARNS):

H.R. 1538. A bill to posthumously award congressional gold medals to government workers and others who responded to the attacks on the World Trade Center and the Pentagon and perished and to people aboard United Airlines Flight 93 who helped resist the hijackers and caused the plane to crash, to require the Secretary of the Treasury to mint coins in commemoration of the Spirit of America, recognizing the tragic events of September 11, 2001, and for other purposes; to the Committee on Financial Services.

By Mr. KLECZKA (for himself and Mr. STARK):

H.R. 1539. A bill to amend title XVIII of the Social Security Act to limit the hospital ownership exception to physician self-referral restrictions to interests purchased on terms generally available to the public; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, 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. LANGEVIN (for himself, Mr. ABERCROMBIE, Ms. CORRINE BROWN of Florida, Mr. CASE, Mr. CLAY, Mr. CONYERS, Ms. DELAURO, Mr. FRANK of Massachusetts, Mr. JACKSON of Illinois, Mr. LEWIS of Georgia, Ms. LOFGREN, Mrs. MCCARTHY of New York, Ms. MCCOLLUM, Mr. MEEHAN, Mr. MORAN of Virginia, Ms. NORTON, Mr. PASCRELL, Ms. SCHAKOWSKY, Mr. SERRANO, Mr. LANTOS, Mr. WAXMAN, Mr. WEXLER, and Ms. WOOLSEY):

H.R. 1540. A bill to ensure greater accountability by licensed firearms dealers; to the Committee on the Judiciary.

By Mrs. MALONEY (for herself, Ms. CORRINE BROWN of Florida, Mr. SERRANO, Mr. BISHOP of Georgia, Ms. WOOLSEY, Mr. BRADY of Pennsylvania, Mr. JACKSON of Illinois, and Mr. WYNN):

H.R. 1541. A bill to amend title 13, United States Code, to provide for a just apportionment of Representatives in Congress for all States; to the Committee on Government Reform.

By Mrs. MALONEY (for herself, Mr. SERRANO, Mr. HINCHEY, Mr. TOWNS, Mr. MCNULTY, Mr. OWENS, Mr. NADLER, Mr. ISRAEL, Mr. CROWLEY, and Mrs. LOWEY):

H.R. 1542. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to modify the terms of the community disaster loan program, to authorize assistance under that program for losses related to the terrorist attacks of September 11, 2001, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. SESSIONS (for himself, Mr. BAKER, Mr. PAUL, Mr. MOORE, Mr. SHAYS, Ms. JACKSON-LEE of Texas,

Mr. FRANK of Massachusetts, and Mr. ROYCE):

H.R. 1543. A bill to amend the Fair Credit Reporting Act to exempt certain communications from the definition of consumer report, and for other purposes; to the Committee on Financial Services.

By Mr. NADLER:

H.R. 1544. A bill to amend the Bank Protection Act of 1968 and the Federal Credit Union Act to require enhanced security measures at depository institutions and automated teller machines sufficient to provide surveillance pictures which can be used effectively as evidence in criminal prosecutions, to amend title 28, United States Code, to require the Federal Bureau of Investigation to make technical recommendations with regard to such security measures, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on the Judiciary, 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. PAUL:

H.R. 1545. A bill to prohibit Federal officials from paying any Federal funds to any individual or entity that performs partial-birth abortions; to the Committee on Energy and Commerce.

By Mr. PAUL:

H.R. 1546. A bill to provide that the inferior courts of the United States do not have jurisdiction to hear abortion-related cases; to the Committee on the Judiciary.

By Mr. PAUL:

H.R. 1547. A bill to restore first amendment protections of religion and religious speech; to the Committee on the Judiciary.

By Mr. PAUL:

H.R. 1548. A bill to prohibit any Federal official from expending any Federal funds for any population control or population planning program or any family planning activity; to the Committee on International Relations, and in addition to the Committee on Energy and Commerce, 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. RANGEL:

H.R. 1549. A bill to amend the Internal Revenue Code of 1986 to restore and make permanent the exclusion from gross income for amounts received under qualified group legal services plans and to increase the maximum amount of the exclusion; to the Committee on Ways and Means.

By Mr. REHBERG (for himself, Mr. MCINNIS, and Mr. RENZI):

H.R. 1550. A bill to authorize the Secretary of the Interior and the Secretary of Agriculture to make grants to improve the commercial value of forest biomass for electric energy, useful heat, transportation fuels, petroleum-based product substitutes, and other commercial purposes; to the Committee on Agriculture, and in addition to the Committees on Resources, and Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SCHAKOWSKY (for herself and Ms. DELAURO):

H.R. 1551. A bill to amend the Richard B. Russell National School Lunch Act to ensure the safety of meals served under the school lunch program and the school breakfast program; to the Committee on Education and the Workforce.

By Mr. WELDON of Florida (for himself and Mr. JOHN):

H.R. 1552. A bill to establish a Federal program to provide reinsurance to improve the availability of homeowners' insurance; to the Committee on Financial Services.

By Mr. LANTOS:

H. Con. Res. 133. Concurrent resolution expressing the concern of Congress over Russian and Syrian actions in support of Iraq; to the Committee on International Relations.

By Mr. ROYCE (for himself, Mr. PAYNE, Mr. FLAKE, and Mr. JEFFERSON):

H. Con. Res. 134. Concurrent resolution acknowledging the deepening relationship between the United States and the Republic of Djibouti and recognizing Djibouti's role in combating terrorism; to the Committee on International Relations.

By Mr. BRADY of Pennsylvania (for himself, Mr. FATTAH, Mr. HOEFFEL, Mr. HOYER, Mr. KANJORSKI, Ms. WATERS, Mr. HOLT, Mr. WYNN, Mr. DOYLE, Mr. HOLDEN, Mr. HASTINGS of Florida, Mr. TOWNS, Mr. MOORE, Mr. MCNULTY, Mr. ABERCROMBIE, Mr. HINCHEY, Ms. WATSON, Mr. MARKEY, Mr. DELAHUNT, Ms. BORDALLO, Mr. BALLANCE, Mr. WALSH, Ms. NORTON, Mrs. CHRISTENSEN, Mr. CONYERS, Ms. KILPATRICK, Mr. CUMMINGS, Mr. OWENS, Mr. LEWIS of Georgia, Mr. GERLACH, Mr. SCOTT of Virginia, Mr. CLAY, Ms. DELAURO, Mr. UDALL of Colorado, Ms. ROS-LEHTINEN, Ms. CARSON of Indiana, Mr. ENGLISH, Mr. BROWN of Ohio, Mr. GREENWOOD, Mrs. JONES of Ohio, Mr. FROST, Mr. MURTHA, Ms. HART, Mr. TOOMEY, Mr. PETERSON of Pennsylvania, Mr. MURPHY, Mr. SHERWOOD, Mr. WELDON of Pennsylvania, Mr. PASCRELL, Mr. BISHOP of Georgia, Mr. DINGELL, Mr. MCDERMOTT, Mr. THOMPSON of Mississippi, Mr. RYAN of Ohio, Mr. JEFFERSON, Mr. GRIJALVA, Ms. SLAUGHTER, Ms. JACKSON-LEE of Texas, Mr. FALEOMAVAEGA, Mr. GEPHARDT, Mr. WATT, Mrs. LOWEY, Mr. SHUSTER, Mr. CROWLEY, Mr. CAPUANO, Mr. LARSON of Connecticut, Ms. KAPTUR, Mr. PALLONE, Mr. SKELTON, Mr. ACKERMAN, Mr. WEINER, Mr. FORD, Mr. NADLER, Mr. SPRATT, Ms. PELOSI, Mr. ENGEL, Mr. JACKSON of Illinois, Mr. MENENDEZ, Ms. VELAZQUEZ, Mr. SAXTON, Mr. TAYLOR of Mississippi, Mr. MEEHAN, Mr. ANDREWS, Ms. MILLENDER-MCDONALD, Mr. DAVIS of Illinois, Mr. LOBIONDO, and Mr. GEORGE MILLER of California):

H. Res. 169. A resolution honoring the life and faithful service of former Congressman Lucien E. Blackwell of Pennsylvania; to the Committee on House Administration.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 2: Mrs. MUSGRAVE.

H.R. 40: Mr. PAYNE.

H.R. 49: Mr. SHADEGG, Mr. DOOLEY of California, and Mr. FROST.

H.R. 109: Mr. FEENEY and Mr. ABERCROMBIE.

H.R. 126: Mrs. MALONEY and Mr. RYAN of Ohio.

H.R. 185: Mr. DOOLEY of California, Mr. FROST, and Mr. CARDOZA.

H.R. 218: Mr. TANCREDO.

H.R. 260: Mr. LANGEVIN.

H.R. 284: Mr. PAUL, Mr. NETHERCUTT, Mr. DOOLITTLE, Mr. ROGERS of Michigan, Mrs. MUSGRAVE, Mr. HINCHEY, Mr. LAMPSON, Mr. GONZALEZ, Mr. BECERRA, Mr. THOMPSON of California, Mr. INSLEE, AND MS. CARSON of Indiana.

H.R. 343: Ms. DELAURO and Mr. MICHAUD.

H.R. 401: Mr. GERLACH, Mr. BURTON of Indiana, and Mr. BRADY of Pennsylvania.

H.R. 434: Mr. BOOZMAN, Mr. GREENWOOD, Mrs. CUBIN, Mr. MURPHY, Mr. SOUDER. Mr. HERGER, Mr. SESSIONS, and Mr. BACHUS.

H.R. 440: Ms. LINDA T. SANCHEZ of California, Mr. MCDERMOTT, and Mr. MENENDEZ.

H.R. 442: Mr. LANTOS and Ms. SLAUGHTER.

H.R. 463: Mr. CARDOZA, Ms. ESHOO, Mr. SAM JOHNSON of Texas, Mr. GONZALEZ, Mr. HONDA, and Mr. FROST.

H.R. 466: Mr. TURNER of Ohio.

H.R. 490: Mr. MCHUGH and Mr. GONZALEZ.

H.R. 501: Ms. BERKLEY.

H.R. 577: Mr. MICHAUD.

H.R. 584: Mr. YOUNG of Alaska and Mr. ACKERMAN.

H.R. 594: Mr. MATHESON, Ms. KAPTUR, Mr. SCOTT of Virginia, and Mr. LARSON of Connecticut.

H.R. 614: Mr. DAVIS of Tennessee.

H.R. 643: Ms. BALDWIN and Mr. ANDREWS.

H.R. 648: Mr. HOSTETTLER, Mr. YOUNG of Alaska, Mr. WICKER, Mr. SOUDER, and Mr. NETHERCUTT.

H.R. 660: Mr. KIRK, Mr. BURTON of Indiana, Mr. WICKER, Mr. WYNN, Mr. HEFLEY, and Mr. ROGERS of Alabama.

H.R. 664: Mr. RYAN of Ohio, Mr. JACKSON of Illinois, Mr. DAVIS of Illinois, and Mr. KILDEE.

H.R. 666: Mr. MCHUGH.

H.R. 685: Mr. FATTAH.

H.R. 707: Ms. BERKLEY and Mr. DOYLE.

H.R. 737: Mr. ORTIZ.

H.R. 745: Mr. HOEFFEL.

H.R. 761: Ms. BERKLEY.

H.R. 767: Mr. FEENEY, Mr. OTTER, Mr. OSE, and Mr. JENKINS.

H.R. 774: Mr. HINCHEY.

H.R. 776: Mr. LANTOS.

H.R. 785: Mr. LANTOS, Mr. JEFFERSON, and Ms. GINNY BROWN-WAITE of Florida.

H.R. 786: Mr. MOORE, Ms. GINNY BROWN-WAITE of Florida, and Mr. WALDEN of Oregon.

H.R. 804: Ms. GINNY BROWN-WAITE of Florida.

H.R. 806: Mr. WYNN and Mr. MENENDEZ.

H.R. 807: Mr. HULSHOF.

H.R. 808: Ms. DUNN.

H.R. 811: Ms. KAPTUR.

H.R. 813: Mr. CASE, Mr. RANGEL, Mr. MURTHA, and Mr. GILCHREST.

H.R. 816: Ms. CARSON of Indiana.

H.R. 817: Mr. PICKERING.

H.R. 854: Mr. LANTOS.

H.R. 871: Mr. BERRY and Mr. SHIMKUS.

H.R. 872: Mr. HERGER.

H.R. 880: Mr. OWENS and Mr. STUPAK.

H.R. 882: Mr. KING of New York and Mr. GOODE.

H.R. 886: Mr. BISHOP of Georgia.

H.R. 898: Mr. MARKEY.

H.R. 927: Mr. BRADY of Texas, Mr. SMITH of Michigan, and Mr. HEFLEY.

H.R. 935: Ms. LINDA T. SANCHEZ of California.

H.R. 943: Mr. LYNCH and Mr. FEENEY.

H.R. 953: Mr. FRANK of Massachusetts and Mr. HILL.

H.R. 965: Mr. ISRAEL, Mr. BLUMENAUER, Mr. MICHAUD, and Mr. KLECZKA.

H.R. 966: Ms. BERKLEY.

H.R. 977: Mr. NUNES and Mr. RENZI.

H.R. 997: Mr. BROWN of South Carolina and Mr. JENKINS.

H.R. 1006: Mr. LEACH, Mr. ACKERMAN, Mrs. MCCARTHY of New York, Ms. SCHAKOWSKY, and Mr. DOYLE.

H.R. 1039: Ms. SOLIS.

H.R. 1048: Ms. BERKLEY.

H.R. 1049: Mr. HOSTETTLER and Mr. KLINE.

H.R. 1057: Mr. BRADY of Texas, Mr. FRELINGHUYSEN, Mrs. NORTHUP, Mr. PUTNAM, and Mr. COOPER.

H.R. 1068: Mr. KIRK, Mr. STRICKLAND, Mr. DEUTSCH, Ms. WATSON, Mr. MCDERMOTT, and Ms. BERKLEY.

H.R. 1077: Mr. EMANUEL and Mr. ETHERIDGE.
H.R. 1097: Mr. UDALL of Colorado, Mr. KENNEDY of Rhode Island, and Mr. SCHIFF.
H.R. 1108: Mr. BISHOP of Georgia and Mr. DAVIS of Alabama.
H.R. 1122: Mr. STARK, Ms. SOLIS, Mr. HONDA, Ms. BORDALLO, Mr. BERMAN, and Mr. SCHIFF.
H.R. 1136: Mr. KOLBE.
H.R. 1154: Mr. BARRETT of South Carolina.
H.R. 1157: Mr. HONDA.
H.R. 1185: Mrs. JOHNSON of Connecticut and Mr. NEAL of Massachusetts.
H.R. 1196: Mr. MCDERMOTT.
H.R. 1205: Mr. JACKSON of Illinois.
H.R. 1210: Mr. LAMPSON, Mr. LATOURETTE, Mr. BISHOP of New York, and Mr. DOYLE.
H.R. 1233: Mr. NORWOOD.
H.R. 1244: Mr. CARDOZA and Mr. GRAVES.
H.R. 1252: Mr. BARTLETT of Maryland.
H.R. 1267: Mr. HOLT, Mr. RYAN of Ohio, Mr. HASTINGS of Florida, Ms. WATSON, Ms. HARMAN, Mrs. JONES of Ohio, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HONDA, Mr. COSTELLO, and Mr. BRADY of Pennsylvania.
H.R. 1276: Mr. MARIO DIAZ-BALART of Florida, Mr. OSE, Mr. QUINN, Mr. WELDON of Pennsylvania, and Mr. HOEFFEL.
H.R. 1279: Mr. GRAVES, Mr. TANNER, Mr. BOSWELL, and Mr. NORWOOD.
H.R. 1290: Ms. ESHOO.
H.R. 1291: Mr. HINCHEY and Mr. DAVIS of Alabama.
H.R. 1294: Ms. JACKSON-LEE of Texas and Mr. DEFAZIO.
H.R. 1340: Mr. HINCHEY and Ms. DELAURO.
H.R. 1348: Mr. PASCRELL.
H.R. 1358: Mr. WEXLER, Mr. MCNULTY, Mr. FROST, and Mr. RANGEL.
H.R. 1359: Ms. KAPTUR.
H.R. 1366: Mr. LUCAS of Kentucky.
H.R. 1374: Mr. DINGELL.
H.R. 1389: Ms. JACKSON-LEE of Texas.
H.R. 1412: Mr. DEMINT, Mr. WU, Mr. BROWN of South Carolina, Mr. RYUN of Kansas, Mr. TERRY, Mr. MILLER of Florida, Mr. SOUDER, Mr. BURNS, Mr. GRIJALVA, Mr. ROSS, Mr. KENNEDY of Minnesota, Mr. NEY, Mr. BALLENGER, Mr. CASTLE, Mr. MCINTYRE, Mrs. DAVIS of California, Mr. MURPHY, Mr. PORTER, Mr. GARRETT of New Jersey, Mr. EHLERS, Mrs. BIGGERT, Ms. MCCOLLUM, Mr. VITTER, and Ms. GINNY BROWN-WAITE of Florida.
H.R. 1415: Mr. GEORGE MILLER of California, Mr. BROWN of Ohio, Mr. ACKERMAN, Mr. CUMMINGS, Mr. ROGERS of Michigan, Mr. CONYERS, Ms. SCHAKOWSKY, Ms. LEE, Mr. UPTON, and Mr. GREEN of Wisconsin.
H.R. 1422: Mr. MCINTYRE, Mr. PALLONE, Mr. MATSUI, Ms. DELAURO, Mr. GREEN of Texas, and Mr. MCNULTY.
H.R. 1425: Mr. MORAN of Virginia.
H.R. 1429: Mr. BROWN of Ohio and Ms. KAPTUR.
H.R. 1448: Mr. DEUTSCH.
H.R. 1451: Mr. SOUDER AND MR. BARRETT of South Carolina.
H.R. 1466: Ms. JACKSON-LEE of Texas and Mr. RANGEL.
H.R. 1467: Mr. BURGESS and Mr. SULLIVAN.
H.R. 1480: Mr. BERRY, Mr. DAVIS of Illinois, Ms. JACKSON-LEE of Texas, Mr. CLAY, Mr. DOOLEY of California, Mr. WAMP, and Mr. PAYNE.
H.R. 1483: Mr. KILDEE and Ms. CARSON of Indiana.
H.R. 1485: Mr. RANGEL.
H.R. 1499: Mr. ANDREWS and Mr. SNYDER.
H.R. 1508: Ms. MILLENDER-MCDONALD.
H.R. 1519: Mr. RADANOVICH and Mr. GORDON.
H.R. 1522: Mr. MCDERMOTT.
H.J. Res. 22: Mr. BALLENGER and Mr. BOSWELL.
H. Con. Res. 19: Mr. LUCAS of Kentucky, Mr. DOYLE, Mrs. CAPPS, Mr. COOPER, Mr. MICHAUD, and Mr. WATT.
H. Con. Res. 49: Mr. CROWLEY, Mr. RODRIGUEZ, Mrs. MALONEY, Mr. ABERCROMBIE, Mr. SCHIFF, Mr. SHERMAN, and Mr. KIRK.
H. Con. Res. 109: Ms. KAPTUR, Mr. PORTER, and Mr. GREENWOOD.
H. Con. Res. 119: Mr. WILSON of South Carolina, Ms. ROS-LEHTINEN, Mr. SOUDER, Mr. SHADEGG, and Mr. SULLIVAN.
H. Res. 121: Mr. SMITH of Michigan.
H. Res. 127: Mr. DAVIS of Alabama.
H. Res. 136: Mr. LEWIS of Kentucky.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1006: Mr. ALEXANDER.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

5. The SPEAKER presented a petition of the Legislature of Rockland County, New York, relative to Resolution No. 707 petitioning the United States Congress to include a renewable energy requirement in the Energy Policy Act of 2002; to the Committee on Energy and Commerce.

6. Also, a petition of the Legislature of Rockland County, New York, relative to Resolution No. 816 petitioning the United States Congress to call for a flood damage reduction project along the Ramapo and Mahwah Rivers in the Village of Suffern in accordance with the original plan authorized by the Water Resources Development Act of 1986; to the Committee on Transportation and Infrastructure.

7. Also, a petition of the Legislature of Rockland County, New York, relative to Resolution No. 706 petitioning the United States Congress to restore the Medicare funding for skilled nursing care to the level approved by Congress in 1999 and 2000; jointly to the Committees on Ways and Means and Energy and Commerce.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 522

OFFERED BY: MR. OSE

AMENDMENT NO. 1: Page 4, beginning on line 10, strike ''means—'' and all that follows through page 7, line 2, and insert ''means $100,000.'.'' (and conform any cross references appropriately).

Page 19, strike line 20 and all that follows through page 20, line 4, and insert ''means $100,000.'.''.

H.R. 522

OFFERED BY: MR. ROHRABACHER

AMENDMENT NO. 2: Page 3, strike line 19 and all that follows through page 20, line 13 [section 3 of the bill] (and redesignate subsequent sections and any cross reference to any such section, and conform the table of contents, accordingly).

H.R. 735

OFFERED BY: MR. WAXMAN

AMENDMENT NO. 1: In section 8348(h)(1)(B)(i) of title 5, United States Code (as proposed to be amended by section 2(c) of the bill), strike ''include'' and insert ''exclude''.

In section 8348(h)(1)(B)(ii) of title 5, United States Code (as proposed to be amended by section 2(c) of the bill), strike ''included shall not'' and insert ''excluded shall''.

H.R. 735

OFFERED BY: MR. TOM DAVIS OF VIRGINIA

AMENDMENT NO. 2: Page 9, after line 15, insert the following:

(e) MILITARY SERVICE PROPOSALS.—

(1) PROPOSALS.—The United States Postal Service, the Department of the Treasury, and the Office of Personnel Management shall, by September 30, 2003, each prepare and submit to the President, the Congress, and the General Accounting Office proposals detailing whether and to what extent the Department of the Treasury or the Postal Service should be responsible for the funding of benefits attributable to the military service of current and former employees of the Postal Service that, prior to the date of the enactment of this Act, were provided for under section 8348(g)(2) of title 5, United States Code.

(2) GAO REVIEW AND REPORT.—Not later than 60 days after the Postal Service, the Department of the Treasury, and the Office of Personnel Management have submitted their proposals under paragraph (1), the General Accounting Office shall prepare and submit a written evaluation of each such proposal to the Committee on Government Reform of the House of Representatives and the Committee on Governmental Affairs of the Senate.

Page 12, line 15, strike ''the President and the Congress'' and insert ''the President, the Congress, and the General Accounting Office''.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, FIRST SESSION

Vol. 149 WASHINGTON, TUESDAY, APRIL 1, 2003 No. 52

Senate

The Senate met at 9 a.m., and was called to order by the PRESIDENT pro tempore (Mr. STEVENS).

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Monsignor Robert Fuhrman, the Church of St. Gabriel, in Saddle River, NJ.

PRAYER

The guest Chaplain offered the following prayer:

Let us pray:

Almighty Father, terror and tyranny are our enemies. Disunity is our enemy too. But United States are States that endure! At this time of international stress we stand before You and wonder: Could there one day be worldwide tranquility? May we know peace? Will all Your people ever recognize their responsibilities to each other as the one human family?

Loving God, our countless personal freedoms distinguish us and allow us to fulfill our potential and Your plan. Help all Americans to count our blessings so that we will remain unified, especially so the war may end quickly, with evil suffering a singular defeat.

Lord, the Congress leads by serving, by representing and expressing the will of the people who are privileged to be Americans. Guide the Senate in the light of Truth. Give these men and women the support and the challenge of a united people who never let patriotism wane. A house divided against itself will fall. May this House never fall.

We make all our prayers with confidence in You who live and reign forever and ever. Amen.

PLEDGE OF ALLEGIANCE

The Honorable CONRAD BURNS, a Senator from the State of Montana, led the Pledge of Allegiance, as follows:

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

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Ms. MURKOWSKI). The majority leader is recognized.

SCHEDULE

Mr. FRIST. Madam President, this morning the Senate will be in a period for morning business until 10 a.m. Members who wish to make statements in support of our troops are encouraged to do so over the next hour.

At 10 a.m., the Senate will proceed to executive session to consider the nomination of Timothy Tymkovich, to be Circuit Judge for the Tenth Circuit. Under the previous order, there will be up to 6 hours for debate on the nomination. It is hoped that the nomination will not require all of the 6 hours and that we will be able to yield back time and have a vote a little bit earlier.

The Senate will recess at 12:30 p.m. for the weekly party luncheons.

We are also attempting to reach agreements on several other pieces of legislation, including the CARE Act, the FISA bill, and other bills relating to our Armed Forces personnel. We will also continue to process nominations, including judges, as they become available.

As a reminder, a fourth cloture vote will occur on the Estrada nomination during tomorrow's session.

Finally, I expect the Senate to begin the supplemental appropriations bill on Wednesday, if that bill becomes ready for floor action. I hope we can expedite the consideration of that bill this week so that we are able to continue the flow of resources to our troops in the field.

Therefore, all Senators should expect a very busy week with rollcall votes each day.

Madam President, I yield the floor. I wish to make a brief statement about our troops, but I will be happy to yield.

Mr. REID. I do not have anything.

HONORING OUR ARMED FORCES

Mr. FRIST. Madam President, we are now 12 days into Operation Iraqi Freedom. As I mentioned yesterday, I had the opportunity to visit the post of the 101st Airborne Division this weekend. It was a remarkable opportunity for me, and I wish to share with you a couple of my thoughts on that visit.

Our troops over the last 12 days have advanced 220 miles and now are sitting about 50 miles outside of Baghdad. We are all exposed, on the television and through our briefings, to the repetitive pounding of military targets day and night throughout Iraq. The key point, I believe, is that we do keep building our momentum both in Iraq and in America.

We have achieved many key objectives, and we will—there is no question—we will achieve our ultimate objective, and that is to disarm Saddam Hussein and to liberate the Iraqi people from his oppressive rule.

I am confident about that for so many reasons, but a lot of it has become real to me in a very personal sense after my visit to the 101st Airborne Division. For example, SP John G. Young is assigned to the A Company, 8th Battalion, 101st Airborne Division. He left Fort Campbell on March 1 of this year for Kuwait. He is crew chief on a CH–47 somewhere in the Iraqi desert. He is newly married. He is expecting a child in a few months and is doing an extraordinary job in Operation Iraqi Freedom. We thank him, we thank his mother, and we thank his wife for their courage.

At the 101st Airborne Division, Karyn, my wife, and Jonathan, my son, and I attended church services with the spouses and children of the Fort Campbell 101st Airborne Division. There are 50 chaplains as part of the 101st Airborne Division and 46 of those chaplains are overseas in Iraq and Kuwait. Seeing these families and the faces of these very young children as the pastor gathered them around the pulpit and

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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came down and sat on the floor with the children asking them what their impressions were, what they pray for—the children were very young, 2, 3, 4, up to about 7 years of age.

One said: I pray for my daddy who is somewhere in the desert.

Another little girl raised her hand as they sat, about 20 of them, around the pastor, and said: I pray that Saddam Hussein quits doing bad things to other people.

The innocence, the understanding, and the wisdom of these young children was very apparent.

I also had a chance to talk to Michele Schumer, whose husband is a member of the Special Forces and is currently deployed in Iraq. Michele is the mother of a child in kindergarten and has another child on the way.

We talked to Adra Barna, a mother of 3-year-old twin girls, who clearly had her hands full as we watched her manage them during the church service. Her husband is deployed in Iraq as well.

I talked to Julie Sparkman. She and her husband are newlyweds. It is hard for anyone at any point to be separated, but to be separated shortly after marriage clearly introduces all sorts of feelings that we all can share with Julie and her husband. Having just been married, imagine the fear when there was that first grenade attack at Camp Pennsylvania: Was my husband involved in that or not? Was he injured or not? He was not, but again, we can personalize in many ways the experiences that result from the tremendous service of these young men and women.

Above all, these families are patriotic. I thought the atmosphere would be very somber. In truth, it was very upbeat, optimistic, and energetic. These young spouses are so proud of their husbands being able to serve all of us and able to literally put their lives on the line for those causes of freedom, democracy, and peace.

In closing, the families of Fort Campbell did ask me to share with the President their support and their prayers for the tremendous job he is doing as Commander in Chief. They are concerned about their loved ones but proud they are able to serve the United States of America.

I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10 a.m., with the time to be equally divided between the Senator from Texas and the Democratic leader or their designees.

The Senator from Montana.

HONORING OUR ARMED FORCES

Mr. BURNS. Madam President, I rise to share another story that comes from the battlefield of Iraq. There are a thousand of these stories, but I think it is the way we start our day as a reminder of exactly what is going on at ground level—in other words, where the rubber hits the road.

In the last 12 or 13 days, we have seen how deeply committed our men and women in uniform are. They fight for a great cause of disarming Saddam Hussein's regime from its weapons of mass destruction, but also at the same time they understand that they are our brother's keeper.

What brought this home to me was a picture of this one marine carrying his injured comrade from the battlefield. It is as awe inspiring as any imagine that might come from the field of conflict. One man hurt his leg. His buddy slings him over his back and carries him safely, like a firefighter rescuing somebody from a burning building. Only in this case, it looks as though the enemy was not being cooperative or too helpful.

Men serving in battle form iron bonds. They have to because it is for the person next to them and for their country. Those bonds often forge the determination and the will to win. We can see the grim determination etched in the face of the marine who is doing the carrying. He seems to be thinking: It is all right, buddy. We will be out of here. You are in good hands.

Then perhaps when they reached the point where they were saved, the guy being carried likely responded: You do it for me, Semper Fi.

Some would say these two marines are heroes. But I would not put them in the hero class. They are America. They are the story of America. The marine who was hurt is from Oregon. The marine who saved him is from South Carolina. It does not matter what State one is from; their bond is in the unit in which they serve and in the miniature stars-and-stripe patch sewn on every shoulder of every sleeve.

For the marine from Oregon, his bond was his family heritage. His father was a career marine who rose to the top rank of sergeant major. His father was in Beirut, Lebanon, in 1983 when terrorists bombed the Marine barracks, losing 241 of his buddies. The father served in combat in 1991 during Operation Desert Storm. The day after the son shipped out for Kuwait, that marine's father died. The son returned home to the funeral, returned to the scene, and caught up with his unit.

The depth of commitment of our brave Americans is shown on the battlefields not only here but also in our history. It is a cause to them and one that inspires us. May we who are in the policy business learn our lesson to be that inspiring. We, too, should be where most of them are, where the rubber hits the road. This is where it is carried out.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. Madam President, I ask unanimous consent to speak for up to 10 minutes.

The PRESIDING OFFICER. The Senator has that right.

Ms. SNOWE. Madam President, I rise today to pay tribute to the more than 43 United States soldiers who have sacrificed their lives in the mission to liberate the Iraqi people and to disarm Saddam Hussein: The 16 who are missing, the 7 who have been captured, the 109 who have been injured, and all of those men and women on the ground, in the skies, and on the seas, who are so bravely supporting the cause of Operation Iraqi Freedom.

By now, we have all seen the images on our television screens, yet little can we truly comprehend the real nature of the dangers they face, and the courage they must summon. Let us then dedicate these days to the acknowledgment of their heroism, for how profoundly grateful and blessed we are that these men and women are committed to serving our Nation and the ideals for which it stands during this pivotal and tumultuous chapter in America's proud history.

In particular, I rise this morning to honor two Maine sons—Marine MAJ Jay Thomas Aubin and Marine CPL Brian Matthew Kennedy—who were among the twelve U.S. and British Marines killed Thursday, March 20 when their CH–46E Sea Helicopter crashed in Kuwait, just seven miles from the Iraq border. While I never had the opportunity to meet these two exceptional Marines in person, over the last week I feel I have come to know them, at least in some small but very meaningful way.

MAJ Aubin and CPL Kennedy embodied the Marine Corps values of honor, courage and dedication—no matter the odds, no matter the fight. They had the mental, moral and physical strength to follow the U.S. Marine decree to do the right thing, in the right way, for the right reasons. Both men willingly and knowingly laid their lives on the line to support and defend the U.S. Constitution and protect our national security. Both men believed in their mission.

Marines are often described as a family. They are initiated en masse by boot camps and extreme conditions many of us cannot even begin to imagine. They train together day in and day out and understand each other's struggles, fears, and feelings of pride. And they fight together, bound by a common code and a calling, gallantly facing any enemy whose goal is the destruction of our way of life.

Indeed, they live by one simple truth, that risking American lives is sometimes necessary to defending America's freedom. This realization and their willingness to act upon it is what makes the sacrifice of MAJ Aubin and CPL Kennedy all the more poignant.

So we must celebrate their lives and memories as the extraordinary people

they truly were. I attended a service this past weekend in Winslow, ME, for MAJ Aubin. The day was made all the more special as CPL Kennedy's mother, Melissa Derbyshire, was also in attendance, and my heart goes out to both families brought together by sorrow in what for them is surely the most difficult of times. It is through remembrance that these two great Mainers will live on, so today and forevermore we will remember.

The eldest of three sons, MAJ Jay Thomas Aubin was a native of Skowhegan. As a young child, his undying first love was flight. His grandfather was an airplane mechanic and his father spent his spare time buying, selling and flying airplanes. His mother, Nancy Chamberlain, said Jay started flying when he was two years old. She recalls that his father, Thomas Aubin, had some two-seater planes and would take him flying from Norridgewock Airport. His brothers Joel and Jeffrey always considered him to be the ''overachiever of the family'', pointing out his ''student of the month'' and ''student of the year'' awards from Skowhegan Area High School and his participation in after-school activities, like band and wrestling. He even set up his own ''boot camp'' in his senior year so he would be in top physical shape.

Jay joined the Marines straight out of high school and was fortunate enough to meet the woman who would later become his wife, Rhonda who was also a Marine at the time. They were married and have two children, Alicia, 10 and Nathan, 7. Jay was in the Marines for 4 years, came home to Maine and enrolled in Southern Maine Technical College in 1989 and earned an associate's degree in applied science and, later, a bachelor's degree in business management from the University of Southern Maine.

His love and dedication to the Marines was so strong that upon graduation Jay re-enlisted as an officer. A true testimony to his skill and leadership, he was invited to join the elite corps that pilots the Presidential helicopter, Marine One. But before he was able to assume this new duty, he was asked to become a ''Top Gun'' instructor in night flight for helicopter pilots. He, Rhonda and their children moved to Yuma, AZ, in June, 2002 to complete his latest mission and he remained there until he was called to go to Kuwait.

After his tragic death, his mother received a letter Major Aubin had mailed two days before his helicopter went down. It said, ''I want to thank you for everything over the years. You always tried your best to put us first at your expense.'' With that letter, it was as though his mother, Nancy, could hear her son's voice one last time—and what she heard was a message of undying gratitude and love.

In recent days, his friends and family have described him as ''genuine and friendly and always smiling'' and ''passionate about his job and his country.'' His alma mater held a memorial service to honor him and has established a scholarship in his name. This is a man who was well loved and who touched the lives of everyone around him, especially his family. His aunt, Rella Collins, describes him as ''the best of the best. He did us all proud.'' According to his mother in his last conversation before he departed, Jay was at peace with his mission, remarking ''If anything happens to me, just remember I'm happy and I'm doing what I love to do.''

The same has been said about Corporal Brian Matthew Kennedy, whose mother, Melissa Derbyshire, and stepfather, John Derbyshire, live in Port Clyde, Me. John's description of Brian gets to the heart of his character—''This man loved living and life itself. His greatest pleasures were cooking, eating lobster and mussels, his friends, lacrosse, rock climbing and doing his best at any task he was given to do—just as he did his job as a Marine crew chief aboard the CH–46 helicopter.'' Corporal Kennedy graduated from Glenbrook South High School in Glenview, IL with honors in 1995 and then attended Purdue University before transferring to Texas Tech. He enlisted in the Marines in 1999, according to his own words, ''because he thought he could do the best job.''

He had been a Marine for 3 years when he was lost to us in last weeks' helicopter crash. His family members speak of his sacrifice. His mother, Melissa, recalls him having to wait in line for 3 hours to just call home. Brian told his mother he would do his best to come home, but she says she ''was lucky enough to know him for 25 years'' and she remembers him ''always laughing and having a good time.'' Brian's father, Mark Kennedy, speaks of his son's time in the Marines, saying Brian was ''very pleased to be in Kuwait and was thrilled to have the assignment he had. He gave his life in an effort to contribute to the freedom of the Iraqi people.''

We will all agree that these brave young men did not die in vain—indeed, in the words of Melissa Derbyshire, ''they died for all of us.'' The loss of life is the ultimate tragedy of war, but from it, we can hope, will come peace. It is the Jay Aubin's and Brian Kennedy's of our unique history that have enabled America to become the greatest democracy civilization has ever known. They are a constant reminder of the sacrifice of one generation for the next. It has been said we are the land of the free precisely because we are the home of the brave.

At the first national Memorial Day service, in 1868, General James A. Garfield, the future President, addressed the difficulty in speaking of fallen Americans. During a ceremony at Arlington National Cemetery, Garfield said:

''With words,'' Garfield said, ''we make promises, plight faith, praise virtue. Promises may not be kept; plighted faith may be broken; and vaunted virtue may be only the cunning mask of vice.

''We do not know one promise these men made, one pledge they gave, one word they spoke; but we do know they summed up and perfected, by one supreme act, the highest virtues of men and citizens. For love of country they accepted death and thus resolved all doubts, and made immortal their patriotism and virtue.''

James A. Garfield could not have said it better. The enormity of the contribution made by our military men and women overwhelms the words we have within our grasp to honor that contribution. The entire nation will be forever indebted to Major Jay Thomas Aubin and Corporal Brian Matthew Kennedy. The Aubin, Chamberlain, Kennedy and Derbyshire families are in my thoughts and prayers, and I hope all of the Senate will join me in honoring these two outstanding, exceptional, extraordinary Marines today.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. BOXER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Madam President, Senator LINCOLN has been coming here every morning on behalf of the Democratic side of the aisle, and I know Senator HUTCHISON and others have come on behalf of the Republican side. Senator LINCOLN asked me to come down here to pay tribute to our young men and women. It is an honor for me to do this.

Very sadly, this morning I come down to pay tribute to five young Americans who were killed in the Iraqi war, all of them from California or based in California. I have done this before. We have lost an additional 10 to whom I have payed tribute already, and that is a very large proportion of those who have been lost.

As we pray for all of those in harm's way, I think it is important to put a human face on war, and therefore I come down to discuss the great loss we feel in our State.

First is Navy Hospital Corpsman Third Class Michael Vann Johnson, Jr., age 25, killed on Tuesday, March 25, in Iraq, while attending to injured marines. He was assigned to the Naval Medical Center, 3rd Marine Division Detachment, in San Diego, CA. Michael was born and raised in Arkansas and graduated from Parkview High School in Little Rock. He attended the University of Central Arkansas in Conway before joining the Navy in 1997. He is survived by his wife in San Diego, his parents, and his seven siblings. I send them my deepest condolences.

MAJ Kevin Nave, age 36, was killed March 26, in a vehicle accident in Iraq,

assigned to the 3rd Battalion, 5th Marine Regiment, 1st Marine Division, Camp Pendleton, CA. His wife and his two children live in Oceanside, CA. He is from Union Lake, MI. He was on the football team and wrestling squad at Waterford Kettering High School in White Lake Township, MI.

LCpl William W. White, age 24, was killed in a vehicle accident on March 29, in Iraq. He was assigned to the 3rd Amphibious Assault Battalion, 1st Marine Division, Camp Pendleton, CA. He was from Brooklyn, NY.

GySgt Joseph Menusa, age 33, from San Jose, CA, died on Thursday, March 27, from a gunshot wound. He was assigned to the 1st Combat Engineer Battalion, 1st Marine Division, Camp Pendleton, CA. He was born in the Philippines and moved to San Jose when he was just 10 years old. He served in the 1991 gulf war and was a marine recruiter in the San Francisco Bay area. His wife and his young son live at Camp Pendleton.

LCpl Jesus A. Suarez Del Solar, age 20, died Thursday, March 27, in combat action in Iraq. He is from Escondido, CA. He was assigned to the 1st Light Armored Reconnaissance Battalion, 1st Marine Division, Camp Pendleton, CA. He moved from Mexico to the United States in the late 1990s with his family. He attended San Pasqual High School in Escondido and graduated from Escondido's Valley High School in 2001. He is survived by his wife and his 1-year-old son, as well as many family members in Los Angeles County, San Diego, and Mexico.

As I said, I have already read the names of 10 others into the CONGRESSIONAL RECORD:

CPL Randal Kent Rosacker, age 21; LT Thomas Mullen Adams, age 27; CAPT Ryan Beaupre, age 30; 2LT Therrel Shane Childers, age 30; LCpl Jose Gutierrez, age 22; CPL Brian Matthew Kennedy, age 25; SSG Kendall Watersbey, age 29; SGT Michael Bitz, age 31; CPL Jose Garibay, age 21; CPL Jorge Gonzalez, age 20.

So, Madam President, out of the 43 who were killed, 15 were from or based in the State of California. And my State mourns them. May these beautiful young Americans rest in peace. And may the war end soon.

I pray for the wisdom of those who send these young men and women on their mission.

The people of my State feel very strongly on both sides about this war. I say to them today that they have every right to express themselves for and against this war; that those are indeed the freedoms that are the basis of our Nation. I also say to both sides that however one feels about the policy of this war—people know how I felt—I voted for the Levin resolution because I did not want us to go it alone, or virtually alone, because I was fearful of what could happen; and I felt it was important to lead the world as a superpower. Whether you are for or against this war, this isn't about who loves the troops more.

These troops are our children. I am a mother. I am a grandmother. These troops are our children. Some of them are parents themselves. So let us not deal with who loves our young people more. The debate is about policy, and there will be much time to debate that policy as there was before this war. And anyone who has a feeling about that policy has a right—I would say a duty—to express that view regardless of what that view is because that is what makes our country strong, that is what makes us different from other places.

So that is my message to the people of my State: to respect each other's differences. This isn't a debate about who loves the troops more; it is about policy.

California is contributing mightily to the military effort in Iraq. I have read you the names of many who have died so far. Tens of thousands of military men and women have been deployed from my State.

One of them, Patrick Sailors, is a chief warrant officer in the Marine Reserves, and he is the brother of one of my most treasured staff members, Kelly Gill, who works out of my Fresno office. He is a member of the Marine Wing Communications Squadron 48, attached to the 3rd Marine Aircraft Wing, 1st Marine Expeditionary Force that is now in Iraq.

Chief Warrant Officer Sailors has spent 17 years in the Marine Corps and is a second-generation marine. His wife Liz and their two children are awaiting his return to their home in Galt, CA. His parents, Delbert and Carol Sailors, live in California as well.

I pray that Patrick Sailors and all of our men and women are safely returned to their families as soon as possible.

Madam President, one of the things I have noticed—I am sure you have noticed—is that many of those who are losing their lives are parents. Before the vote on the resolution giving the President the authority to go to war without U.N. backing, I had a conversation with one of the most treasured Members of this body who had fought in World War II. He pointed out to me that so many of our people who are over in Iraq are members of the Reserves and the Guard. They have families. They have children. They have spouses.

I am very concerned about those families and about the children of those dual-military families. I am very concerned about deploying a mother and a father into a combat zone at the same time.

Two weeks ago I introduced S. 687 which would prohibit the concurrent deployment of both parents with minor children to a combat zone. I hope my colleagues will join me in this legislation.

In discussing education legislation back home, it has come to my attention that in school districts where there is a heavy population of military families, they are finding that the young children there are crying out for help during this time. Impact aid is something that we give to these areas to help them meet the needs of those families. Clearly, they need this help at this time.

There are two ways to help: One is to push forward with impact aid—I hope we will do that—and, secondly, to help me with this legislation which would say that two parents of a minor child cannot go to a combat zone at the same time.

Last week there was an editorial in the Washington Post entitled ''Mothers at War.'' The editorial calls on the Department of Defense to consider staggering the deployment of two parents so the impact on children is minimized. That is exactly what my legislation does. I hope I will get help with it.

It is a horror to lose one parent in a war and one that one never, ever gets over. To lose two parents in such a circumstance would be beyond devastation. The Department of Defense should work to ensure that the children of dual military families never have to suffer seeing both parents sent off to a combat zone at the same time. This is an issue whose time has come.

I ask, what is the order at this time?

The PRESIDING OFFICER (Mr. CORNYN). Morning business is to conclude at 10.

Mrs. BOXER. Is it the understanding, further making a parliamentary inquiry, that the Democrats have until 10 or is that not determined?

The PRESIDING OFFICER. The Senator is correct.

Mrs. BOXER. I will continue until 10.

Mr. REID. Madam President, if the Senator from California will yield, the Senator from Texas is here to speak. I am sure the Republican leadership would not care if we extended morning business so she could complete her statement. I have spoken to the distinguished Senator from Colorado who will speak about a Colorado judge who will be up next.

I ask unanimous consent that the Senator from Texas be allowed to continue as in morning business after the hour of 10 until she completes her statement.

The PRESIDING OFFICER. Is there objection?

Mr. ALLARD. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. I wanted to make sure I was functioning under the rules. It is very important that we have a chance to pay tribute to the young men and women who are out there. The debate over what the expectations were in this war will go on for many weeks and months and years. I am not here to debate that. What I am here to say is that when all of us said that war is a last resort—and that was stated by everyone—I think we see daily why we said that. We see daily why we have to try everything short of war that we can.

In my own history in the Senate, I have voted to go to war twice. I voted

not to go twice. Each of us in our own mind makes this decision. Of course, our voters will decide whether we were correct or not. But regardless of the policy fights, what we have to continually remember, every single minute, is that we have our sons and daughters over there right now.

Unlike other wars, many of them are parents. So the tragedy of losing them cuts deeper and deeper than were they not, because the tragedy cuts to the parents and the grandparents and to the spouses and to the children. And for a child to really never know their father or mother cuts very deep.

I pray that this war ends soon. I pray that we don't see more of these deaths and casualties and POWs. I pray that the POWs are treated right—they must be treated right according to the Geneva Conventions—that we find out more about them and that the Red Cross can get in there and see that they are OK. I pray that we won't see casualties to innocent children and women. I pray for a lot.

Today I pay tribute to my Californians who will never come back and see our beautiful State. I hope I won't have to come here in the days and weeks to come with more names.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Madam President, I begin by saying I appreciate Senator ENZI. Senator ENZI came to the floor to speak about a subject very important to him. I asked him if he would mind letting us spend this entire hour in a tribute to the troops. He readily agreed. I appreciate his courtesy because we are reserving the first hour of every day when our troops are in the field to giving tribute to them, talking about some of the events that have happened in the field, talking about some of the acts of heroism, the individual acts, showing pictures of what life is like over there. I have done that on several occasions. I will again.

Today I want to talk about our prisoners. As the distinguished Chair understands—the Presiding Officer at this time is the other Senator from Texas—Texas is the base for the largest number of our active-duty military. One in 10 active-duty personnel calls Texas home. It is the home base for 114,000 active-duty service members. California comes in second with 107,000. North Carolina comes in third with 86,000. So we do feel a personal effect of this war. We also feel a sense of pride that it is our young men and women, along with all of those from the other States, who are out there on the front lines, protecting the freedom we enjoy so much every day.

I would like to talk about some of those who have made the ultimate sacrifice and some of those about whom we are not sure at this time. Cpl Brian Matthew Kennedy, U.S. Marine Corps, 25 years old, from Houston, TX, grew up in Glenville, IL. He called his mom on March 18 to tell her he was about to go into action. ''It was very short and very special,'' she says of the call. Three days later, he died, when his Sea Knight helicopter crashed in Kuwait. He said to his dad: We are ready. We are ready. We are trained. We are ready to go. He was very proud. His parents are very proud of him.

SSgt Phillip Jordan, U.S. Marine Corps, 42 years of age, Brazoria, TX: Everyone called him Gump because he was so relentlessly upbeat. His son Tyler, 6, wants to be a marine like his father who was killed in a fire fight after a group of Iraqi soldiers feigned surrender.

Some are missing. Specialist James Kiehl, U.S. Army, 22, Comfort, TX, a computer technician with the 507th Maintenance Company: Kiehl was among the missing in the convoy ambush near An Nasiriya. His father Randy has been monitoring war news on two televisions, three phone lines, and a computer, keeping up a strong front and a strong face for the media, just in case they showed James any footage from back home.

PVT Ruben Estrella-Soto, U.S. Army, 18, El Paso: His father opposed his enlisting but he wanted to study engineering, and he was enthusiastic about going into the military and getting his education. He disappeared in the ambush on March 23 along with his friend Edgar Hernandez, who later turned up on Iraqi TV. But Estrella-Soto's fate was unknown. ''Not knowing anything is hard,'' Ruben Estrella, Sr., told reporters.

CWO Johnny Villareal Mata, U.S. Army, 35, Pecos, TX: Mata grew up in a desert town just 200 miles from Fort Bliss, where his 507th Maintenance Company is based.

SP Edgar Adan Hernandez, U.S. Army, 21 years old, Alton, TX: ''He's got a noble character,'' his mother, Maria de la Luz Hernandez, says in Spanish. She then inadvertently slipped into the past tense: ''He was a good brother, a good son, respectful to the whole world.'' Hernandez, though, she believes is really alive. And he, too, was shown on Iraqi TV.

Captured: Army SP Shoshana Johnson, 30 years old, El Paso, TX: Her name means ''rose'' in Hebrew, the inspiration of an aunt who once worked as a nurse in Brooklyn. But her family is Panamanian American, and although she grew up in an Army family, she never expected to find herself on the front line. She is funloving, her younger sister Nikki says. She also says, ''She is outgoing, independent and trustworthy—definitely not the kind of person who stays in front of the TV day in and day out.'' Shoshana's dream was to be a chef, but culinary school costs a lot of money, and Army cook was close enough. It seemed safe enough, too.

But early on the morning of March 23, her father, Claude, was flipping through the channels looking for a cartoon show for Shoshana's two-year-old daughter, Janelle. He happened to catch a newscast on the Spanish language network, Telemundo. ''They said five Americans had been captured in Iraq. I caught one African-American female, 30 years old, from the 507th. Her name was Shana. I said it's got to be her.''

It was. Now her large extended family, including more than a dozen cousins, is watching and waiting. They are inspired by the relatives of Elizabeth Smart who helped stay in the forefront of the press until their 15-year-old kidnapped daughter was returned. ''We just want her to be treated humanely,'' Nikki told Newsweek, ''and to return home swiftly and safely.''

I talked to the mother of one of those killed in Afghanistan last week and she said, ''What I want is to make sure that my son did not die in vain.'' I assured her that her son did not die in vain; that the war on terrorism is going to protect the freedom for children and grandchildren throughout America, and our staying vigilant and staying on course will ensure that none of those who are already dead or are missing will be forgotten. They have paid a heavy price for freedom and we will always revere and respect them for what they have done for our country.

That concludes the tributes for today. The Senate is setting aside 1 hour every day for people to come to the floor and talk about some of the wonderful acts that are being done by our young men and women on the field as we speak today—protecting the way of life we have come to enjoy.

Mr. WYDEN. Mr. President, I speak today with a profound sense of loss. A brave, young soldier from my home State of Oregon, Brandon S. Tobler, was killed in Iraq. Oregon's first war fatality, Army Reserve SP Brandon Tobler, who was only 19, lost his life in a Humvee accident during a sand storm. I have the last correspondence Brandon's parents received from their son, an e-mail sent just 2 weeks prior to his death on March 22, 2003.

Brandon was the only son of Leon and Gail Tobler of Portland. He grew up there and joined the military to help pay for college. He was in a convoy headed to Baghdad providing engineering support to the combat troops. Private Tobler's death reminds us that a soldier doesn't have to be on the combat line to face tremendous danger and possible death. His letter reminds of the bravery of each and every person who puts on a uniform for the United States. Private Tobler will be laid to rest in the Willamette National Cemetery in Portland, OR, on April 3, 2003.

I ask unanimous consent that Brandon's letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HEY MOM AND DAD, How are things with you, I hope you are both doing ok. I am doing fine, things here are going ok we are just keeping busy. I am a little stressed but other than that I am alright, I have been loaded down with a lot of tasks that I have

not even been trained for, but I think I am doing an ok job. Anyway I am sorry that I have not written you guys lately and I know I have been writing Val a bit more than you guys and that is something I really intend to change, I just want you guys to know that I miss you guys a lot and love you guys even more and I thank you both for the person you made me become and all of the things you have struggled to get me over the years. I really appreciate the support that you guys have given me and accepting my enlistment in the Army. I feel that if I can make a difference out here then I have done my part. If I can save one life, if I can do something that makes a family sleep easier at night without fear then I have done my purpose, cause I know now that's what my calling is in life, not to make money or be powerful and wealthy but to simply make a difference. And I thank you my loving parents for all that you have done to get me this far, but now I have to take the next step and make a difference for someone else out there. Well go ahead and pass this around to everyone in the family, Val too . . . And to the family my love and best wishes and prayers go out to you, little Veronica or shall I say big Veronica, I miss playing with her and being her big cousin but at least my being here will help keep her safe and grow up happy and full of life as she is already. So to my family, if you see a soldier one of my comrades in arms, please thank them for the service they give, pray for them because we as soldiers give up sooo much to come out here and in sometimes make the ultimate sacrifice in the name of freedom and soldiers could always use encouragement and a thanks. . . Well my love to you guys and I'll see you soon. . .

Love to all,

BRANDON.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF TIMOTHY M. TYMKOVICH, OF COLORADO, TO BE UNITED STATES CIRCUIT JUDGE FOR THE TENTH CIRCUIT

The PRESIDING OFFICER. Under the previous order, the Senate will now go into executive session and proceed to the consideration of Executive Calendar No. 55, which the clerk will report.

The legislative clerk read as follows:

Nomination of Timothy M. Tymkovich, of Colorado, to be United States Circuit Judge for the Tenth Circuit.

The PRESIDING OFFICER. Under the previous order, there will be 6 hours of debate, with the time equally divided in the usual form.

The Senator from Colorado is recognized.

Mr. ALLARD. 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. ALLARD. 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. ALLARD. Mr. President, I strongly support the confirmation of Tim Tymkovich as a Federal judge on the Tenth Circuit Court of Appeals. The nomination is before the Senate. I ask my colleagues to join me in supporting his confirmation.

Two years ago, one of the most talented lawyers in the State of Colorado faced a rather large but very exciting dilemma. Most of us would not look at his particular situation as a dilemma at all but, instead, view it as a welcome set of exciting career opportunities.

With the new administration filling vacancies and political appointments, he was offered the chance to serve the people of the United States, a chance to use his skills as a premier attorney through the Federal Government. This lawyer had practiced both civil litigation and appeals with an emphasis on regulatory and administrative law, particularly in the areas of telecommunications and public utilities. He served for 5 years as Colorado's solicitor general. He served as a law clerk to Justice William H. Erickson of the Colorado Supreme Court.

With all this experience under his belt, he had to decide whether to pursue a career with the Department of the Interior under the leadership of fellow Coloradan Gale Norton or to continue working in his successful law practice and to answer the call of his countrymen and President and to strive to serve the Nation as a judge on the Tenth Circuit Court of Appeals.

What choice did the attorney of whom I speak make? What path did Tim Tymkovich choose? He chose to pursue the Federal judgeship and to fulfill his sincere desire to lead a life of public service, a life dedicated to upholding the law and our Constitution.

On May 25, 2001, President Bush nominated Mr. Tymkovich to the Tenth Circuit Court of Appeals. On February 12, 2003, under the leadership of Senator ORRIN HATCH, the chairman of the Senate Judiciary Committee, Mr. Tymkovich finally received a hearing. Today, nearly 2 years later, the Senate has picked up his nomination for consideration by the entire body.

Today's actions, 23 months after his nomination, move us closer to fulfilling the Senate's duty as laid out in the Constitution through the advise and consent clause of article II. This vote has been a long time in the making. After several letters, several floor statements, and almost 2 years after the original date of his nomination, Tim Tymkovich is finally getting an up-or-down vote.

I thank Senator HATCH for moving his nomination out of the committee. I thank the majority leader, Senator FRIST, for scheduling this debate and the vote later on today.

The nominating process is a grueling one. To be confirmed, Mr. Tymkovich, along with his fellow nominees, put his life on hold to await action by the Senate on his nomination. In Mr. Tymkovich's case, he had to endure 2 years of uncertainty, not knowing whether he should change his law firm partnership, pursue other options, or wait for the Senate to grind forward, with each step and every decision scrutinized by the Senate. Undoubtedly, he had other career opportunities, other choices that would have led to remarkable successes. As you will recall, I mentioned the Department of the Interior possibility at the beginning of my remarks. Yet he chose to pursue the Tenth Circuit court nomination.

As we have witnessed with the Miguel Estrada debate, the judicial nomination process has broken down into partisan politics and entrenchment, taking a heavy toll on the life of the nominee and on the quality of justice delivered to the American people.

Today we have the opportunity to begin to correct this dangerous path we have been traveling. Tim Tymkovich has my unqualified support. Confirmation of his nomination by this body will prove to be a great service to the people of the United States. His nomination has enjoyed broad bipartisan support—support from judges and colleagues, both Democrat and Republican policymakers.

I have a series of charts highlighting support for his confirmation, charts I would like to share with you today.

The first chart quotes Roy Romer, former Governor of Colorado, and, I might add, former Democratic National Committee chairman who served under the tenure of President Bill Clinton and who is now superintendent of the Los Angeles United School District. Mr. Romer is a strong supporter of Mr. Tymkovich and has expressed his sentiment to the Judiciary Committee.

Governor Romer, in a letter to the committee, wrote:

Mr. Tymkovich served the State of Colorado from 1991 through 1996 during the latter part of my tenure as Governor of the State of Colorado. He served with distinction and was a strong advocate in legal matters for Colorado. He also demonstrated a capacity to work closely with Colorado Democrats, as well as Republicans, as Solicitor General. . . . He was always a straight shooter in giving legal advice to me and my top staff.

Governor Romer believes his past legal experiences have given Mr. Tymkovich a broad understanding of the varied legal issues that may come before him on the Tenth Circuit. Governor Romer believes Mr. Tymkovich will bring strong legal credentials to the court and a judicial temperament that should garner the support of the Senate.

I ask unanimous consent that the letter from Governor Romer be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LOS ANGELES UNIFIED SCHOOL DISTRICT, BOARD OF EDUCATION,
September 6, 2002.

Re Nomination of Timothy M. Tymkovich to the Tenth Circuit Court of Appeals.

Hon. PATRICK J. LEAHY,
Chairman, Committee on the Judiciary, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE: I write this letter in support of the nomination of Timothy M. Tymkovich to the Tenth Circuit Court of Appeals in Colorado. I have both worked with Mr. Tymkovich in his capacity as Colorado's Solicitor General or as a private practitioner in Denver.

Mr. Tymkovich served the State of Colorado from 1991 through 1996 during the latter part of my tenure as Governor of the State of Colorado. He served with distinction and was a strong advocate in legal matters for Colorado. He also demonstrated a capacity to work closely with Colorado Democrats as well as Republicans as Solicitor General, both in my Administration and in Colorado's General Assembly. He was always a straight shooter in giving legal advice to me and my top Staff. He is currently in private practice in Denver and has represented Chris Romer's Colorado Education Network on state taxation and public policy matters. He recently helped craft an analysis of Colorado's constitutional budget law that could have important positive implications for our State in a lean economic year.

Mr. Tymkovich is a native of Colorado and I believe his past legal experiences have given him a broad understanding of the varied legal issues that may come before him in the Tenth Circuit. In addition, he has served Colorado in many ways in both the public and private sectors. He presently serves as Chairman of the Colorado Board of Ethics (which advises the Governor and executive branch on state ethics matters) and he recently chaired a bipartisan task force on civil justice reform. He currently is a member of the American Bar Association's American Bar Foundation and the American Law Institute, two important organizations dedicated to the impartial administration of justice. The ABA has already found him qualified to serve on the Tenth Circuit.

Mr. Tymkovich's nomination is currently waiting review by the Senate Judiciary Committee. He has bipartisan support in Colorado and both major newspapers in Colorado have praised his nomination. I believe that he will bring strong legal credentials and a judicial temperament that should garner the support of the United States Senate.

I urge you to favorably review Mr. Tymkovich's nomination and refer it to the full Senate of the United States.

Sincerely,

ROY ROMER,
Superintendent of Schools.

Mr. ALLARD. Mr. President, Mr. Tymkovich is well respected for his approach to the law and for problem solving. He manages cases and clients with civility and understanding, setting a high example for the legal community.

On a second chart, I highlight excerpts from an editorial written by the Rocky Mountain News. On June 3, 2001, the paper editorialized:

If Senators give Tymkovich a serious look, they'll find someone who combines intellectual heft and steady temperament.

On February 16, 2003, the News restated their endorsement of Mr. Tymkovich, writing:

We wish him prompt confirmation.

Mr. President, I ask unanimous consent that the two editorials from the Rocky Mountain News be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Rocky Mountain News, June 3, 2001]

GOOD CHOICE FOR COURT

It remains to be seen whether Tim Tymkovich's nomination for the 10th Circuit Court of Appeals will founder on U.S. Senate partisanship. He once was, after all, state solicitor general under Gale Norton, now one of President Bush's most controversial Cabinet members.

But if senators give Tymkovitch a serious look, they'll find someone who combines the intellectual heft and steady temperament that most senators profess to seek in a prospective Federal judge.

Previously, Tymkovitch's most visible moment involved the state's defense of voter-passed Amendment 2, which the courts overturned. But however unsuccessful his defense of that amendment may have been, his arguments were measured and well-crafted—just as they have been on many other legal topics.

[From the Rocky Mountain News, Feb. 16, 2003]

TYMKOVICH'S HEARING

Tim Tymkovich, former Colorado Solicitor General, waited nearly 21 months for a hearing before the Senate Judiciary Committee on his nomination for the 10th Circuit U.S. Court of Appeals.

Why, that's just about long enough for an elephant to give birth, which is no accident, because the intolerable delays in judicial confirmations is very much a matter of elephants—and donkeys.

When Sen. Jim Jeffords of Vermont defected from the Republican party and turned over control of the Senate to the Democrats, they made a determined effort to prevent President Bush from naming philosophically compatible judges, as presidents of both parties have long done.

Tymkovich, nominated just days after Jeffords' switch, was caught in the political gridlock.

He finally had his hearing Wednesday. We wish him prompt confirmation.

Mr. ALLARD. Mr. President, the Denver Post, a paper that endorsed Al Gore over George Bush, stated on May 30, 2001, that Tim Tymkovich:

has gained a local reputation as a thoughtful, insightful attorney who knows the law and works hard to uphold it. . . .We urge the Senate to confirm Tymkovich to fill a seat that has sat vacant since 1999. . . .

I ask unanimous consent that the Denver Post article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Denver Post, May 30, 2001]

TYMKOVICH SHOULD SERVE WELL

We hope the new Democratic majority on the U.S. Senate will set aside partisan politics when it considers Denver attorney Tim Tymkovich's nomination to serve on the 10th U.S. Circuit Court of Appeals.

But we also hope the American Bar Association will continue to voluntarily scrutinize all nominees headed to the Senate, even though the Bush administration stripped the ABA of its official role in screening judicial candidates prior to their nomination.

Tymkovich should be no exception, though he has gained a local reputation as a thoughtful, insightful attorney who knows the law and works hard to uphold it.

He first gained real notice when, as state solicitor general, he was assigned to defend amendment 2, a Colorado initiative that would have banned laws to protect gays.

Then-Attorney General Gale Norton was legally obliged to defend the amendment. The fact that the U.S. Supreme Court rejected this sloppily worded and unconstitutional amendment doesn't reflect on Tymkovich's legal skills or politics.

Indeed, Jean Dubofsky, a former Colorado Supreme Court justice who successfully led the legal challenge against Amendment 2, supports Tymkovich's nomination.

Tymkovich is only 44, but he has been practicing law in the public and private arenas since 1982 and is a long-time member of the American Bar Association, the American Law Institute and the International Society of Barristers.

He also is a member of the Federalist Society, which comes as no surprise considering how that group's conservative, Libertarian orientation dovetails with the conservative slant of the Bush administration.

Still, we don't expect Bush to be nominating liberal Democrats to lifelong positions on the federal bench anytime soon. And Tymkovich is far less conservative than his fellow nominee to the 10th U.S. Circuit Court. Michael McConnell, a law professor at the University of Utah, has defended vouchers for religious schools and argued to reinterpret the Constitution's division between church and state.

The conservative Christian's experience in pubic law is far deeper than Tymkovich's, but his reputation as an ideologue likely will stymie his chances with the Senate.

While we cannot support McConnell, we urge the Senate to confirm Tymkovich to fill a seat that has sat vacant since 1999, when Judge John Porfilio took senior status.

We also encourage the Senate to carefully defend the Judiciary from any Bush efforts at 'court packing,' whereby nominees are selected for their political philosophy rather than their legal expertise.

Federal judges and justices are obligated to carefully apply the law of the land, not the politics of the president in power.

Mr. ALLARD. Mr. Tymkovich understands the West, its community, and its past. He has traveled extensively throughout the States of the Tenth Circuit with his wife Suzanne, a western historian and novelist, as well as an accomplished attorney in her own right. Together they traveled near and far, covering the old stomping grounds of legendary western figures such as Butch Cassidy and others.

Undoubtedly, this deep knowledge of western heritage will aid in his duties and his understanding of the law, as well as the rich judicial history of the Tenth Circuit.

Tim Tymkovich's commitment to public service is unparalleled. I have had many conversations with him, and know him to be a man of keen intellect and integrity. Through our many conversations, I have developed a strong understanding of Tim's deep commitment to public service and his strong personal respect for the rule of law in protecting people and the interests of the State.

Tim Tymkovich's legal credentials reveal a man who values independence

and fairness in the judicial process. A man who understands the implication of a lifetime appointment to our Nation's courts, a man who truly believes that there is no higher professional calling than to serve the American people through the impartial administration of the law. He will serve our Nation with the utmost of respect to our country and our Constitution, and for this reason, I urge my colleagues to vote favorably to confirm his nomination.

No one has a better understanding of the character and intellectual prowess of an attorney than his or her co-workers and peers. The legal profession is filled with practicing attorneys, lawyers who work in private firms, in the public sector, and who serve the public from the bench. The impression left on other attorneys by encounters with them at various stages of litigation and negotiation is obviously an important factor in determining whether a nominee is well suited for the bench. They work day-in and day-out with the nominee and have first hand knowledge about the type of judge a particular attorney will make. At this time, I would like to share some of the comments made by Mr. Tymkovich's colleagues.

In the third chart, I have reprinted a statement from William H. Erickson, former Chief Justice to the Colorado Supreme Court, and to whom Mr. Tymkovich served as a law clerk. Justice Erickson stated:

> I served on the Colorado Supreme Court for twenty-five years and had the privilege of working with a number of outstanding law clerks. Tim was one of the finest clerks that served in my chambers. He has an outstanding legal background that qualifies him for service on the Tenth Circuit.

Justice Erickson has maintained a close relationship with Tim, his wife, and their two sons, and has expressed over and over again his strong belief that he would—and will—make a significant addition to the Tenth Circuit.

In a letter to the Senate Judiciary Committee, Justice Erickson wrote that,

> As counsel to the Columbine Review Commission that investigated the Columbine High School shooting, Tymkovich served with great distinction and materially assisted the Commission's preparation of a report that hopefully will prevent other school shootings.

In a letter to Senator HATCH dated January 23, 2003, five former justices of the Colorado Supreme Court urged the Senate's timely consideration of his nomination. The justices, including Justice Jean Dubofsky, wrote:

> Over the past nearly twenty years, each of us has had the opportunity to observe Timothy M. Tymkovich as a practitioner employed by or appearing before the Colorado Supreme Court. During that time, Mr. Tymkovich served as a law clerk employed by one of the justices of our court and later as counsel representing the State of Colorado before the Court. We have also had the opportunity to observe Mr. Tymkovich as an attorney serving in bar organizations such as the American Law Institute, the American Bar Foundation and as a staff attorney of public commissions. Based on our professional experiences, we are of the unanimous judgment that he is well qualified and most able to serve as an appellate judge of the United States Court of Appeals.

This group of justices, coming from varied political backgrounds and differing professional experiences and diverse legal careers and different racial, gender and ethnic backgrounds, unanimously support the confirmation of Tim Tymkovich by the entire Senate. An endorsement of this kind cannot, and must not, be taken lightly. These justices, Jean Dubofsky, Joseph Quinn, William Neighbors, Gregory Scott, and Luis Rovira, consider Mr. Tymkovich to possess the necessary attributes of a Federal judge, and that Colorado and the Nation should no longer be subjected to undue delay on his nomination.

The justices' letter ends with this powerful statement:

> . . . [W]e speak as one voice, resolute in our belief that the people are entitled to and that Mr. Tymkovich is most deserving of consideration . . . Mr. Tymkovich's experience, practice, public service, temperament and skills will serve the people of the United States well.

Their unqualified support speaks volumes about Tymkovich's credentials. This powerful and unequivocal endorsement deserves repeating:

> . . . [W]e speak as one voice, resolute in our belief that the people are entitled to and that Mr. Tymkovich is most deserving of consideration . . . Mr. Tymkovich's experience, practice, public service, temperament and skills will serve the people of the United States well.

This statement deserves our attention and our respect.

I ask for unanimous consent that the letter from these five justices be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JANUARY 23, 2003

Re Senate consideration of the nomination of Timothy M. Tymkovich as a Judge of the United States Court of Appeals for the Tenth Circuit.

Hon. ORRIN G. HATCH,
Chairman, Committee on the Judiciary, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR MR. CHAIRMAN HATCH: We are all former justices of the Colorado Supreme Court. We write to express our personal and professional concern and seek the timely consideration of the nomination of Timothy M. Tymkovich as a Judge of the United States Court of Appeals for the Tenth Circuit. Ever mindful of the Separation of Powers Doctrine as well as the Supremacy Clause of the United States Constitution, we do not write to impose or suggest our will should prevail over that of the United States Senate. Instead, as private citizens with a unique perspective concerning the attibutes and abilities of Mr. Tymkovich, we write to petition your attention to our concern to urge that a hearing be scheduled for Mr. Tymkovich.

Over the past nearly twenty years, each of us has had the opportunity to observe Timothy M. Tymkovich as a practitioner employed by or appearing before the Colorado Supreme Court. During that time, Mr. Tymkovich served as a law clerk employed by one of the justices of our court and later as counsel representing the State of Colorado before the Court. We have also had the opportunity to observe Mr. Tymkovich as an attorney serving in bar organizations such as the American Law Institute, the American Bar Foundation and as a staff attorney of public commissions.

Based on our professional experiences, we are of the unanimous judgment that he is well qualified and most able to serve as an appellate judge of the United States Court of Appeals.

Consistent with our professional assessments, the President of the United States has seen fit to nominate Mr. Tymkovich to serve as a judge on the Tenth Circuit Court of Appeals. However, while nominated more than a year ago, we understand that his nomination is currently awaiting consideration by the Senate Judiciary Committee that you chair. We do not propose to instruct the Chair in the conduct of the Senate's business, for we are not able nor do we intend to assume such a role or purpose. Nonetheless, we do ask that the President's nomination of Mr. Tymkovich be considered expeditiously.

Mr. Chairman, despite coming from varied political backgrounds and differing professional experiences as diverse legal careers and different racial, gender and ethnic backgrounds, we are of the unanimous opinion that Mr. Tymkovich should be considered by your Committee and confirmed by the entire Senate. We also conclude and share the opinion that he not only possesses the attributes we appreciate in judges, both federal and state, but that he is entitled to fair and civil treatment by the Senate Judiciary Committee. The citizens of Colorado and indeed our Nation should no longer be subjected to undue delay confronted by anything other than a full and fair review of his nomination in accordance with the rules of the United States Senate.

Without listing his considerable accomplishments as an attorney engaged in public service and private practice, we speak as one vote, resolute in our belief that the people are entitled to and that Mr. Tymkovich is most deserving of consideration by your Committee. The President's nomination is a considerate one and Mr. Tymkovich's experience, practice, public service, temperament and skills will serve the people of the United States well.

Together, therefore, we respectfully urge you to place his nomination before the Senate Judiciary Committee so that a fair and prompt review of Mr. Tymkovich's credentials can be made without much further delay.

Moreover, we most strongly recommend and heartily urge the Senate Judiciary Committee refer his nomination to the full Senate of the United States for a definitive vote as soon as practicable.

Very truly yours,

JEAN E. DUBOFSKY,
Justice.
JOSEPH O. QUINN,
Chief Justice.
WILLIAM D. NEIGHBORS,
Justice.
GREGORY KELLAN SCOTT,
Justice.
LUIS D. ROVIRA,
Chief Justice.

As the end of the second year of his nomination approaches, I sincerely hope that my colleagues will act today to fill the 4-year vacancy on the Tenth Circuit, so that the people of Colorado, Utah, New Mexico, Oklahoma and Nebraska, and indeed the Nation, will no

longer be short-changed by a vacant bench. While this seat has remained empty for nearly 4 years, the States that comprise the Tenth Circuit have experienced unprecedented population growth, and causing a docket overload at the Federal level. The vacancy must be filled, and Tymkovich is the proper person to fill the seat.

The events of September 11 clearly demonstrate an active effort by the enemies of the United States to destroy the liberties and freedom of our Nation. The most basic of our country's values and traditions came under attack, and now we are taking action against those perpetrators. In the wake of tragedy, Congress has enacted new laws that provide financial assistance to businesses, families and defense, and we are currently taking strong military measures to suffocate terrorists and destroy the hateful organizations that work to undermine our society and destroy our liberty.

I am sure that my colleagues will agree that a necessary component of providing justice and protecting liberty and freedom is an efficient court system, a court equipped with the personnel and resources that enable it to fulfill its constitutional role. Today, this body has another opportunity to restore the faith of the citizenry and to fill a 4-year vacancy. I urge the Senate to show the American people that the Senate is indeed interested in serving justice, in protecting our laws and our people, and to support the nomination of Tim Tymkovich. He is highly qualified and will serve his country with the utmost of patriotism, and respect for adherence to constitutional principles. He respects our laws. I strongly urge my colleagues to vote for the nomination of Tim Tymkovich to the Tenth Circuit Court of Appeals.

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. ALLARD. I ask unanimous consent the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLARD. I ask unanimous consent the time used during the quorum call time be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLARD. 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. FEINGOLD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ENZI). Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, I voted against the nomination of Timothy Tymkovich to be a judge on the U.S. Court of Appeals for the Tenth Circuit in the Judiciary Committee, and I will do so again today. I would like to take a few minutes to explain my decision.

I cannot support the nomination of Mr. Tymkovich because I am not convinced that he will give all those who appear before him a fair and impartial hearing. I am concerned that he lacks a commitment to apply and uphold our Constitution's equal protection guarantees, especially in protecting gay Americans from discrimination.

In 1996, in a case called Romer v. Evans, the Supreme Court ruled unconstitutional a Colorado ballot initiative that sought to overturn city ordinances prohibiting discrimination based on sexual orientation. As solicitor general of Colorado, Mr. Tymkovich defended the ballot initiative on behalf of the State. Obviously, I know it was his job to do that. But I am concerned that it is his personal belief—his personal belief—that gay Americans do not have a right to equal protection and equal justice under the laws, and he did not convince me he would put aside those personal beliefs when he becomes a judge.

Mr. Tymkovich wrote a law review article that was published in 1997 by the University of Colorado about the Romer decision. In this article, which, I might add, he wrote and published after he left his job as Colorado's solicitor general, he, in my view, went beyond representing his client and actually presented his personal views. He forcefully promoted the view that laws against discrimination based on sexual orientation in activities like employment, housing, and education in places like Denver, Aspen, and Boulder somehow conferred ''special rights or protections'' on gays and lesbians. Let me quote a bit from his article. He wrote:

> A number of governmental entities in Colorado had granted special rights or protections to homosexuals and bisexuals: the cities of Denver, Boulder, and Aspen enacted ordinances prohibiting discrimination based on sexual orientation in jobs, housing, and public accommodations; the Colorado Civil Rights Commission had moved to extend the state's civil rights act to ban discrimination based upon sexual orientation; the governor of Colorado issued an order prohibiting job discrimination for state employees based on sexual orientation and began to fashion ''sensitivity'' training for the state's executive branch; and public educational institutions had begun adopting policies prohibiting discrimination based on sexual orientation.

Mr. Tymkovich's view is that employers and landlords have the ''liberty,'' or right, to discriminate against individuals based on their sexual orientation. He wrote:

> Eliminating the liberty of landlords and employers to take account of homosexuality send the unmistakable message that homosexual behavior, like race, is a characteristic which only an irrational bigot would consider. By restoring government neutrality of this difficult and divisive moral issue, Amendment 2 promotes freedom and diversity by allowing different groups in the community to hold, and act on, different views on this question.

I sought to question Mr. Tymkovich about this. And when I attempted to probe Mr. Tymkovich at his confirmation hearing about his view that civil rights laws like the city ordinances at issue in Romer somehow confer ''special rights'' on gay Americans, he was suddenly and, to me, almost inexplicably evasive. I was frustrated with Mr. Tymkovich's reluctance to answer questions that would reveal his thought process. I was interested in his views on an important issue for our Nation—civil rights and the distinction he saw between rights for African Americans and rights for gay Americans. Even though he had already shared his personal views on the question of gay rights in a law review article—a public forum—he suddenly seemed reluctant to discuss those views with the committee.

I asked Mr. Tymkovich a question as follows:

> As you discussed in your article, you believe that the Supreme Court was wrong to be hostile to the political decision of a majority of Colorado voters who supported adoption of the Colorado amendment. You state that Colorado voters made ''a seemingly good-faith policy choice.''
>
> If I understand you correctly, you agree with Justice Scalia's dissent in Romer and that the court improperly injected itself into a political debate. Is that your view?

That was the conclusion of my question. Here was Mr. Tymkovich's initial response:

> Senator, that's an excellent question, and I appreciate the opportunity to clarify and reflect on the issue below.
>
> As you know from your participation in this body, there are important issues of public policy debate that cross party lines or are bipartisan and very difficult issues. In Colorado, the question of whether or not to add sexual orientation to State and local anti-discrimination laws has been a very important and ongoing political debate in our State. And certainly, Amendment 2 was in part within that context and dialogue. And certainly many people respectfully disagreed with the legislative pronouncement there, and I think the point I was trying to make in those remarks and certainly in the case is that the courts were not a good forum for airing sort of political or legislative policy-type arguments, and that the courts are best able to address a constitutional principle when they have the concrete facts and law before them and not sort of rhetorical or legislative-type pronouncements.
>
> The Amendment 2 case had a strong mix of sort of a policy debate in that sense, and I think my comment was that the policy debate and certainly the arguments we made to the courts is that that would be better left to the political process.

I then followed up by saying:

> I am taking that as a yes, that you agree with Justice Scalia that the Court improperly injected itself into a political debate. Do you believe that the Court should have—is that fair?

Mr. Tymkovich responded:

> Senator, I think Justice Scalia accepted some of the presentation of the State, but then rejected others. So I don't wholly agree or disagree with the dissent in the case, but it does reflect some of the arguments that were made.

I then asked:

Do you agree with that point?

Mr. Tymkovich responded:

I agree—the presentation that the state made to the Supreme Court was that it was a policy debate and not subject to the Supremacy Clause of the equal protections. But, again, as I testified earlier, that argument, that presentation was not accepted by the Court, and regardless of my personal views, I am perfectly capable and willing to impartially apply that precedent.

The reason I am going through this is that it is important to make a record for this point. Mr. Tymkovich and I then had a dialog that lasted quite a few pages of the transcript where I repeatedly asked him to discuss his personal views on this issue, not simply the position he had argued on behalf of the State, given that he had discussed them in the law review article. He essentially refused to answer the question.

I ask unanimous consent that the full transcript of my questioning of Mr. Tymkovich be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Senator FEINGOLD. I will go back to the issue of gay rights and your involvement as Solicitor General of Colorado in the case that led to the U.S. Supreme Court's *Romer v. Evans* decision. As has been discussed by Senator Schumer and Senator Sessions, you defended the ballot initiative on behalf of the State of Colorado. It was, I agree, your job to do that and I accept that. But I do want to ask you a bit about what perhaps goes beyond the zealous advocacy for your client, and this is the article that we are discussing, the 1997 University of Colorado Law Review, that forcefully presents your view that laws against discrimination based on sexual orientation in activities like employment, housing, and education in places like Denver, Aspen, and Boulder somehow conferred special rights or protections on gays and lesbians.

Let me ask you this: Do you believe that title VII of the Civil Rights Act of 1964, the landmark legislation prohibiting employment discrimination based on race, confers special rights on African Americans?

Mr. TYMKOVICH. Senator, the anti-discrimination laws in Colorado and at the Federal level are important protections to minorities and others that have faced discrimination. So to the extent that the baseline was no, you know, Federal or State protections based on ethnicity or race, the addition of those laws to the legislative pronouncement provides a protection, an additional protection that would not be available under the common law. So in that sense, certainly under Colorado law, additional protections are provided through the discrimination laws, and I might add that's an important part of the legislative process to identify and protect injustices out there.

Senator FEINGOLD. But what about my question? Does Title VII of the Civil Rights Act of 1964 confer special rights on African Americans?

Mr. TYMKOVICH. I'm not sure exactly what you mean by ''special rights,'' Senator, but I would say——

Senator FEINGOLD. Well, I am referring to the fact that your article seemed to say that the Colorado law conferred special rights or protections on gays and lesbians. I am asking you whether or not Title VII of the Civil Rights Act of 1964 in that same spirit in your view confers special rights on African Americans?

Mr. TYMKOVICH. No, Senator. I think it provides a civil remedy, some laws provide a criminal remedy, on behalf of discrimination, and certainly that's the intent and purpose of those laws.

Senator FEINGOLD. In that same spirit, do you think that Title VII wrongly protects Americans from employment discrimination based on race, ethnicity, national origin, religion, age, disability, or gender? Do you believe that an American who brings a claim of job discrimination based on any one or more of these categories is somehow enjoying special rights or protections?

Mr. TYMKOVICH. No, Senator. They're simply enjoying the protections that this body has provided to those particular groups.

Senator FEINGOLD. As you discussed in your article, you believe that the Supreme Court was wrong to be hostile to the political decision of a majority of Colorado voters who supported adoption of the Colorado amendment. You state that Colorado voters made ''a seemingly good-faith policy choice.''

If I understand you correctly, you agree with Justice Scalia's dissent in *Romer* and believe that the Court improperly injected itself into a political debate. Is that your view?

Mr. TYMKOVICH. Senator, that's an excellent question, and I appreciate the opportunity to clarify and reflect on the issue below.

As you know from your participation in this body, there are important issues of public policy debate that cross party lines or are bipartisan and very difficult issues. In Colorado, the question of whether or not to add sexual orientation to State and local anti-discrimination laws has been a very important and ongoing political debate in our State. And certainly Amendment 2 was in part within that context and dialogue. And certainly many people respectfully disagreed with the legislative pronouncement there, and I think the point I was trying to make in those remarks and certainly in the case is that the courts were not a good forum for airing sort of political or legislative policy-type arguments, and that the courts are best able to address a constitutional principle when they have the concrete facts and law before them and not sort of rhetorical or legislative-type pronouncements.

The Amendment 2 case had a strong mix of sort of a policy debate in that sense, and I think my comment was that the policy debate and certainly the arguments we made to the courts is that that would be better left to the political process.

Senator FEINGOLD. I am taking that as a yes, that you agree with Justice Scalia that the Court improperly injected itself into a political debate. Do you believe that the Court should have—is that fair?

Mr. TYMKOVICH. Senator, I think Justice Scalia accepted some of the presentation of the State, but they rejected others. So I don't wholly agree or disagree with the dissent in the case, but it does——

Senator FEINGOLD. Do you agree with that point?

Mr. TYMKOVICH [continuing]. Reflect some of the arguments that were made.

Senator FEINGOLD. Do you agree with that point?

Mr. TYMKOVICH. I agree—the presentation that the State made to the Supreme Court was that it was a policy debate and not subject to the Supremacy Clause of the equal protections. But, again, as I testified earlier, that argument, that presentation was not accepted by the Court, and regardless of my personal views, I am perfectly capable and willing to impartially apply that precedent.

Senator FEINGOLD. That isn't what I am asking. I have asked your personal view, and I take it that your personal view is that the Court did the wrong thing here and improperly injected itself into the political debate. I understand that you would follow the law based on the Court's decision.

Mr. TYMKOVICH. I would follow the law.

Senator FEINGOLD. Do you believe that the Court should have given more consideration to the privacy, associational, and religious rights of persons who do not condone homosexual behavior?

Mr. TYMKOVICH. Senator, the lower courts in Colorado had identified that there were religious and associational factors that would be implicated by the laws that were preempted by Amendment 2. I think, again, that that, as I've tried to explain in my previous testimony, is part of the political give-and-take, the public policy give-and-take in crafting a gay rights law that would accommodate certain interests, and certainly that's part of the policy debate that we've seen in our State. Certainly the Amendment 2 provision would have required that debate to go at the statewide level, and as I recall, even during the judicial proceedings on Amendment 2, there was a move to enact a statewide initiative that would——

Senator FEINGOLD. Okay. I accept that, but I am asking you your personal view. You are an expert on this. Do you think the Court should have given more consideration—you, do you think the Court should have given more consideration to the privacy, associational, and religious rights of persons who do not condone homosexual behavior?

Mr. TYMKOVICH. Senator, I think that in that case, as others, as an advocate, as a representative of my client, we were presenting what we thought were the best arguments based on the applicable case law——

Senator FEINGOLD. I am asking your view right now.

Mr. TYMKOVICH [continuing]. To the Supreme Court.

Senator FEINGOLD. I am not asking in your role as an advocate. I am asking in your view should the Court have taken that more into account?

Mr. TYMKOVICH. I think, as I've testified earlier, indicated in my article, that I believe that we had strong arguments based on the existing precedent at the time and asked that the Court accept that.

Senator FEINGOLD. Well, you seem to be refusing to give your own view on this, and I don't know why. This isn't a pending case. This is a case that was resolved by the Supreme Court. You have strong opinions indicated I here, and I don't understand why you can't give me your personal view.

Mr. TYMKOVICH. I think I've reflected the views that we presented to the Court, and as I've testified——

Senator FEINGOLD. You did do that and that is all you have done, and you are not answering my question.

Throughout our Nation's history, proponents of racial discrimination have used the argument that they should be free to discriminate based on their privacy, associational, or religious rights. In *Brown v. Board of Education of Topeka, Kansas,* the Supreme Court injected itself into a contentious political debate where in some parts of the country separate but equal schools were defended to the point of literally spilling blood over the issue.

Do you believe that *Brown v. Board of Eduation* was wrongly decided and that the Supreme Court should not have injected itself into the policy question of maintaining school segregation?

Mr. TYMKOVICH. Senator, it's an important question because certainly the history of discrimination in this country has had a very mixed and very sorry record at times, and the *Brown* decision is certainly a reflection of part of that history.

One of the reasons I went to law school was the influence of a book I read about the *Brown* case called ''Simple Justice'' that traced the history of the legal development from *Plessy v. Ferguson* to the *Brown* decision, and a very powerful historical book about the legal and social and ideological aspects of discrimination in this country.

So certainly *Brown* is one of the cornerstones of American jurisprudence, and certainly its foundation is a very important part——

Senator FEINGOLD. So you obviously don't disagree with that decision, and that is why I want to ask you: What is the difference in your mind between African Americans and gay people in terms of whether laws protecting them from discrimination are permissible?

Mr. TYMKOVICH. Senator, I think that it's a very important part of the public policy debate to analyze the rationale and the reasons for a particular legislative judgment. I don't sit here today as having a legislative agenda. I do not. My goal as a Tenth Circuit judge, if confirmed, would be to impartially and fairly and open-mindedly apply the law. You're asking me for a legislative judgment, and I certainly——

Senator FEINGOLD. No. I am asking you your personal opinion, having studied this in law school, having the question of discrimination having been one of the inspirations for your going to law school, and doing extremely well, I might add, and being a very distinguished lawyer. I am asking you what your thought process is here. I am asking you what your thought process is here. What is the difference between discrimination against African Americans and gay people?

Mr. TYMKOVICH. Senator, I think that, you know, again, to answer your question from a public policy standpoint, I believe that this body, Congress, which has debated whether or not to add sexual orientation to Title VII or to Federal law, and certainly the debate at the State level would be to take the testimony and the experiences of gay and lesbian Americans and apply that to the particular circumstances at work.

In Colorado, that's an important dialogue that is ongoing about to what extent the laws ought to be modified and changed to prevent discrimination and violence and harassment against gay and lesbian people. I support that legislative debate in our State. I don't think it's appropriate for me to take a personal view to the Federal bench, and I can commit to the body that I'd be able to apply the discrimination laws faithfully and carefully as a Tenth Circuit judge——

Senator FEINGOLD.—Well, Mr. Chairman, my time is up, but let me just say that I certainly respect Mr. Tymkovich and wish him well. But this process where we can't even get at sort of the thought process of a nominee on something as simple and important as how you relate discrimination against African Americans to the issue of discrimination against gay people, to me, Mr. Chairman, this is the problem we are having, that we are really not being given a chance to examine how these individuals will simply go through their thought process as judges, not whether there is a right answer or a wrong answer, but how will they go through the judicial process and how will they go through that thought process.

I think that is legitimate, and, again, I respect you and certainly you have tried to respond to me. But it makes it very, very difficult to analyze, especially in light of the fact that this nominee wrote an article, an extensive article about this very important subject, and all I am trying to do is to get his thought process as it compared to another body of law that he obviously thinks is valid.

So, with that, Mr. Chairman, I conclude and thank you and thank Senator Kennedy.

Mr. FEINGOLD. Mr. President, this kind of evasive testimony only makes it more difficult to analyze whether or not a nominee is well suited for a position on a Federal appeals court.

I was also troubled by Mr. Tymkovich's insistence that the Romer case presented a political question and should not have been decided by the courts.

The courts have played an important role in ensuring civil rights for all Americans. If our Nation left all questions of civil rights to the legislatures, school segregation might still be practiced in parts of the country today. In Brown v. Board of Education of Topeka, KS, the Supreme Court did its job by injecting itself in a contentious political debate and protecting the right of African Americans to equal education.

I understand that these are President Bush's nominees and that he has the right to nominate whomever he wants to the bench. But as much as it is our duty to fill vacancies in the Federal judiciary, it is also our duty to give great scrutiny to those nominees who have a record that calls into question their ability to give all those litigants who would appear before them a fair and impartial hearing.

I am more than pleased to vote to confirm judicial nominees that are fair-minded and supported by a consensus of Senators and the legal community, and, once again, I urge the President to send such nominees to the Senate. I have voted in favor of three previous Bush nominees to the Tenth Circuit, but I do not believe that Mr. Tymkovich is the right person for this seat.

I yield the floor and suggest the absence of a quorum.

Mr. CRAIG. Mr. President, I ask unanimous consent that time under the quorum call be divided equally.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CAMPBELL. 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. CAMPBELL. Mr. President, I am pleased that Timothy Tymkovich's nomination to serve on the Tenth Circuit Court of Appeals has come before the full Senate for consideration here today.

Almost 7 weeks ago today, on February 12, 2003, along with my friend and colleague, Senator ALLARD, I was pleased to introduce Tim Tymkovich to the Judiciary Committee for his confirmation hearing.

Today, I am once again pleased to be able to speak in strong support of Tim Tymkovich's nomination to serve on the Tenth Circuit Court of Appeals.

Tim Tymkovich is well qualified to serve on the Tenth Circuit. He is a native Coloradan, an excellent jurist and an all-around outstanding person. I believe he will be a terrific addition to the Tenth Circuit Court of Appeals.

Since he earned his juris doctor at the University of Colorado's School of Law back in 1982, Tim has had an outstanding career, including a well-balanced combination of service in both the public sector and in private practice.

Tim's public service experience includes his service as a clerk to the former Colorado Supreme Court Chief Justice William Erickson from 1982 to 1983.

From 1991 to 1996, Tim Tymkovich skillfully served as Colorado's solicitor general.

In between these years of public service, Tim earned an excellent reputation in private practice with several leading law firms.

For the past 2 years, Tim has served as counsel to Colorado Governor Owen's Columbine Review Commission, which reviewed the public agency and law enforcement response to the tragic Columbine High School shootings of 1999.

At the same time, he co-chaired the Governor's Task Force on Civil Justice Reform, which has led to significant improvements in Colorado's civil justice and practice.

Tim currently serves as a partner in the prestigious Denver-based law firm, Hale, Hackstaff, & Tymkovich.

Two of Colorado's leading newspapers have positively endorsed Tim, saying among other things, that he has gained a local reputation as a thoughtful, insightful attorney who knows the law and works hard to uphold it. That was the Denver Post, May, 2002.

They have also commented that if the Senate gave Tim Tymkovich a serious look, we would find someone who combines intellectual heft and steady temperament.

I have taken a good look at Tim Tymkovich, and I fully agree with these insightful assessments.

Tim's nomination enjoys substantial bipartisan support, including the support of Colorado Attorney General Ken Salazar and Colorado's well-known former Governor, Roy Romer.

Tim Tymkovich's nomination for the Tenth Circuit Court of Appeals has been pending since he was first nominated for this position back on May 25, 2001.

it is now approaching 2 years since he was first nominated. Despite Tim Tymkovich's outstanding qualifications, it has not been an easy task for the Judiciary Committee to get this nomination to the floor of the Senate today.

I want to take a moment to say a special word of heartfelt appreciation for my good friend and Judiciary Committee Chairman ORRIN HATCH for his remarkably fair, evenhanded and steadfast stewardship of judicial nominees, including Tim Tymkovich's nomination. Senator HATCH deserves all of our appreciation.

It is time for the full Senate to complete our work and hold a straight up-or-down rollcall vote on Tim Tymkovich's worthy nomination.

I strongly urge my colleagues to vote in favor of Tim Tymkovich's nomination to serve on the Tenth Circuit Court.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CAMPBELL. 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. CAMPBELL. Mr. President, I ask unanimous consent that the time be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CAMPBELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BUNNING. 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. BUNNING. Mr. President, I ask unanimous consent to speak as in morning business for approximately 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. BUNNING are printed in today's RECORD under ''Morning Business.'')

Mr. BUNNING. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SESSIONS). Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I understand we are on the nomination of Timothy Tymkovich to the U.S. Circuit Court of Appeals for the Tenth Circuit.

The PRESIDING OFFICER. The Senator is correct.

Mr. LEAHY. I thank the distinguished Presiding Officer. As he knows, being a member of the Judiciary Committee, while the debate time was scheduled by the committee, at the same time they scheduled hearings on various judicial nominees, including a very controversial nominee to another circuit court. As have others, including the distinguished Chair, I have tried to balance my time from place to place and attend to both matters ongoing simultaneously. I am sorry that I could not be here to open the debate but was at the hearing helping to open those proceedings.

Today we consider Mr. Tymkovich as the fourth of President Bush's nominees to this circuit to be considered by the Senate. Three of the nominees to the Tenth Circuit were given hearings and confirmed during the time I was chairman of the Judiciary Committee.

President Bush sent up Harris Hartz of New Mexico to the Tenth Circuit. I arranged to get him a hearing and vote on the floor. In fact, I voted for him. President Bush sent up Terrence O'Brien of Wyoming. I arranged to get him a hearing and a vote on the floor. I voted for him. President Bush sent up Michael McConnell of Utah, a highly controversial, extraordinarily conservative nominee, heavily backed by the Federalist Society and others. I arranged to get a hearing for him, and I voted for him.

I mention that because it is in stark contrast to the treatment of President Clinton's nominees to vacancies on the Tenth Circuit. We were fair and took action on three of President Bush's nominees to the Tenth Circuit last year. Today the Senate is debating and voting on his last remaining nominee to that circuit.

Let us recall what happened when Republicans were in charge and there was a Democratic President. President Clinton nominated two outstanding lawyers to this vacancy, the one about which we talk today. James Lyons, whom I have known it seems forever, is a brilliant lawyer. He would have been an outstanding federal judge, one who in that position would be totally impartial, would fit the qualifications necessary for a judge—that is, when you walked in the court, you would know, whether you are Republican or Democrat, rich, poor, plaintiff, defendant, black, white or anything else, that you would be treated fairly. Mr. Lyons was not treated fairly. He was not even allowed to have a hearing let alone consideration by the Judiciary Committee or a vote by the Senate.

Then President Clinton nominated Christine Arguello, an outstanding Hispanic woman. She was not allowed to have a hearing either. It was not that she was not qualified. In fact, speaking of these two, Mr. Lyons was among the many Clinton nominees given the highest qualification by the American Bar Association. Like so many others who fit in that category, he was never allowed even to have a hearing. It was not a question of voting up or down. Republicans were in the majority. They could have voted him down. But both these well qualified nominees were not even allowed to have a hearing.

Ms. Arguello is a talented Hispanic attorney. Her nomination had widespread support from her community and State. Both Republicans and Democrats called and wrote to me on her behalf. But as with so many circuit court vacancies on the Tenth Circuit, the Fourth Circuit, the Fifth Circuit, the Sixth Circuit, the Eighth Circuit, the Ninth Circuit, the District of Columbia Circuit, and around the country, these qualified nominees, whose only sin was that they were nominated by a Democratic President, were not allowed to have hearings or votes.

The Republican-controlled Senate made it very clear: We will not hold hearings or vote on them. Someday there will be a Republican President, and then we will fill these seats in a campaign to stack the courts.

This was very clear. This happened during President Clinton's first term in the Senate—the Republican Senate blocking his nominations from even having a hearing because Republicans thought he would never get reelected and then they could put in Republicans to fill those judicial vacancies. It is very clear. Everybody here heard the comments in the cloakroom and in the Senators' dining room. Look at the record, in the 1996 session, the Republican Senate majority would not consider or confirm a single nominee to a circuit court anywhere in the country, not one. During that entire year only 17 judges were confirmed and all were to the district courts.

President Clinton then had a landslide reelection victory. We naively assumed that the Senate Republicans would work with us to help fill the many judicial vacancies that had been perpetuated. Not so. They thought maybe 4 years later they might have another chance and there might be a Republican administration and they could get the courts to do what we wanted. Despite vacancies that reached over 100, Republicans denied there was a vacancies crisis and insisted on slow and searching inquiries on those lucky nominees who were considered at all. Of course, more than 50 of President Clinton's judicial nominees were never given a hearing and a vote. Others, the lucky ones, were delayed for years and years before Senate Republicans would allow a vote.

Then in the most recent presidential election, as we know, Al Gore got half a million more votes but did not become President. I respect the electoral system. President Bush won the electoral vote, and there was a 1-vote margin in the Supreme Court determining that. All of a sudden, all these seats that have been kept open year after year because Republicans would not allow anybody to come forward, were valuable opportunities.

When Democrats were the Senate majority, we tried to help, to work with the administration and with Senate Republicans. Take, the Tenth Circuit. Even though President Clinton's nominees had been unfairly held up, we did not do the same thing to President Bush's nominees. We proceeded to confirm 100 of his judicial nominees in 17 months. We proceeded on three of his nominees to the Tenth Circuit and filled three of the four vacancies on that circuit by adjournment last year.

With respect to this remaining nomination, that of Timothy Tymkovich, I

must say—not just because of the shameful, inexcusable way James Lyons and Christine Arguello were treated by the Republicans—I have serious misgivings about this nomination. Mr. Tymkovich has worked to undermine environmental protections and other Federal programs in the name of States rights. He has a particular view of States rights, one that I believe will color his decision making and result in hostility to Federal legislation designed to protect all Americans' civil rights and all Americans' environmental rights.

In 1996, Mr. Tymkovich testified before the Senate Governmental Affairs Committee, where he made strident comments about his perceptions of States' rights. His testimony indicated that his support for ''States' rights'' was conveniently focused on rolling back Federal regulation in areas where he had substantive disagreements with Federal policy. He testified in favor of the so-called Tenth Amendment Enforcement Act, which called on Congress to eliminate implied preemption, a form of preemption that has been consistently recognized by the United States Supreme Court.

He claimed that the Federal Government had interfered in Colorado's State's rights. Mr. Tymkovich complained that the Federal Government had been ''especially intrusive into State affairs in the area of the environment.'' He cited as examples of such interference and ''overreaching'' the EPA's opposition to a State ''self-audit'' program. That State program would have granted enforcement immunity to polluters that voluntarily came forward and agreed to address problems in the future. Immunity would have applied no matter how damaging the polluters' actions had been. The State legislation was opposed by the EPA because it violated State obligations under several Federal statutes—the Clean Air Act and Clean Water Act, among others. Mr. Tymkovich chided the EPA for refusing to give the same immunity to polluters. In addition to his statements about the self-audit program, Mr. Tymkovich protested the EPA's rejection of State programs in water and air quality programs that did not meet Federal standards.

Mr. Tymkovich also complained in his hearing testimony that the Federal Government violated States' rights by requiring Colorado to follow Federal Medicaid law if the State chose to accept Federal Medicaid funding. He argued that States should be allowed to accept Federal Medicaid funding and then refuse to use those funds as prescribed by Federal law; that is, to deny the termination of pregnancies in the limited situation where a Medicaid-qualified woman has been the victim of rape or incest. He argued that States should be allowed to accept Federal Medicaid funding, but absolutely refuse to use these funds—funds that come from all of us from the State of Vermont, the State of Alabama, and every place else as prescribed by Federal law. He argued: We will use your money, but you have no say in how we use it.

Finally, Mr. Tymkovich claimed that the Federal ''motor voter'' law was an ''intrusion'' that ''impose[d] special burdens.'' He called the law an ''unfunded mandate'' that ''unquestionably interferes with the States' internal affairs.'' In summary, he argued that ''Congress has long ignored State interests.''

I am also concerned about Mr. Tymkovich's involvement in attempts to weaken Title IX. As State solicitor general, Mr. Tymkovich appealed a decision by a Federal District Court finding that Colorado State University had violated Title IX of the Education Amendments of 1972. The suit, Roberts v. Colorado State Board of Agriculture, was originally brought by members of the women's fast-pitch softball team, which had been cut by the university. The plaintiffs argued that the termination of support for the team was a violation of Title IX. The District Court issued a permanent injunction that required the university to reinstate funding for the program and to provide the team with equal benefits to other sports programs at the college.

Mr. Tymkovich appealed the case to the Tenth Circuit, arguing that additional evidentiary requirements should be placed upon Title IX plaintiffs. The Tenth Circuit affirmed the lower court's ruling, finding that the university had not shown that it had fully and effectively accommodated the interests and abilities of women athletes.

Title IX has been vital to the inclusion of women and girls in all facets of education, especially athletics. You do not have to be a parent or grandparent to know that now, if you go into any schoolyard and you look at those playing sports at the grade school and high school level, you see boys and girls playing. At the college level, you see both young men and young women playing sports. This has been important to all of us.

I am also concerned about the personal hostility Mr. Tymkovich has shown to Americans based on their sexual orientation, and about his failure to accept the importance of civil rights laws. As Colorado solicitor general, he argued a case before the Colorado and U.S. Supreme Courts, in which he unsuccessfully defended Colorado's 1992 ballot initiative that added a broadly-worded provision in the Colorado Constitution prohibiting any legal protections based upon sexual orientation. Ultimately, the Supreme Court of the United States found that the Colorado law was motivated by prejudice, not rationality, and thus ran afoul to the most basic premise of the equal protection clause.

So after he litigated the Romer case, and after a conservative Supreme Court ruled against him, he authored a bitter law review article both defending his position and chastising the decisions of the Supreme Court of the United States and of the Supreme Court of Colorado. He criticized Justice Kennedy's decision in Romer as ''an important case study of the Supreme Court's willingness to block a disfavored political result—even to the point of ignoring or disfiguring established precedent.'' He also referred to the U.S. Supreme Court's oral argument process as ''judicial histrionics.'' He concluded by saying this was ''another example of ad hoc, activist jurisprudence, without constitutional mooring.''

Mr. President, I say this because this is a man who claims he would be perfectly willing to follow the decisions of the Supreme Court. In fact, the most revealing aspect of his law review is his failure to acknowledge and respect the decision of the Supreme Court and the views and integrity of those on the other side of the argument from him.

I have voted for hundreds of judges nominated by both Republican and Democratic Presidents. My personal belief is that it is not whether they are Democrats or Republicans, liberal or conservative, pro-life or pro-choice, or whatever they might be; that is not the issue. The issue is whether, when somebody comes before that court, that they know that they are going to be treated with fairness, treated with respect, with courtesy, no matter which side they are on or what legal position they support in that litigation.

A Federal judge has an enormous amount of power. If somebody comes into court and they know the case is already decided, that the judge has already determined, based on who you are, how the case is going to be decided, then I think you have a real problem that goes to the integrity of the courts and certainly to the independence of the courts, and it determines which way those courts are going to be seen.

Why is that important in Mr. Tymkovich's case? Because he shows what type of a judicial temperament he would have. A most revealing aspect of his law review article is his failure to acknowledge and respect the views or integrity of those on the other side of the legal debate. His article made me ask myself why he felt compelled to continue to advocate for the positions he was taking once the case had been concluded, once the Supreme Court had determined what the law was.

He obviously feels very strongly personally about these matters. That is fine and that is his right. But that does not mean that he should be confirmed to a lifetime appointment on a Federal circuit court. Had he merely served as the attorney advocating a position in court, he could have chalked his involvement in the Romer case up to professional advocacy in support of a provision adopted in Colorado. Instead, he went well beyond professional legal advocacy. His advocacy went to the point of raising the question whether this

man will be able to be fair to all litigants. He wrote that ''our society prohibits, and all human societies have prohibited, certain activity not because they harm others, but because they are considered, in the traditional phrase 'contra bonos mores', i.e. immoral.''

In short, the article seems replete with heavy anti-homosexual rhetoric. The hallmark of a good judge is his or her ability to be fair to all who come before the court. I have very grave doubts that Mr. Tymkovich can or will act in an unbiased or fair manner involving civil rights. His expressions seem otherwise.

Equally disturbing about this incident is Mr. Tymkovich's apparent unwillingness candidly to admit error either to the courts or the Judiciary Committee. You have to wonder if he would be fair and impartial as a judge in a court.

In a case in which Mr. Tymkovich was involved in private practice, he represented the Republican and Libertarian parties, along with several State legislators, in their challenge to the constitutionality of Colorado's Fair Campaign Act. In the course of his representation, which saw him before both the trial court and the Tenth Circuit, Mr. Tymkovich erroneously agreed to consensual dismissal of one of his client's claims before the district court. While each court differed about the merits of the alleged claims, both agreed that Mr. Tymkovich voluntarily dismissed a claim that (1) there was no other means of challenging and (2) which he evidently still desired to litigate. In a case of such high importance, and for a person being nominated to a court of such significance, his actions in this case appear to include a rather serious mistake that reflects upon his competency.

Equally disturbing about this incident is Mr. Tymkovich's apparent unwillingness to candidly admit his error either to the courts or the Judiciary Committee. Mr. Tymkovich continued to argue the matter and assert that the District Court behaved improperly and without reason in dismissing his client's first amendment claim. So, too, did he fail to reveal his error in his Senate Questionnaire. Although he truthfully stated that he won some of the claims he pursued, his careful wording on his Senate Questionnaire seems particularly crafted to avoid this aspect of the case.

I note for those who have recently trumpeted the ABA ratings as an important indicator of professional competence—especially when a close friend of President Bush is in charge of those ratings—Mr. Tymkovich received a rating that was partially ''not qualified,'' indicating that a number of evaluators did not consider him suited to the position on the Tenth Circuit in which he was nominated.

I am concerned that Mr. Tymkovich is yet another of President Bush's nominees to the circuit court who is going to work to undermine Federal laws and programs designed to guarantee protection of civil rights and the environment. I will vote against him.

I will vote against him because I do not believe that people can walk into his court and believe they are going to be treated fairly. I fear that people who come into his court and see that the person on the other side fits into the judge's narrow view of who is acceptable and what is acceptable will think that other person is going to win and I am going to lose no matter what the merits are.

This is the last remaining vacancy on the Tenth Circuit. We had 7 years without a new judge of that circuit. Even though President Clinton tried, Republicans refused to allow his nominees to go forward to be considered.

When I became chairman, we moved three judges who were nominated by President Bush through to confirmation. None of them were people I would have ever nominated. I voted for all of them. I thought even though we were opposed and apart philosophically that they could be fair. I did it notwithstanding my own deep concern about the unreasonable unfairness of the Republicans in not allowing a vote, not even a hearing, on President Clinton's nominees. I was determined not to do that to President Bush. I thought it was absolutely wrong when it was done to President Clinton. So three of those four nominees went forward and they all sit on that court today as President Bush's lifetime appointments to the Tenth Circuit.

We have worked hard to reverse the growing number of vacancies on the Federal courts and on the circuit courts, vacancies that were maintained under the Republican Senate majority when President Clinton was in the White House. Even though President Clinton nominated qualified, moderate people, they were not allowed to have hearings. We tried to change that. Perhaps it is a case where no good deed goes unpunished. We tried to demonstrate to this new White House that we could be different.

In January 1995, when the Republican majority took control of the confirmation process, there were only 16 vacancies on the circuit courts. When I became chairman in the summer of 2001, there were 33 circuit court vacancies. At the end of last year, these vacancies had been cut by almost 25 percent, even though 9 new circuit vacancies arose during that time.

We held the first hearing for a nominee to the Fourth Circuit in 3 years, and confirmed him and another most controversial nominee, even though seven of President Clinton's nominees to that circuit never received a hearing.

We proceeded with the first hearing for a nominee to the Fifth Circuit in 7 years and confirmed her, even though three of President Clinton's nominees to that circuit were never given a hearing.

We proceeded with the first hearing on a nominee to the Sixth Circuit in almost 5 years, confirmed her, and another controversial nominee to that circuit, even though three of President Clinton's nominees to that circuit never received a hearing.

We proceeded with the first hearings on a nominee to the Tenth Circuit in 6 years. We confirmed three, even though two of President Clinton's nominees to that circuit were never allowed hearings.

There is today no current vacancy on the First Circuit to which we confirmed a conservative nominee last year. There are no current vacancies on the Eighth Circuit to which we confirmed 3 of President Bush's nominees in spite of the irresponsible treatment the Republican Senate majority had afforded Bonnie Campbell of Iowa.

I have been in the Senate with six Presidents, President Ford, President Carter, President Reagan, former President Bush, President Clinton, and the current President Bush. On judicial nominees, each of the five previous Presidents had their own views of who they wanted on the courts, and that is their prerogative whom they nominate. Each one of those Presidents sought to unite rather than divide when it came to the Federal judiciary. I think each understood that the integrity and independence of the Federal courts has to be protected. Each one of those five Presidents actually worked with Members of both parties in the Senate for nominees to go forward. I remember sitting in many meetings with Presidents of both parties.

This President is the first one in my experience in 29 years, who seems to have no interest whatsoever in working with the Senate. He seems perfectly happy with what was done in the past by members of his party, and now with members of his party willing to change the rules—ignore the rules and go forward and do things that have never been done before—so long as they win.

In the short run, you win. In the long run, you hurt badly the integrity and the independence of the Federal court. That is one thing we should think of. These are lifetime appointments. They are not the terms of Senators or Presidents. Presidents have 4-year terms. Senators have 6-year terms. The Federal bench has a lifetime term.

Finally, even though his term is approximately halfway over, I urge the President to try for a few months to be a uniter, not a divider and work with the Senate on nominating judges. We showed we were willing to move judges much faster for him when the Democrats were in control than the Republicans did when they were in control and there was a Democratic President.

Work with us. You are going to have better courts; all Americans will have better courts. You can still appoint a lot of Republicans—that is fine. But you could have an independent court, not courts that are going to be seen by a growing—and it is growing—number

around this country as an arm of the Republican Party. Professor Sheldon Goldman was recently quoted in an article by Stephanie B. Goldberg in MS. Magazine as saying: ''If courts are perceived as being governed by political ideology, they lose public support and are no longer seen as an independent branch of government. They're just an arm of the regime.'' Courts should not be an arm of the Democratic Party or the Republican Party. It is one branch of Government that should be independent. This White House seems to want to change that.

Over more than 200 years of history, Presidents occasionally have been unable to resist the temptation of court-packing schemes, such as in the case of John Adams or Franklin Roosevelt. Those were wisely rejected. If the White House is unwilling to have an independent judiciary, I hope the Senate will show enough courage to reject that.

Before observing the absence of a quorum I ask unanimous consent that the time run equally against both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. 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.

The PRESIDING OFFICER. In my capacity as the Senator from Alabama, I ask unanimous consent that the order for the quorum call be rescinded.

RECESS

The PRESIDING OFFICER. Hearing no objection, under the previous order, the hour of 12:30 having arrived, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:30 p.m., recessed until 2:16 p.m. and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

The PRESIDING OFFICER. The Senator from Virginia.

ADDITION OF COSPONSORS—S. CON. RES. 31

Mr. WARNER. Mr. President, I would like to submit to the Chair a unanimous consent request.

Mr. President, pending at the desk is S. Con. Res. 31 relating to the subject of prisoners of war. I commend the Senator from Pennsylvania, Mr. SANTORUM, for his work on this resolution, approaching me and others about the need for this resolution days ago. By inadvertence, and I accept responsibility for that, he was omitted from the list of cosponsors.

At this time, I ask unanimous consent that the Senator from Pennsylvania, Mr. SANTORUM, be added as a cosponsor to S. Con. Res. 31, which is at the desk. I thank the Chair.

Mr. ALLARD. If the Senator from Virginia will yield?

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLARD. I would also like to be listed as a cosponsor on that resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Would you add the Senator from Ohio?

Mr. WARNER. Mr. President, I ask that the distinguished Presiding Officer, the Senator from Ohio, be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. For the benefit of the Senate, it is being discussed now as to when this resolution might be brought up. It is bipartisan. Senator LIEBERMAN is one of the original cosponsors, together with the distinguished majority leader, Senator FRIST, Senator STEVENS, Senator INOUYE, myself, and now the others.

So those Senators having an interest should so notify the Presiding Officer.

I yield the floor.

EXECUTIVE SESSION

NOMINATION OF TIMOTHY M. TYMKOVICH, OF COLORADO, TO THE UNITED STATES CIRCUIT JUDGE FOR THE TENTH CIRCUIT—Continued

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, the order of business on the floor, if I am not mistaken, is the nomination of Mr. Timothy Tymkovich for lifetime appointment to the United States Court of Appeals for the Tenth Circuit. I rise in opposition to that nomination.

Initially, it is worth noting that the Tenth Circuit is closely divided between Republican and Democratic appointees, and the seat for which Mr. Tymkovich was nominated is a seat that the Republican-controlled Senate has denied on more than one occasion. In fact, they have denied it to a moderate Hispanic-American Clinton nominee in the year 2000, Colorado Attorney General Christine Arguello. She would have been the first and only Hispanic-American judge on the Tenth Circuit, but the Republicans, then in control of the Senate, refused to give Ms. Arguello a hearing or a vote.

The Republican-controlled Senate also refused to give a hearing or vote to another Clinton nominee for the Tenth Circuit, James Lyons, thus ensuring that this vacancy which we debate today would be theirs to fill. That is what led us to this moment in time where this nomination is being considered on the floor of the Senate.

I asked Mr. Tymkovich some questions when he appeared before the Judiciary Committee, and I would like to relate to you some of his answers. One of them relates to his membership in the Federalist Society.

There is nothing illegal about the Federalist Society, nor any reason why someone would deny their membership, but it has become a strange coincidence how many Bush administration nominees are members of the Federalist Society. I have said that when you chart the DNA of Bush administration judicial nominees, you are likely to find, more often than not, the Federalist Society chromosome.

So I started asking questions, and some of my colleagues are now joining me. Why? What is it about this organization that is becoming such an important element on a resume of someone seeking a judgeship in the Bush administration?

I asked Mr. Tymkovich, who is not only a member of the Federalist Society, but who is on its Colorado board of advisers, the following question:

> One of the goals of the Federalist Society is ''reordering priorities within the legal system to place a premium on individual liberty, traditional values, and the rule of law.''

I went on to ask him:

> Which priorities do you believe need to be reordered? What is the role of federal judges and the courts in reordering such priorities? On which traditional values should there be a premium, and why? The Federalist Society also states that its objective ''requires restoring the recognition of the importance of these norms among lawyers, judges, and law professors.''

I asked Mr. Tymkovich:

> If you are confirmed, how will you as a judge restore, recognize, or advance these norms?

I do not believe these were trick questions. I believe they were open-ended questions so Mr. Tymkovich could tell us what it is about the Federalist Society that he understands to be their mission, and whether he agrees or disagrees.

Mr. Tymkovich's entire response is the following:

> I am not aware of the context of the quotations in the question, but all seem to address the role of a policy commentator as contrasted with the role of a federal judge. If confirmed as a judge to the Tenth Circuit, I would set aside any personal views and apply the precedent of the Supreme Court and the Tenth Circuit.

The quotations in my question are straight from the ''Our Purpose'' page of the Federalist Society Web site. They constitute the mission statement of the organization and are central to its identity.

Mr. Tymkovich's assertion that he is not aware of them raises important questions. His responses to this committee during the hearing indicate that he was, at times, evasive in other answers as well.

But there is one particular reason why I oppose Mr. Tymkovich, and it relates to the issue of discrimination.

I have said on the floor of the Senate and in the Judiciary Committee that several weeks ago I had a unique opportunity to visit the State of Alabama for the first time, to go there with Democratic and Republican Members of Congress, on a delegation led by our Congressman from Atlanta, GA, JOHN LEWIS, to visit some of the most important spots in America in the civil rights movement.

We went to Birmingham, AL, and visited the Baptist church where four little girls were killed with a firebomb on a Sunday morning.

I went to Selma, AL, with Congressman JOHN LEWIS, and stood at the spot where he was beaten by the Alabama State troopers and the militia, suffering a concussion, at the time the march to Montgomery was turned back.

We went to Montgomery, AL, and stood on the street corner where Rosa Parks boarded the bus and refused to give up her seat.

The importance of this cannot be overstated for a person in my generation because the civil rights movement was part of my formation as a young person. The civil rights movement was something I valued for what it brought to America. It was a struggle I witnessed as a young student and appreciated as I grew older.

Congressman JOHN LEWIS said to us, as we were visiting these important historic sites, something that was not part of the formal program. He said: There never would have been a civil rights movement in Alabama, there would not have been a march from Selma to Montgomery, were it not for one Federal judge, Frank Johnson.

Frank Johnson, a Federal district court judge—Republican, appointed by President Eisenhower—had the courage to stand up to the establishment in Alabama and other Federal courts and to fight against discrimination. He made important rulings, striking the Montgomery County ordinance which allowed for segregation on buses, striking laws which did not allow fair representation in the legislature of Alabama, and, of course, signing the order which allowed the march from Selma to Montgomery.

Because of his courage, he was shunned by leaders in society. He could not go back to his old country club. He had to start using the public golf courses. But there was worse. His mother's life was threatened. Bombs were going to be detonated at his home and her home. Security was necessary around the clock. But he persevered. And because of his courage and his determination, the civil rights movement was a reality.

America is a better place because of one Federal district court judge who, given a chance to stand up against prejudice and bigotry, did the right thing for America.

I thought to myself, as all of these judicial nominees come to the Senate, through the Judiciary Committee, where is the next Frank Johnson? Where is the next person who will stand up and fight for civil rights, the challenge of our generation?

I thought over that particularly when I considered the candidacy and the nomination of Mr. Tymkovich for this circuit court judgeship. Mr. Tymkovich already has had his chance to speak out on the issue of discrimination. Sadly—sadly—he came out on the wrong side. Mr. Tymkovich appears to be hostile to laws prohibiting discrimination based on sexual orientation. This isn't an easy issue for a lot of Members of Congress. There are people who feel very strongly against those with a different sexual orientation, gays and lesbians in American society. I, for one, was raised in a conservative small town, East Saint Louis, IL. I raised my family in another small town, Springfield, IL. It was not until I got involved in congressional politics that I stepped back and said: I have to take a look at this issue. I have to decide whether this is a civil rights issue and, if it is, which side of history I will be on.

I have tried, though my record is not perfect, to stand for the proposition that discrimination against any American based on race, religion, national origin, gender, disability, age, or sexual orientation is wrong. I think that is a standard that America—all of America—should hold high. But, unfortunately, when it came to Mr. Tymkovich, and discrimination against people because of sexual orientation, he took an opposite course. He zealously supported Colorado's amendment 2, which eliminated the legal rights for gays, lesbians, and bisexuals by banning all legislative, executive, or judicial action at any level of State or local government designed to protect them. In other words, amendment 2 commanded that there be no recourse for any gay person in Colorado who was fired or not hired, denied housing, harassed in school, or subject to similar acts of discrimination.

When I took a look at the Supreme Court case where this amendment was challenged, they listed some of the local ordinances that were at issue. They listed Colorado municipalities and what they were attempting to protect: Aspen, CO, had a local ordinance prohibiting discrimination in employment, housing, and public accommodation based on sexual orientation; Boulder, CO, and Denver, CO the same thing; an executive order prohibiting employment discrimination for all State employees classified and exempt on the basis of sexual orientation; the Colorado insurance code, forbidding health insurance providers from determining insurability and premiums based on an applicant's or a beneficiary's or an insured's sexual orientation; and other provisions prohibiting discrimination based on sexual orientation at State colleges.

These were the laws which amendment 2 in Colorado would have wiped off the books. Mr. Tymkovich came to the U.S. Supreme Court and argued that these local ordinances should be wiped off the books, or at least that amendment 2 should be allowed to stand.

The amendment was approved by a majority of Colorado voters, so the Supreme Court had to really face the basic issue as to whether amendment 2 was an equal justice issue, and whether, in fact, the Colorado voters could vote to take away the rights of individuals because of sexual orientation.

The Supreme Court decided by a vote of 6 to 3 that the position argued by Mr. Tymkovich was wrong. Only three of the most conservative Justices on the Supreme Court felt otherwise: Justices Scalia and Thomas, and Chief Justice Rehnquist. They dissented, but six other Supreme Court Justices said the Colorado decision to pass amendment 2 violated the equal protection of the laws in the United States and that Mr. Tymkovich's position arguing in favor of it was wrong by a vote of 6 to 3. The man before us today asking for a lifetime appointment to the Tenth Circuit was found by the U.S. Supreme Court to be mistaken in his position.

That is not the first time that has ever occurred. Lawyers argue cases, and sometimes they have no choice. They need to come before the court representing their clients. Whether it is a State, locality, business or an individual, they come before the court and make the best case, and the court rules. Sometimes they are on their side and sometimes they are opposed. In this case the Supreme Court ruled against Mr. Tymkovich.

What troubles me is what happened after that. After the Supreme Court issued its decision, Mr. Tymkovich decided to author a Law Review article. It is a lengthy article in the 1997 University of Colorado Law Review. It is entitled ''A Tale of Three Theories: Reason and Prejudice in the Battle Over Amendment 2.''

Mr. Tymkovich and a couple other writers went on to explain why the Supreme Court was just plain wrong. Mr. Tymkovich wrote that the Supreme Court decision in Romer v. Evans is ''merely another example of ad hoc activist jurisprudence without constitutional mooring. If the test of an independent judiciary lies in its response to difficult political decisions, Romer is cause for great uneasiness about the health of self-government.''

There is a paragraph in this article which I find particularly offensive. Mr. Tymkovich, in describing the lifestyle of those with different sexual orientations, likens them to people who practice bestiality. Those are not my words. They are the words written by Timothy M. Tymkovich who now seeks a lifetime appointment to the second highest court in the nation.

Mr. Tymkovich decided in this article to establish what he considers to be a moral rationale for discrimination. It is not the first time that has happened. If you will look back in our history, there has scarcely been a time when discrimination was practiced in America that someone didn't rationalize it or moralize it. Whether the objects of that discrimination were Native Americans, African Americans, Asians, Catholics, the Irish, they have used some sort of moral rationale to say that a position of discrimination is actually the moral thing to do.

Mr. Tymkovich took exactly that position when it came to discrimination against people based on sexual orientation.

That position goes way beyond the norm in America. Mr. Tymkovich tries to argue in his article that this is all about States' rights. I understand there is an important balance between Federal power and State power. The Constitution acknowledges that. But, historically, those who want to support discrimination have usually found their refuge in the dark shadows of States' rights. The Federal Government should not step in, they argue, to establish constitutional principles of equal justice under the law. They argue: let the States establish those standards, knowing full well that you won't have a uniform standard across the country. You will not have uniform protection under the law.

The Supreme Court, in the case of Romer v. Evans, saw it differently. Thank goodness they did. ''One century ago,'' Justice Kennedy wrote, ''the first Justice Harlan admonished this Court that the Constitution neither knows nor tolerates classes among citizens.''

They went on to say, during the course of this opinion:

> ''If a law neither burdens a fundamental right nor targets a suspect class, we will uphold the legislative classification so long as it bears a rational relation to some legitimate end.''

They said Mr. Tymkovich's logic and argument in Romer v. Evans were a basic denial of equal protection under the law. Now Mr. Tymkovich wants an opportunity to go to the second highest court in the land and argue his point of view for a lifetime. I am sorry. That is a bad choice. It is a bad choice for the Tenth Circuit and a bad choice for America.

Throughout my service in Congress, I have tried to support every effort to end discrimination based on race, gender, ethnic origin, religious belief, age, disability, or sexual orientation. Fair and equal treatment of all Americans is a cornerstone of our society and our political system. Unfortunately, despite the great progress we have made, the struggle for civil rights and equal treatment under the law continues today.

Federal judges, such as Frank Johnson, stood up 40 years ago under risk of personal harm and risk to their families and said: I will stand up for equal protection under the law—when it came to African Americans. I am sorry to say that based on his arguments and his own words, I cannot believe that Mr. Tymkovich could ever rise to that challenge.

If we want to turn our backs and ignore the reality of people who have polished their prejudices to a high sheen with legal niceties, we are ignoring a basic responsibility of the Senate of the United States. If we tolerate intolerance, that is a form of intolerance. The intolerance of Mr. Tymkovich, as evidenced in this Law Review article, from which he has not backed away, is something we should not sustain, should not encourage, and should not approve with our vote. If Mr. Tymkovich has his way, the struggle for civil rights and equal treatment under the law will be even greater and more difficult for future generations. That is why I will vote to oppose his nomination.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, I would have to say that Tim Tymkovich's nomination is far from a partisan process. In fact, he has been supported in a bipartisan way. I have a list of people who have supported him. I would like to share some of the comments, letters, and statements made in support of Mr. Tymkovich's nomination.

He is widely respected in Colorado as a fair attorney who works well with others regardless of political philosophy. Just listen to the names of these supporters and you will quickly recognize that there is tremendous and broad support for his nomination from people who have worked with him on a daily basis, his peers; for example, Roy Romer, former Democratic Governor of Colorado, with whom Mr. Tymkovich had to work on a fairly regular basis since he was Solicitor General.

Let's look at what the Governor of the State of Colorado said about Tim Tymkovich:

> Mr. Tymkovich served the State of Colorado from 1991 through 1996 during the latter part of my tenure as governor of the State of Colorado. He served with distinction and was a strong advocate in legal matters for Colorado. He also demonstrated a capacity to work closely with Colorado Democrats as well as Republicans as Solicitor General . . . He was always a straight shooter in giving legal advice to me and my top staff.

We are all involved in politics. Sometimes in the political process there is a disconnect from what politicians may say and what they may do. Timothy Tymkovich is not a politician. He a dedicated public servant. People like the former Governor of Colorado, the former head of the National Democratic Party, recognize his commitment to doing the right thing.

I cannot believe, if he carried on with some of the arguments that have been made by the opposition, that we would have support from individuals such as the former head of the national Democrat party.

The following are supporters of Tim Tymkovich:

Michael Huttner, partner in Foster, Graham, and Huttner, a law firm in Denver; William H. Erickson, former Chief Justice on the Colorado Supreme Court; John M. Hereford, executive director of Great Outdoors; William H. Hanson, a Colorado attorney; Robert F. Nagel, a resident of Boulder, Colorado, a professor of law at the University of Colorado School of Law; the Rocky Mountain News; the Denver Post; Jean Dubofsky, Colorado Supreme Court Justice. On amendment 2, she took the opposite point of view in arguing the case between the Supreme Court. Mr. Tymkovich, as solicitor general for the State of Colorado, had an obligation, regardless of his personal feelings, to argue on behalf of the people of Colorado. Jean Dubofsky, arguing on the opposite side before the Supreme Court, argued against the amendment. She has written a letter in support of his confirmation. She was his opposition on arguing on amendment 2, which my colleague from Illinois just mentioned in his remarks; she argued against Mr. Tymkovich in the position of the people of Colorado, as far as amendment 2. She said she had to respect him because he was such an eloquent advocate for the people of Colorado, he was intellectual, he made great intellectual arguments, and he is recognized throughout the legal profession in Colorado as somebody who is objective, straightforward and, above all, respects the law, respects the rule of law.

I want to just note that, again, Jean Dubofsky, an ''unabashed liberal,'' according to the Denver Post, supports Tim Tymkovich in the strongest terms. Not only was Dubofsky a justice on the Colorado Supreme Court, but she argued against Tim Tymkovich on amendment No. 2; she was opposing counsel. Tim Tymkovich now has the endorsement of not only her but five other former supreme court justices for Colorado. He is well recognized for his legal efforts in trying to enforce the law.

I think in the committee hearing Tim Tymkovich answered the questions that were put forth, and he answered them in a straightforward manner. Here are a couple of key statements he made in committee I think we need to keep in mind on the floor of the Senate. I quote what he said in committee:

> I believe an appellate judge has to set aside his or her personal views and faithfully apply applicable Supreme Court precedent.

In other words, he sets aside his own personal views to enforce and to properly interpret the law. What more can you ask? We have three branches of Government: executive, legislative, and judicial. Our forefathers had in mind the legislative branch where we make the laws. We have the executive branch, which administers the laws passed by the Congress, and we have the judicial branch, which is set up to interpret the law and to apply the law.

In response to other questions before the committee, this is what he said about amendment No. 2, and what he said about the article referred to in my colleague's comments earlier in the debate, where Mr. Tymkovich referred to the article written on amendment No. 2:

> The article itself describes the public policy arguments that were presented to the voters during the initiative's political campaign, not my own.

As solicitor general of the State of Colorado, he was invited by the Journal to write the article, and he complied to write that article, stating in a factual way the arguments both pro and con for amendment No. 2 in the State of Colorado.

My colleague from Illinois also talked about the previous nomination, and he implied that somehow or other, with the Christine Arguello nomination by President Clinton, there was a political process. Again, I state in the strongest terms that that simply is not true. Carlos Lucero, a Hispanic from Colorado, is the first to serve as a Hispanic on the Tenth Circuit Court of Appeals. I supported him at the time. Christine Arguello's name came up for district court. I am the one who nominated her to be on the District Court of Colorado. It wasn't a nomination, but I sent a recommendation to the President of the United States. She was never nominated by the President. Then at the last minute, her name was put forward—right at about the time we were ready to adjourn the Senate—for a position on the Tenth Circuit Court of Appeals. Frankly, the Senate didn't have time to act on a last-minute nomination put forward by the President.

Many of us have worked hard to make sure that Hispanics have an opportunity to serve on our courts. I think it is important that we continue to push for that. So let me make it clear. I am the Senator who nominated Christine Arguello. I was working with the White House and the Clinton administration to get Mrs. Arguello nominated in the first place. As we have witnessed many times, the politics of August nominations are often nothing more than political gestures aimed at grabbing headlines but have no chance of completing the confirmation process simply because the nomination came too late in the process.

Again, I emphasize, I nominated Christine Arguello. This is the plain and simple truth and we need to recognize that.

Mr. Tymkovich is further recognized for his work by Joseph Quinn, Colorado Supreme Court Justice; Gregory Scott, Colorado Supreme Court Justice; Luis Rovira, Colorado Supreme Court Justice; the Colorado Department of Public Safety, Suzanne Mencer, and Nancy Lewis of the Colorado Organization of Victims' Assistance; Barbara O'Brien, President of the Colorado Children's Campaign; Rebecca Coppes Conway, a Colorado attorney. They have all listed their names as supporters.

You have already heard statements and letters from Governor Romer, the justices, and the newspapers. Here is what the rest of them had to say about Mr. Tymkovich. Suzanne Mencer and Nancy Lewis of the Colorado Department of Public Safety and the Colorado Organization for Victim's Assistance wrote a letter to Chairman Hatch, and I quote:

> We have each known Mr. Tymkovich for a considerable period of time and believe that his sensitivity to the rights of crime victims, as well as his great legal skills, will serve our citizenry well. As Solicitor General, Mr. Tymkovich was instrumental in the creation of the first appellate victim services unit within the office of the Attorney General. Mr. Tymkovich's legal expertise was also significant in the determination of the proper course of action for passage of the Colorado Constitutional Victim Rights Amendment.

The letter went on to describe his superb legal skills and well-recognized victims expertise, and concluded:

> His performance has shown not only an understanding of legal issues surrounding crime victimization but also a very great sensitivity to the attendant human cost.

I can go on and talk about the number of people who respect the expertise and the capabilities of Mr. Tymkovich, but the fact is that he has bipartisan support and the Senate should go ahead and confirm him without any further delay.

I ask unanimous consent that the time until 3:45 be equally divided in the usual form for the consideration of the pending nomination, and that at 3:45 today the Senate proceed to a vote on the confirmation of the nomination with no further intervening action or debate. I understand both leaders have agreed to this request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLARD. I ask unanimous consent that the time be equally divided during the quorum call between advocates and opponents of the nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLARD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DAYTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CRAPO). Without objection, it is so ordered.

The Senator from Minnesota.

Mr. DAYTON. Mr. President, I rise today to oppose the confirmation of this nominee. I do so because his stated views on important judicial matters are not only wrong but also wrong minded, wrong about the particulars of the decisions which he opposes, wrong minded about the proper role and responsibilities of the judiciary under our Constitution.

The nominee has stated: Our society prohibits, and all human societies have prohibited, certain activities not because they harm others but because they are considered immoral.

In this category, the nominee includes sadomasochism, cock fighting, bestiality, sodomy, and homosexuality. The nominee made those comments in an article he wrote for the University of Colorado Law Review. He was expressing his pique at a decision by the U.S. Supreme Court, with six Judges in the majority, which overturned a Colorado ballot initiative prohibiting any legal protections based upon sexual orientation. As Colorado Solicitor General, he had unsuccessfully defended that initiative before the U.S. Supreme Court. By his own words, in that law review article, the nominee demonstrated why the majority of the U.S. Supreme Court was right in its understanding and application of the U.S. Constitution and the role of the judiciary in our society and the nominee is wrong.

The nominee's personal opinion presumably is that homosexuality is immoral. He is entitled to his own opinions. He is not entitled, however, to make his personal opinions the moral code of American society and then to make judicial decisions based upon them. Our country is based upon a foundation of laws which are, in turn, based upon the U.S. Constitution. It is not a society run on the personal prejudices imposed by those who are in power upon the rest of the citizenry.

The judiciary is the ultimate protector of individuals whom some cultural gestapos would otherwise ostracize, demonize, and criminalize. In the extreme, where countries have their laws made that are enforced by the self-proclaimed guardians of the public more or less, which always quite conveniently match entirely with their own personal beliefs, democracy is always and inevitably sacrificed on the altar of prejudice and intolerance, masquerading as higher ideals. A democracy must be able to permit people's differences, especially in their personal lives. We are not required to like someone else's actions. We are not required to agree with their particular views. But we do have to understand and accept their rights to their personal differences from us and our society's tolerances of those differences as being the essence and the test of a democracy.

Any totalitarian government—communist, fascist, Saddam Husseinist—tolerates the behavior and beliefs which conform to their own personal views, but those whose words, beliefs, or actions are different from theirs are not tolerated and not permitted. They are dehumanized, incarcerated, and even executed because they or their views or their actions are different from those who hold the power.

For those of us in a democracy, this is one of the most difficult principles to really understand, and even more difficult for us to put into practice, but that is why we have the judiciary. That is why these are lifetime appointments to the U.S. Federal courts: so that the men and women the President nominates and we confirm can make unpopular decisions, take positions that would get elected officials probably unelected because they do not follow the laws that are derived from the U.S. Constitution. The more unpopular those rights are, the more crucial it is for the judiciary to uphold them.

Unfortunately, this nominee would rather pander to his ideological pals

and perhaps to popular opinion than respect the greater wisdom of the judiciary and the U.S. Supreme Court which he now wishes to join at a lower level. If he does not respect their wisdom and their courage now, it is extremely unlikely that he will acquire either of those qualities when he dons judicial robes. It is a reason again why the penchant of this administration to nominate to high judgeships people who have never before been a judge, as this nominee has not, assures a lack of understanding of the responsibilities and the role, a shallowness, an ignorance and, if they are confirmed, the likely regular abuses based on those misunderstandings and those biases.

I also disagree with the nominee and his characterization that gay men and lesbian women are seeking special rights when, in fact, anyone who views these matters with any understanding of reality, whether he or she disagrees or agrees with those practices, cannot possibly believe they are not subject to regular and sometimes brutal violations of legal rights, civil rights, and human rights. To twist and distort that need for the protections which the United States court system has, to afford to those who are oppressed and discriminated against and who are the victims of prejudices of those who are not willing to relent, by either greater wisdom in the spirit of our democracy or often the biblical junctions which they purport to represent, if the courts will not stand with those individuals to protect them, then there is no recourse and there is no protection.

With this nominee, sadly, there is an unwillingness to even admit the reality of circumstances, much less to evidence any understanding of his responsibilities as a judge to uphold this Constitution and what it means for all citizens: The right of life, liberty, and the pursuit of happiness.

Remember the admonition: Inasmuch as you have done so to these the least of my brothers, you have done so unto me.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. How much time remains on both sides?

The PRESIDING OFFICER. The Senator from Colorado has 24 minutes, and the minority has 14 minutes 14 seconds.

Mr. ALLARD. Mr. President, I reiterate what five former Colorado Supreme Court justices say about Mr. Tymkovich in their letter of recommendation to Chairman ORRIN HATCH on the Judiciary Committee in the Senate. These are individuals who know Mr. Tymkovich. He practiced before them. He worked with them because he was solicitor general for the State of Colorado.

Based on our professional experiences, we are of the unanimous judgment that he is well qualified and most able to serve as an appellate judge of the United States court of appeals.

Mr. President, we need to recognize that this letter comes from former Colorado Supreme Court justices with varied political backgrounds. They all differ on professional experiences. They all had diverse legal careers. They had different racial, gender and ethnic backgrounds. But they came up with a unanimous opinion that Mr. Tymkovich should be confirmed by the entire Senate. That speaks loads. His peers, working with him on a daily basis, understand his capabilities.

Mr. President, we have heard both sides present arguments, discuss the nominee, as well as the mechanics of our constitutional judicial nomination process. Now it is time to finish the job and to move to an up or down vote on his nomination. I believe Mr. Tymkovich to be a very well-qualified attorney, an attorney who will maintain high principles and a strong dedication to the law. He has the overwhelming support of the Colorado legal community. His support comes from professionals and clients with varied political backgrounds and differing professional and real-life experiences. His support comes from people with diverse legal careers and job history, and different race, gender and ethnic backgrounds. He is unanimously supported by five former justices of the Colorado Supreme Court, including Jean Dubojsky, an attorney who served as opposing counsel to one of our Nation's most high profile constitutional cases.

Dubofsky and fellow justices consider Tymkovich to possess the necessary attributes of a Federal judge, and that Colorado and the Nation should no longer be subjected to undue delay on his nomination. I strongly urge my colleagues to support the nomination of Mr. Tim Tymkovich. His confirmation would fill a vacancy on the Tenth Circuit Court of Appeals that has sat vacant for 4 years.

In my opening statement, I concluded by stating that a necessary component of providing justice and protecting liberty and freedom is an efficient and properly equipped court. A court that has the personal and judicial resources that enable it to fulfill its constitutional obligations. Tim Tymkovich is highly qualified, and will serve the judiciary in the best tradition of our Nation's most respected courts.

Before I conclude, before we move to a final vote, I would like to leave you with a final thought, an important statement made by five justices of the Colorado Supreme Court.

''. . . [W]e speak as one voice, resolute in our belief that the people are entitled to and that Mr. Tymkovich is most deserving of consideration . . . Mr. Tymkovich's experience, practice, public service, temperament and skills will serve the people of the United States well.

Their unqualified support tells us a great deal about Tymkovich's credentials and his suitability to the Federal bench. This statement deserves our attention and our respect.

I urge my colleagues to support the nominee, and to vote for the confirmation of Tim Tymkovich to the Tenth Circuit of the United States Court of Appeals.

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. ALLARD. 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. ALLARD. Mr. President, I ask unanimous consent that the time during the quorum call be divided equally between both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLARD. 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. SUNUNU. 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. SUNUNU. Mr. President, I ask unanimous consent I be allowed to speak as in morning business, with the time allotted against the time for the nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. SUNUNU pertaining to the submission of the resolution are printed in today's RECORD under ''Submitted Resolutions.'')

Mr. SUNUNU. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALLARD. 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. ALLARD. Mr. President, I ask unanimous consent that the time during the quorum call be divided equally between both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLARD. 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. KENNEDY. 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. KENNEDY. How much time remains on Senator LEAHY's time?

The PRESIDING OFFICER. The Senator has 2½ minutes.

Mr. KENNEDY. Mr. President, I yield myself the 2½ minutes.

I urge my colleagues to vote against the nomination of Timothy Tymkovich

to the Tenth Circuit because I do not believe he has met his burden of showing that he has the qualifications, fairness, and commitment to core constitutional values required of an appellate court judge. The positions that Mr. Tymkovich has taken raise serious questions about his ability to be open-minded in cases involving gay rights and privacy, reproductive choice, and the power of the Federal Government with regard to the States.

As State Solicitor General, Mr. Tymkovich defended Colorado's antigay ballot initiative, Amendment 2, which was struck down by the Supreme Court in Romer v. Evans for violating the equal protection clause. The Romer decision vindicated the ability of gays and lesbians to employ the political process to secure antidiscrimination protections, in the same manner as other American citizens. Justice Kennedy, the author of the Romer decision, perhaps put it best when he said ''it is not within our constitutional tradition to enact laws like Amendment 2. . . . Central to both the idea of the rule of law and to our own Constitution's guarantee of equal protection is the principle that government and each of its parts remain open on impartial terms to all who seek its assistance.''

As State solicitor, Mr. Tymkovich had a duty to defend Amendment 2, but I am concerned about the content and the tenor of the comments made by Mr. Tymkovich in a law review article he wrote after the Court decided Romer in which he harshly criticized the Court's reasoning and its decision. Not simply content to disagree with the Romer decision, Mr. Tymkovich berates the Romer Court for its ''ad hoc, activist jurisprudence'' and its ''willingness to block a disfavored political result.'' Mr. Tymkovich defends the antigay ordinance as the exercise of freedom against immoral behavior. Employing language that is a frightening parallel to that used by advocates against Federal laws prohibiting racial discrimination in the 1960s, Mr. Tymkovich suggests that prohibiting discrimination on the basis of sexual orientation is an improper infringement on an individual's liberty interest.

Mr. Tymkovich's statements lead one to question whether he will understand the vital role that the equal protection clause and antidiscrimination legislation plays in protecting minorities against popularly-enacted laws. According to Mr. Tymkovich, ''it is always legitimate public policy for voters or legislatures to repeal disfavored laws. No law, including civil rights legislation can be seen as a one-way street. In the end, this important point was lost on the U.S. Supreme Court.'' The harsh tone of the criticism raises concerns about how Tymkovich will approach the civil rights cases that come before him, and raises questions about his judgment and temperament.

At his hearing and in answers to written questions, Mr. Tymkovich did state that he would follow Romer, and that he would be fair in antidiscrimination cases involving sexual orientation and other matters. But it is difficult to reconcile the assertion she made at his hearing with the strong statements in his article.

As solicitor general, Mr. Tymkovich unsuccessfully defended Colorado's decision to cut off, in violation of Federal law, State Medicaid funding for abortions for poor women who had become pregnant due to rape or incest. Again here, Mr. Tymkovich can argue that he was simply doing his job. However, in testimony before Congress in 1996, Mr. Tymkovich criticized the Medicaid requirements as an unwarranted intrusion into a matter of state concern. In that same testimony, Mr. Tymkovich also criticized the Federal ''Motor Voter'' law as intrusive because it poses ''special burdens'' on States; criticized the EPA's decision to prosecute polluters who violated Federal environmental law standards as infringing on state prerogatives, and argued against the doctrine of implied preemption. This testimony, in his capacity as one of the top legal advisors to the State Attorney General, leads me to question whether Tymkovich would have the proper respect for congressional authority to pass laws that impact States.

Finally, Mr. Tymkovich received a partial rating of ''not-qualified'' from the American Bar Association. While such a rating is not automatically disqualifying, when combined with my other questions about Mr. Tymkovich, it leads me to conclude that I cannot support his nomination.

Our Federal courts and the American people deserve judges of the highest caliber: judges who are fair, open, and impartial, who are highly qualified, who possess unimpeachable integrity, and who are committed to core constitutional values. The nominee has the burden to show the Senate that he or she meets that standard and is worthy of confirmation. Unfortunately, Mr. Tymkovich has failed to do so.

I am concerned about what seems like the right-wing ideological bent of the nominees that the administration continues to send forward. I urge this administration to work with the Senate, both Democrats and Republicans, to nominate moderate judges who are qualified, fair, and have bipartisan support. This can be easily done. But the administration continues to insist on its unilateral right to pack the courts with judges hostile to civil rights and to the enforcement of important Federal laws with profound impacts on the lives of Americans.

The central values of our society—whether our society will continue to be committed to equally, freedom of expression, and the right to privacy—are at issue with each of these nominations. The Constitution does not contemplate a Senate that acts as a rubber stamp. A genuine advice and consent role is essential. If the administration continues to nominate judges who would weaken the core values of our country and roll back the civil rights laws that have made our country a more inclusive democracy, the Senate should reject them. I urge the Senate to reject his nomination.

Mr. KOHL. Mr. President, I rise today in opposition to the nomination of Timothy Tymkovich to the U.S. Court of Appeals for the Tenth Circuit. Having reviewed his record and his testimony at his confirmation hearing, I am left with only one conclusion—he does not warrant confirmation to an appellate judgeship.

It is not merely the extreme, highly ideological positions he has taken on a variety of important legal questions that compels me to oppose his confirmation. But his record is replete with these positions on issues from environmental protection to a woman's right to choose. He has consistently advocated an extreme reading of ''States rights'' that would eviscerate the ability of the Federal Government to protect Americans from a variety of dangers. He believes that Federal clean air and water regulations, Federal funding for abortions for victims of rape and incest, and even ''motor voter'' provisions designed to make it easier for citizens to exercise their fundamental right to vote all unconstitutionally interfere with State sovereignty and autonomy.

But what most disturbs me concerning Mr. Tymkovich—and, in my view, plainly disqualifies him for a Federal appellate judgeship—is the animus he has shown towards one group of Americans. He has argued that it is appropriate for the State to forbid localities from passing laws forbidding discrimination on the basis of sexual orientation. And his advocacy of this position was not limited to representing his client, the State of Colorado, in the courts. After the Supreme Court rejected these arguments, and held such laws were contrary to basic principles of equal protection, he published a law review article defending his position. In this article, he stated that it was permissible for the State to deny protection from discrimination to gays just as it would be permissible for the State to forbid certain immoral activity such as ''sadomasochism, cockfighting, bestiality, suicide, drug use, prostitution and sodomy.'' Such ugly arguments reflect an intolerance and hostility to equal rights that have no place in our Federal courts.

Anyone who reviews my record on judicial nominations knows that I do not lightly oppose Federal judicial nominees. But this nominee's extreme positions and opposition to equal rights for all Americans—regardless of their sexual orientation—leave me no choice.

Mr. HATCH. Mr. President, I am pleased that the full Senate is considering the nomination of Timothy Tymkovich to the U.S. Court of Appeals for the Tenth Circuit.

Timothy Tymkovich, a graduate of Colorado College and the University of

Colorado School of Law, has worked as a partner in private practice since 1996 with the firm of Hale Hackstaff Tymkovich, representing clients in matters involving State licensing and regulatory issues. He has also acquired some expertise in State and Federal election issues, and he has represented a variety of political parties and candidates. Since 1997 he has represented Great Outdoors Colorado, a highly successful State program which devotes lottery monies to fund wildlife and land conservation efforts and State recreation programs.

Mr. Tymkovich has been a great public servant for the State of Colorado, serving from 1991 to 1996 as the State Solicitor General, where he acted as the chief appellate lawyer for the citizens of Colorado. In that capacity he ably represented the State in State and Federal courts, including the Colorado Supreme Court, the Tenth Circuit Court of Appeals, and the U.S. Supreme Court. He provided legal assistance to the Colorado General Assembly and acted as a liaison to Colorado's congressional delegation. He acted as the Attorney General's delegate to Colorado's judicial selection process. He also worked to reform State criminal, consumer protection and antitrust laws.

When he left the office of Solicitor General, the Denver Post editorialized, ''In an age in which lawyers and government workers are often held in low esteem, Tymkovich, a member of both groups, has stood in stark contrast to both stereotypes.'' The Post added, ''Tymkovich has set a high standard of service.''

Mr. Tymkovich is well respected by his peers for his professionalism and commitment to the field of law. He is a member of the prestigious American Law Institute, which selects members on the basis of professional achievement and demonstrated interest in the improvement of the law; the International Society of Barristers, an honor society made up of 650 trial attorneys in the United States and elsewhere; the American Bar Foundation, which is the research arm of the American Bar Association; and the Colorado Bar Foundation. He currently serves as Chair of the Colorado State Board of Ethics, which acts to advise the Colorado governor and executive branch on ethics issues.

From 1999 to 2001 he served as counsel to the Columbine Review Commission, which was responsible for reviewing all aspects of the 1999 shootings at Columbine High and making recommendations to the Governor regrading ways to respond to, and even prevent, future assaults of the same type. From 1998 to 2000 he served as Chair to the Colorado Governor's Task Force on Civil Justice Reform, which issued findings on the status of civil justice in Colorado and offered recommendations for improvements.

Mr. Tymkovich's nomination has drawn powerful support from all corners. He enjoys the unqualified endorsements of Colorado Senators CAMPBELL and ALLARD; a number of former Colorado Supreme Court justices, including Justices Erickson, Dubofsky, Neighbors, Rovira, Quinn, and Scott; Colorado Governor Bill Owens; the Colorado Attorney General, Ken Salazar; and Colorado's major newspapers, the Denver Post and the Rocky Mountain News. Significantly Mr. Tymkovich is also supported by former three-term Colorado Governor Roy Romer, who has served as the national vice chair of the Democratic Leadership Council, national co-chairman of the Clinton-Gore '96 campaign, co-chairman of the Democratic National Platform Committee in 1992, and chair of the Democratic Governors' Association in 1991.

I firmly believe Mr. Tymkovich will make a great member of the Tenth Circuit. I urge all of my colleagues to vote to confirm this highly qualified nominee.

Unfortunately there seems to be confusion about Mr. Tymkovich's record on several fronts.

First, some have confused Mr. Tymkovich's advocacy with his personal views. As an advocate for Colorado, Mr. Tymkovich had a duty to defend the laws of Colorado, including Amendment 2. It is entirely unfair and erroneous to state that Mr. Tymkovich has provided his personal views or opinions on these issues. He has not.

Second, it has been said that Mr. Tymkovich compared Amendment 2 to prohibitions on cockfighting and other activities. He has not. As he pointed out to Senator LEAHY on February 26, he was quoting a Supreme Court opinion for the simple proposition that there is Supreme Court precedent for a moral component as a rational motivation for an electorate. This wasn't Mr. Tymkovich's personal opinion, it was what the Supreme Court has said on this issue. Mr. Tymkovich made this point clear a month ago.

I raise these points because some seem to be attempting to reshape Mr. Tymkovich's record on the floor into a form I do not recognize. This man has a distinguished legal career. He is supported by Democrats and Republicans alike. He has served as a successful litigator and he was an excellent Solicitor General for Colorado. Those who know him support him and know he will be a terrific judge.

''SPECIAL'' RIGHTS

I would like to respond to the allegation that Mr. Tymkovich views protection for gays and lesbians as providing ''special treatment'' for them.

First of all, Mr. Tymkovich's use of the term ''special treatment'' mirrored the terminology used by participants in the political debate over Amendment 2's passage.

Second, as part of his job as Solicitor General, Mr. Tymkovich had to defend the provisions of Amendment 2, which was intended to disallow laws recognizing ''minority states,'' ''quota preference,'' ''protected status,'' or ''claim of discrimination'' on the basis of sexual orientation.

Never did Mr. Tymkovich in his brief or his law review article argue that homosexuals should not enjoy the Fourteenth Amendment protections available to all.

In the Colorado brief before the U.S. Supreme Court, Mr. Tymkovich specifically pointed out, sponsors of the Amendment intended to prevent a new preferred status designation. To quote the brief: ''Individuals would retain precisely the same rights under State and Federal law that they had prior to the enactment of the special protections'' disallowed by Amendment 2, and Through Amendment 2, Colorado has simply defined the package of civil rights available to homosexuals and bisexuals under the Colorado Constitution as no larger than that provided by the Constitution and laws of the United States.''

It is important to note that Mr. Tymkovich's testimony before Congress in 1996 represented the views of the Colorado Attorney General. He was not there to provide his own views; he was there as an official representative of the State. In fact, Mr. Tymkovich noted during his February 12 hearing that he agreed with some of the testimony, while he disagreed with other parts.

Thank you, Mr. President. I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. ALLARD. 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. ALLARD. Mr. President, it is my understanding that we have less than a minute remaining.

The PRESIDING OFFICER. The Senator is correct.

Mr. ALLARD. Mr. President, I want to make a brief comment before we vote to remind the Members of the Senate that they have heard evidence today that indicates Tim Tymkovich is fairminded, he respects the rule of law, and he has exhibited intelligence and the proper temperament to serve on the Tenth Circuit Court of Appeals.

I ask that my colleagues join me in voting to confirm Tim Tymkovich as a Federal judge on the Tenth Circuit Court of Appeals. In my view, when confirmed, he will be not just a good judge, he will be a great judge.

I yield back the remainder of my time.

The PRESIDING OFFICER. All time having expired, the question is, Will the Senate advise and consent to the nomination of Timothy M. Tymkovich, of Colorado, to be United States Circuit Judge for the Tenth District?

Mr. ALLARD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

Mr. REID. I announce that the Senator from Connecticut (Mr. LIEBERMAN) is necessarily absent.

The PRESIDING OFFICER (Mrs. DOLE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 58, nays 41, as follows:

[Rollcall Vote No. 113 Ex.]

YEAS—58

Alexander	DeWine	Miller
Allard	Dole	Murkowski
Allen	Domenici	Nelson (NE)
Bayh	Ensign	Nickles
Bennett	Enzi	Pryor
Bond	Fitzgerald	Roberts
Breaux	Frist	Santorum
Brownback	Graham (SC)	Sessions
Bunning	Grassley	Shelby
Burns	Gregg	Smith
Campbell	Hagel	Snowe
Chafee	Hatch	Specter
Chambliss	Hutchison	Stevens
Cochran	Inhofe	Sununu
Coleman	Kyl	Talent
Collins	Lincoln	Thomas
Conrad	Lott	Voinovich
Cornyn	Lugar	Warner
Craig	McCain	
Crapo	McConnell	

NAYS—41

Akaka	Durbin	Lautenberg
Baucus	Edwards	Leahy
Biden	Feingold	Levin
Bingaman	Feinstein	Mikulski
Boxer	Graham (FL)	Murray
Byrd	Harkin	Nelson (FL)
Cantwell	Hollings	Reed
Carper	Inouye	Reid
Clinton	Jeffords	Rockefeller
Corzine	Johnson	Sarbanes
Daschle	Kennedy	Schumer
Dayton	Kerry	Stabenow
Dodd	Kohl	Wyden
Dorgan	Landrieu	

NOT VOTING—1

Lieberman

The nomination was confirmed.

The PRESIDING OFFICER. The President will be immediately notified of this action.

Mr. ALLARD. Mr. President, I move to reconsider the vote.

Mr. SANTORUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will return to legislative session.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. I ask unanimous consent to speak as in morning business for 12 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONSUMER ROCKET MOTOR PROPELLANTS

Mr. ENZI. Madam President, I come to you today on behalf of students and 4–H members and Scouts around the world. Start counting backwards from 10 to zero: 10, 9, 8, 7—and depending on the context, people will instantly be reminded of their youth, sitting in front of a dimly lit television, watching a rocket take flight as we began the study of space flight and space travel. We were much younger then and all around me kids from all over the State and all around the country were excited and fascinated by the new age of rocketry and, later, space travel.

When Russia launched its Sputnik, it created a sensation, and their success, spurred on by the climate of the cold war, challenged us in the United States to reach for the skies.

Wyoming isn't called the Pioneer State for nothing, and so my classmates and I were determined we would do everything we could to learn about this new branch of science and involve ourselves in the race for space. It was not too long after that President John F. Kennedy issued a challenge to the Nation to land a man on the Moon and return him safely to Earth.

What seemed to be against all the odds soon became reality when Neil Armstrong walked on the Moon, taking a small step for man and a giant leap for mankind.

Even today, those of us who saw those events firsthand on the television will never forget what a miracle it was. It fired our imaginations as it taught the Nation a powerful lesson: If we can make this impossible dream come true for the Nation, of what more are we capable if we dare to try? Perhaps that lesson is what made our Nation what it is today and why we have continued to defy the odds of what is possible for us as a nation, and even for each of us as individuals.

Then came September 11 and we, as a nation, faced another challenge. The call for increased security that resulted from those cowardly and cruel attacks has had some unforeseen consequences, however.

One of them was brought to my attention when a constituent called to share his concern regarding the future of his favorite hobby, model rocketry. He said some of the restrictions of the Homeland Security Act could make it more difficult, if not impossible, for him and his fellow enthusiasts to purchase fuel for their model rockets.

As I looked into his problem, I was surprised to see that the use of ammonium perchlorate composite propellant, better known as APCP, had caught the eye of the Bureau of Alcohol, Tobacco, and Firearms. Although it had been regulated in the past by its placement on the explosives list, the ATF had considered consumer rocket motors as propellant-activated devices and exempt from any ATF permit requirements.

Then, in 1997, the ATF decided to regulate rocket motors that contained more than 62.5 grams of APCP. Those that contained less than that amount were still exempt, but those that contained more would not be available for interstate purchase and transport without a permit.

Since many rocket enthusiasts travel from State to State to participate in their events, this provision could have made for a lot of needless redtape. To avoid it, many of those participating in this hobby carried their rocket bodies to the events and purchased the rocket motors from vendors at the local launch. With a little ingenuity and cooperation from local vendors, most rocketeers legally avoided the need to purchase and obtain permits.

Now the provisions of the Homeland Security Act have created a new problem. Under the new law, a permit will be required for all rocket motors containing more than 62.5 grams of APCP, whether or not the motor is used in or out of State. And that begins on May 24 of this year—a problem rapidly approaching. The new law creates a problem where there was none before and imposes a solution that will only create unnecessary hardship for those who are studying about rockets or pursuing a hobby as a model rocket enthusiast.

According to the U.S. Product Safety Commission, a rocket motor with less than 62.5 grams of APCP can be used by minors without adult supervision. That is the U.S. Product Safety Commission: 62.5 grams or less can be used by minors without adult supervision. It could not be very bad. Now a rocket with any more than that requires adult supervision and a permit. Such an arbitrary limit makes no sense when it means a 62-gram rocket can be used by your children out playing in a field with their friends, while another gram of fuel puts it in a category that requires adult supervision, Federal intervention, attention, inspection, and expensive, cumbersome permits.

The permit that is required costs $100, and it requires the submission of fingerprints, a photograph, and a background check. Although the homeland security bill tried to introduce a limited permit that could be obtained for $25 and a background check, the newly designed permit is restricted to intrastate use and purchase only and would not have any use for rocketeers who travel to events in other States.

My concern about the impact of these regulations, and the process necessary to obtain permits, and the bureaucracy that would be necessary to do that, and to fulfill the requirements for background checks is that it will certainly slow the participation of our young adults in studying rockets and pursuing their dreams of space travel.

As I learned from my own experience—and I was one of those rocket people back at the time of Sputnik—the study of rockets had a ripple effect throughout my own education. It taught me a lot about math, when we had to calculate the amount of fuel we needed and the rate at which the rocket would travel at speed-calculating heights, figuring trajectories, figuring the amount of Gs that would be on a passenger. It taught us about the study of weather, as we would examine reports about our own launch date and temperature and cloud cover that would affect our ability to observe the

launch, and weather balloons for measuring the winds aloft, to better tell where it would go, and to make the calculations about how high we were able to fly on any particular day.

We invented much. When I started doing rockets, there were not the model rockets available at the hobby shops. We had to have the motors turned out at the local shop, after we designed them for the proper characteristics. It led to a lot of invention.

It also expanded our horizons, as our experiences with rockets translated to our own lives. My friends and I often thought, if we could master the skies and heavens with our rockets, what more would we be able to do in our daily lives? It is an answer we are still developing as we each pursue paths in life—some very far away from rockets.

As we grow older, we all want to make sure our children and our grandchildren have it better than we did. This is one area in which they will not have it better than we did—in fact, may not have it at all—if we fail to act. If we fail to come up with a reasonable compromise on this issue, we will have failed to fuel the dreams of the next generation in a vital field of science by our shortsighted efforts to regulate the fuel of the rockets.

Our children will not be the only ones affected by this provision, however. The impact of this regulation will also be felt by the trucking industry which was recently told that it would be liable for the prevention of the possession of explosives by prohibited persons who are their employees. As some shippers do not currently do extensive background checks on their employees, they have decided to stop shipping the motors, including these rocket motors, at all.

Although some companies will continue to ship rocket motors, they will charge very high hazardous material fees that would hit the consumers in the pocketbook. Small businesses will be hit hard by the fees which will have to be paid by the consumer, and even larger and more successful businesses will be unable to avoid the one-two punch of the permit process and the higher transportation and delivery fees.

Even small businesses in other countries will feel the pinch. I was surprised to receive a call from the president of the United Kingdom's largest model rocket group. He thanked me for my interest in the issue because the U.S. ships most of the model rockets used in the United Kingdom. The supply of model rocket motors in other countries is limited, and their hobby is intricately linked with ours.

To remedy these problems, I introduced S. 724 last week. My bill provides an exemption for permit requirements for the purchase and transport of rocket motors, including those with more than 62.5 grams of APCP.

In section 845 of the Federal explosives law, my bill provides an exemption from explosives permit requirements for the components of rocket motors. This exemption is similar to the exemption in the same section enjoyed by antique firearms users for black powder, as black powder also makes the explosives list. The limit there is 50 pounds; quite a bit different than 62.5 grams.

The current language has been tightened up from the original draft to ensure that the exemption is only provided for valid uses. The language specifies that the exemption only applies to nondetonable rocket propellant—a very important word. There are some high-energy APCP composites that have additional chemicals in their composition that make them detonate instead of burning at a moderate rate. These are not used in amateur or sport rocketry and are not exempt under my language.

The APCP my bill refers to, which is found in model rockets, burns but does not explode. In addition, the language in my bill does not exempt rockets that carry various components of weaponry.

On the transportation issue, it appears that some companies are only shipping those articles that are specifically mentioned as exempt from explosives requirements under section 845. My bill provides the exemption for rocket motor components under this section, giving shippers a clear exemption to resume shipping rocket motors.

I have been joined by Senators BENNETT, INHOFE, COLEMAN, CRAPO, BURNS, ALLARD, and SANTORUM in introducing this bill.

Some of my other colleagues have expressed concern that this legislation goes too far. They have questioned me about the possibility of individuals stockpiling APCP to build a bomb.

First, I would contend that the ATF does not appear concerned about this possibility. Under their proposed 62.5-gram exemption, an individual would be able to buy as many rocket motors as they wanted that were under 62.5 grams.

A rocket motor is fairly simple. I ask unanimous consent to show a three-dimensional object on the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENZI. I have one of those 62.5 gram rocket motors here. This is what is allowed to be bought in as much quantity as you want. But a quarter of an inch bigger than this and you can't have it without $100 and a special permit. It is very simple, the fuel with the hole through the center. When you buy them, the APCP comes in this chunk that is removable from the rest of the rocket motor parts.

If the ATF considers APCP a dangerous explosive, then their 62.5 gram exemption itself is dangerous. The ATF is basically saying it is OK to buy as many sticks of dynamite as you want, but we won't let you have a whole box. I reiterate that rocket motors compare more to flares than to dynamite. Hundreds of hours are spent constructing these rockets.

A lot of work goes into the rocket body. Nobody wants to blow theirs apart. So they are a safe form of fuel.

Simply put, my legislation is designed to allow another generation to experience the thrills and excitement of model rocketry. It is being introduced to correct a change in the law that Congress never intended. When we voted to take action to prevent the actions of terrorists, we never intended to prevent our children from pursuing projects in science class, hobbyists from pursuing their hobbies, and our families from engaging in father-son or mother-daughter or any mixture of projects that promote learning and the pursuit of the frontiers of space. If you have never been to a rocketry event or seen a rocket launch in person, I urge you to do so if the opportunity ever presents itself. If you have gone to one of those events, you will remember how it left you looking towards the heavens, mindful of your dreams, and feeling encouraged to pursue them.

That is not a bad gift to give our children and theirs. It is extensive throughout the world, I can tell, from the calls I have gotten about this since I got involved in it.

I urge my colleagues to join me in this effort which will have a great impact on our lives in the years to come.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

TROOPS PHONE HOME FREE ACT OF 2003

Mr. MCCAIN. Madam President, I ask unanimous consent that the Senate proceed to the consideration of S. 718, the Troops Phone Home Free Act of 2003; that the only amendment in order be a McCain substitute amendment; further, that there be 1 hour of debate equally divided between Senator MCCAIN and the Democratic leader or his designee; that at the expiration or yielding back of time, the amendment be adopted, the bill, as amended, be read a third time and passed, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 718) to provide a monthly allotment for free telephone calling time to members of the United States armed forces stationed outside the United States who are directly supporting military operations in Iraq and Afghanistan.

AMENDMENT NO. 434

Mr. MCCAIN. I ask unanimous consent that the McCain substitute be adopted at this time for consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 434) was agreed to, as follows:

(Purpose: To make minor changes in the plan to provide a monthly allotment of free telephone calling time to members of the United States armed forces stationed outside the United States who are directly supporting military operations in Iraq or Afghanistan)

Strike out all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Troops Phone Home Free Act of 2003''.

SEC. 2. PURPOSE.

It is the purpose of this Act to support the morale of the brave men and women of the United States armed services stationed outside the United States who are directly supporting military operations in Iraq or Afghanistan (as determined by the Secretary of Defense) by giving them the ability to place calls to their loved ones without expense to them.

SEC. 3. FINDINGS.

The Congress finds the following:

(1) The armed services of the United States are the finest in the world.

(2) The members of the armed services are bravely placing their lives in danger to protect the security of the people of the United States and to advance the cause of freedom in Iraq.

(3) Their families and loved ones are making sacrifices at home in support of the members of the armed services abroad.

(4) Telephone contact with family and friends provides significant emotional and psychological support to them and helps to sustain and improve morale.

SEC. 4. DEPARTMENT OF DEFENSE TELECOMMUNICATIONS BENEFIT.

(a) IN GENERAL.—As soon as possible after the date of enactment of this Act, the Secretary of Defense shall provide, wherever practicable, prepaid phone cards, or an equivalent telecommunications benefit which includes access to telephone service, to members of the armed forces stationed outside the United States who are directly supporting military operations in Iraq or Afghanistan (as determined by the Secretary) to enable them to make telephone calls to family and friends in the United States without cost to the member.

(b) MONTHLY AMOUNT.—The value of the benefit provided by subsection (a) shall not exceed $40 per month per person.

(c) END OF PROGRAM.—The program established by subsection (a) shall terminate on the date that is 60 days after the date on which the Secretary determines that Operation Iraqi Freedom has ended.

(d) FUNDING.

(1) USE OF EXISTING RESOURCES.—In carrying out this section, the Secretary shall maximize the use of existing Department of Defense telecommunications programs and capabilities, private support organizations, private entities offering free or reduced-cost services, and programs to enhance morale and welfare.

(2) USE OF APPROPRIATED FUNDS.—In addition to resources described in paragraph (1) and notwithstanding any limitation on the expenditure or obligation of appropriated amounts, the Secretary may use available funds appropriated to or for the use of the Department of Defense that are not otherwise obligated or expended to carry out this section.

SEC. 5. DEPLOYMENT OF ADDITIONAL TELEPHONE EQUIPMENT.

The Secretary of Defense shall work with telecommunications providers to facilitate the deployment of additional telephones for use in calling the United States under this Act as quickly as practicable, consistent with the availability of resources. Consistent with the timely provision of telecommunications benefits under this Act, the Secretary should carry out this section and section 4 in a manner that allows for competition in the provision of such benefits.

SEC. 6. NO COMPROMISE OF MILITARY MISSION.

The Secretary of Defense shall not take any action under this Act that would compromise the military objectives or mission of the Department of Defense.

Mr. MCCAIN. Just to be clear, at the expiration or yielding back of time, the amendment is adopted, and the bill, as amended, will be read a third time and passed, without intervening action or debate?

The PRESIDING OFFICER. That is correct.

Mr. MCCAIN. I thank the Chair.

This legislation, introduced on behalf of Senators ALLEN, CHAMBLISS, LINDSEY GRAHAM, CRAIG, MILLER, and others, would improve the ability of American service personnel fighting overseas to communicate with their loved ones at home. It provides a monthly allotment of free telephone calling time to members of the Armed Forces outside of the United States who are directly supporting or involved in military operations in Iraq or Afghanistan for such period of time as the conflict continues in both areas.

I have discussed this issue with the Department of Defense and at this time they have not gotten back to me. I spoke to the Deputy Secretary of Defense. She supports the idea. There may be some changes proposed by the Department of Defense, but I am confident of their support.

This legislation would direct the Secretary of Defense to provide these troops with the financial ability to call home by providing a prepaid calling card or equivalent telecommunications benefit up to $40 every month. The bill would also direct the Secretary to work with telecommunications providers to facilitate the deployment of additional telephones for use by our troops. Our military mission must remain a priority of the Department of Defense. Therefore, the bill makes clear that the Secretary shall not take any action to implement the bill that would compromise our overall military objectives. Moreover, the bill gives the Secretary complete discretion on how best to implement it. If it is simply impractical to provide the benefit to certain soldiers, then the Secretary may refrain, obviously, from providing it. If the cost of providing the service to one branch of the military or the other is more costly, then the Secretary can determine the most equitable method of distributing the benefit.

The bill also directs the Secretary to maximize the use of all resources to fulfill the goals of the act and, thus, he may use existing programs, private support programs, or offers from private entities to make telephone service available to our troops. For example, I received a generous offer today from Joseph Wright, CEO of PanAmSat Corporation. In his letter he said:

> [This bill] is a terrific idea and I would like to support it. . . .We would be willing to provide satellite services free to support your initiative.

The only intended beneficiaries of this bill are the troops serving this country. It is not intended to benefit any particular provider. Thus the bill urges the Secretary to implement the bill in a manner that is consistent with the timely provision of the benefits but also in a manner that allows for competition in the provision of such benefits.

All of us are aware of the importance of communicating with one's family and friends, particularly when you are in a time of crisis and combat. This is a modest attempt to try and help these men and women who are serving. Some of them have already been there for a very long time. The USS Abraham Lincoln has been at sea in the area for more than 300 days. Communications with their loved ones at home is obviously a very important aspect of preserving family and also communicating with friends as well. Modern technology enables our service personnel to communicate with their loved ones by phone, and these real-time discussions can provide significant emotional and psychological support to both the soldier and the family.

Unfortunately, for some the cost of placing these calls can be prohibitively expensive. On March 18, 2003, USA Today reported on the high cost of telephone calls from bases in Kuwait:

> It cost one soldier $35 to make two quick phone calls home to his wife.

Likewise, my office was recently told the story of a Marine corporal who didn't have enough money to call his son in the States on his birthday.

Last Friday, I asked the country's telephone companies to commit to ensure that families of service personnel don't have their telephone lines disconnected due to a short-term inability to pay the costs incurred for calls from troops overseas. I also asked for a commitment to implement special reduced rates where feasible for telephone calls with members of the Armed Forces overseas.

Madam President, the response has been overwhelming. From the smallest companies serving a few hundred customers to the largest of companies, around 60 companies have agreed to make these commitments. I wish to quote from a few of these letters and I will have many printed in the RECORD at the appropriate time. Some of them are extremely touching, believe it or not.

One that especially got my attention was from the Andrew Telephone Company in Andrew, IA. They will not disconnect service from servicemen's families for the duration of the war. They write:

> We don't offer long distance, but we will assist subscribers to find the best rates possible. Andrew is a community of 450 and we have 19 young men and women serving at this time. Yours, Mil Cornelius, President.

Remarkable. Andrew, IA, a community of 450 and they have 19 young men and women serving at this time. That is a very wonderful commitment.

We have commitments from small companies from Andrew Telephone Company to Quest, Southern Bell, SBC, Verizon, AT&T, MCI, Sprint. All the major corporations in America have also made these commitments. I am extremely grateful to them. More importantly, I am sure the service men and women and their families all over America are grateful as well.

Just a couple more: William P. Heaston, vice president of PrairieWave Communications in Sioux Falls, SD, wrote:

I am a retired Army officer, who served in Vietnam and other remote areas. I can assure you that PrairieWave fully appreciates the benefit to morale and military service that the ability to communicate with loved ones brings.

William E. Morrow, CEO of Grande Communications in San Marcos, TX, writes:

We are proud of our troops and know their families are in need of our support during these difficult times. This is the least we can do in light of their great sacrifice for our country.

All of them make statements along those lines.

OmniTel Communications:

We will also be providing cash credits as a donation on the billing, which have yet to be determined, of these families later this year to help defray other costs they may have incurred.

OmniTel Communications supports our Armed Forces in its critical action and wish the very best to all Americans who have to make very serious decisions for the future of our great country.

Ronald Laudner, CEO, OmniTel Communications, Nora Springs, IA.

I appreciate the overwhelming response from the major corporations and the smallest telephone companies in America. Obviously, as I said, the men and women who are serving in harm's way as we speak will also be grateful.

I also want to state the obvious to the men and women serving in the most dire and dangerous situations and cannot make a phone call now. They will be rotated out and they will be in places where they will be able to do so, and those are the ones who I am sure their families will want to hear from urgently.

I thank my colleagues for this bill. It will go to the other body. We will have, I think, a brief period of time for the Department of Defense to make whatever input they would like to have in this legislation. I hope we can pass it as quickly as possible and send it to the President. I thank my friend, Senator ALLEN, and I thank especially Senator CHAMBLISS, who is chairman of our Personnel Subcommittee, who has been very much involved in this issue as well.

I reserve the remainder of my time.

I ask unanimous consent to have printed in the RECORD a representative sample of responses I received from telephone companies, large and small, throughout the country, and a list of all of the companies that have responded to my request.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

From: Mil Cornelius [andrtel@netins.net]
Sent: Monday, March 24, 2003 7:06 p.m.
To: Bailey, Bill (Commerce)
Subject: McCain Request

Andrew Telephone Company, Andrew, IA will not disconnect service from Servicemen's families for the duration of the war. We do not offer long distance, but will assist subscribers to find the best rates possible.

Andrew is a community of 450, and we have 19 young men and women serving at this time.

Yours,

MILT CORNELIUS,
President.

From: Ronald Laudner Jr. [rjljr@omnitelcom.com]
Sent: Monday, March 24, 2003 11:48 a.m.
To: Bailey, Bill (Commerce)
Subject: Senator McCain's Request

MR. BAILEY: Omni Tel Communications will do our best to determine who each of the families are that have given of themselves to defend our country. If we can garner the information on which families are affected, and I might add that with the number of communities we serve and the geographical proximity to several different companies of the armed forces this will be a large task, we will concur with the request made by Senator McCain.

We also will be providing cash credits as a donation on the billing, which have yet to be determined, of these families later this year to help defray other costs they may have incurred.

Omni Tel Communications supports our armed forces in this critical action and wish the very best to all Americans who have to make very serious decisions for the future of our great country.

Sincerely,

RONALD LAUDNER,
CEO, Omni Tel Communications,
Nora Springs, IA.

From: Abbott Jr., Herschel L.
Sent: Monday, March 24, 2003 6:10 p.m.
To: Bailey, Bill (Commerce)

BellSouth is continuing to study the feasibility of implementing customer specific pricing plans to provide discounts for families to communicate with members of the military serving overseas. We will provide an update on the status of these efforts as soon as possible.

I hope this responds to Senator McCain's inquiry.

Kindest regards,

HERSCHEL L. ABBOTT, Jr.

MCI,
Ashburn, VA, March 25, 2003.

Hon. JOHN MCCAIN,
Chairman, Committee on Commerce, Science and Transportation, Russell Senate Office Building, Washington DC.

DEAR CHAIRMAN MCCAIN: MCI shares your desire to support our military personnel and their families during these difficult times. We also understand how important communications are to our service men and women and their families. On March 21, 2003, MCI reinstated its military personnel collections policy that was last used during the Afghanistan deployment. This policy allows MCI to negotiate very liberal deferred payment arrangements designed to meet the needs of the military members and their families.

MCI is also examining the possibility of special discounts to make it easier for our service personnel to communicate with their loved ones.

MCI is proud to support our troops.

Sincerely,

WAYNE B. HUYARD.

AT&T,
Morristown, NJ, March 24, 2003.

Hon. JOHN MCCAIN,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR MCCAIN: Like all Americans, AT&T strongly supports the efforts our Armed Services personnel undertake on our nation's behalf in times of peace and in times of war. That support has evolved into a long tradition at AT&T of close cooperation with the United States government to provide the men and women who serve in our military the best telecommunications services in the world. As I write this letter, AT&T is providing service to sailors, marines, soldiers, and airmen on virtually every major U.S. military base worldwide and on every Navy ship at sea.

That tradition continues as AT&T now steps up to the challenge of providing communications services to our nation's troops deployed in the conflict with Iraq. As part of that effort, earlier this week AT&T announced that it would donate 160,000 prepaid phone cards worth $3 million to the USO for use by U.S. troops fighting the war with Iraq. This continues AT&T's tradition of donating service dating back to Operation Desert Storm as well as the Balkan conflict.

Today, from United States military bases in Kuwait, service men and women can call home in a number of convenient and cost-effective ways, including through the use of prepaid cards, standard calling cards, commercial credit cards, and collect calling. Special military prepaid card rates, for instance, allow military personnel to call the United States for 22 cents to 30 cents per minute with no surcharge per call. In addition, our special Global Military Saver Plus card, which has been heavily promoted to military personnel, is available at $0.50 per minute with no per-call surcharge and a monthly fee of only $1 for each month in which it is used. On a promotional basis, AT&T has also lowered the cost of calling from military bases in Kuwait to the United States using standard calling cards, commercial credit cards, and collect calling to 50 cents per minute with a maximum per call surcharge of $1.50 and, in some cases, no surcharge at all. Ship-to-shore calling is also available aboard Navy ships at rates of between $1 and $3 per minute, reflecting unique cost and capacity issues.

The retail rates for the military prepaid cards and ship-to-shore service are set by the Army Air Force Exchange Service (AAFES) and Navy Exchange Command (NEXCOM) based on rates set by AT&T in contracts with both AAFES and NEXCOM. Absent some unforeseen and extraordinary request from AAFES or NEXCOM that would materially increase our infrastructure costs, AT&T will not increase the underlying contractual rates for these services to AAFES and NEXCOM for the remainder of the year and through 2004. This commitment applies for calling from American military bases in the region, including Afghanistan and Pakistan, and from Navy ships engaged in this action. Additionally, for the duration of large scale armed hostilities in Iraq and for a period of 3 months thereafter, AT&T will not increase its special promotional rates for calling from military bases in Kuwait using standard calling cards, commercial credit cards, and collect calling.

AT&T is also working with AAFES to determine service requirements going forward as events play out in the region, especially Iraq. Of course, we do not provide service to U.S. military personnel in Iraq today, and do not know the full circumstances under which we may be called to do so. Whatever the circumstances, however, we will, working with AAFES, use our best efforts to provide the men and women who serve in our military in Iraq with the lowest reasonable calling rates possible.

AT&T is committed to bringing calling services to our troops as quickly as possible in Iraq and elsewhere around the world. As the number of U.S. troops has grown in the Persian Gulf region, AT&T teams have worked around the clock to meet the communications needs of those troops. That work is ahead of schedule, and likely to be expanded under the direction of the U.S. military, which determines equipment deployment plans. As those deployment plans are finalized, we will do all we can to bring service on line with the reliability and quality that consumers rightfully have come to expect from AT&T.

Senator, AT&T is honored to be able to help and support our U.S. troops during the conflict in Iraq. As President of AT&T Consumer Services, the unit of AT&T responsible for providing personal communications services to military service personnel around the world, I can assure you that, in keeping with its finest traditions, AT&T remains dedicated to connecting our troops with the people they love back home.

Best regards,

JOHN POLUMBO,
President and CEO.

TELEPHONE COMPANIES THAT RESPONDED TO MCCAIN LETTER

Alenco Communications, Inc.
All West Communications
American Discount Telecom
Andrew Telephone Company
AT&T
ATX Communications Inc.
BellSouth
Bentleyville Communications Corp.
Call America
Cbeyond
CC Communications
Choice One
Citizens Telephone Co.
Coastal Communications
Cox Communications
Covad
Cox Communications
Cunningham Telephone Company
Deerfield Farmers Telephone Co.
DFT Communications
EPIK Communications
Eschelon Telecom
Farmers Telephone Company
FairPoint Communications
Focal Communications
GCI
Grande Communications
Green Hill Telephone Companies
Hamilton Telecommunication
Home Telephone Co.
InterBel Telephone
Iowa Telecom
ITC DeltaCom, Inc.
Jefferson Telephone Co.
Jordan-Soldier Telephone Co.
KMC Telecom
LecStar Telecom Inc.
Le-Ru Telephone Company
MCI
Monroe Telephone
New Edge Network, Inc.
New Edge Networks
Nii Communications
Nortex Communications Co.
NW Iowa Telephone Co.
OmniTel Communications
One Eighty
PacWest
Pae Tec
Peace Valley Telephone Company
Pigeon Telephone Co.
Qwest
Prairie Wave
Ritter Communications Holdings, Inc.
Rothsay Telephone Co.
SBC
Sprint
Supra Telecom
Talk America, Inc.
TDS Metrocom
The Rainier Group
TXU Communications
USLEC Communications
VeriSign
Verizon
Walnut Telephone Company
Wilson Telephone Co.
Xspedius Communications.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. ALLEN. Madam President, first, I very much commend Senator MCCAIN for his leadership in introducing this very important, thoughtful, and considerate measure, S. 718. I am proud to be a cosponsor of it with him, Senator CHAMBLISS, and others.

The purpose of this bill is to support the morale of the brave men and women of the U.S. armed services who are stationed outside the United States, directly supporting military operations in Afghanistan or Iraq, by giving them the ability to call their loved ones without an expense to them.

When you look at the findings, they all make very good sense, especially that

telephone contact with family and friends provides significant emotional and psychological support to them and helps to sustain and improve morale.

As you read the language of the bill, it all makes great sense as a matter of legislation. To give you an idea how it might have an impact on real people and real lives, and also the lives that have been lost, I will refer to an article today in The Washington Post, where a young man from Virginia lost his life. This young man's name is SGT Donald C. May, Jr. His father had fought in Vietnam. Young Mr. May joined the Marines as soon as he graduated from high school at Meadowbrook High School in Chesterfield County, VA. He reenlisted and eventually became a tank commander. His father received two Purple Hearts as a tank commander in Vietnam. Unfortunately, his father died in a boating accident while fishing a few years back.

At any rate, SGT May moved and bounced around for several years. He went to North Carolina, where he met his wife Deborah, and eventually they went off to California where he was stationed. He left in January for the Middle East, and it was then, in January, that his mother last talked to him on the phone. As his mother recalled in this article, he said, ''Mom, this is what I have trained for all my life. This is what I am meant to do. I am ready.''

He talked a bit later with his wife and he told her that he had decided not to reenlist because he wanted to be home more with his two children, Mariah, almost 7, and Jack, almost 2. His wife Deborah is pregnant with their third child, a son, to be named William. Mrs. May, the mother, said her daughter-in-law was treated twice in the last few days for premature labor. The baby is due in mid-May.

Brenda May's last communication with her son arrived a week ago. It was a letter dated March 3.

So when you think of this story of this brave, courageous hero, who made the ultimate sacrifice for our country, for our safety, for our freedom, for our security, and to liberate the people of Iraq, what a gift he has given to this country—his life, his future, to be holding his baby boy William, to be with his children as they grow up. That is the greatest gift he could give to this country, and I surely hope the people of Iraq, when liberated, will also get down on their knees and thank God for people of this man's courage.

When you listen to the story of him last talking on the telephone to his mother and wife in January, the last communication in a letter dated March 3, the reality is that was his last communication.

I know that you, Madam President, and all Americans can readily understand how this measure would have had an impact. If he could get to a telephone to actually have his mother, to have his wife, hear his voice and have him hear their voices, to tell him that they love him, for them to tell him how proud they are for what he is doing. Obviously, they would be asking him to stay safe. But there would have been the ending on that telephone call undoubtedly where his mother, his wife, and his children would have said: I love you.

While this measure looks like $40 a month and a telephone call, in some cases that may be the last contact. That is why this measure is so important, and I commend Senator MCCAIN and all of my colleagues for introducing it. I urge my colleagues to pass it very shortly.

I am also hopeful that later this week we can take up S. 721. This is a measure I have introduced with Senators MCCAIN, CHAMBLISS, GRAHAM OF South Carolina, WARNER, BURNS, MILLER, and STEVENS to expand the combat zone exclusions and to provide tax exclusions to personnel serving in Cuba and the Horn of Africa in support of Operation Enduring Freedom.

This legislation will help expand the combat zone tax exclusion to include the period in transit to qualified combat zones and to provide full income tax exclusion to other personnel. The pay for these personnel would not be, with the passage of this bill, subject to Federal or State taxes for any month in which they serve in one of these areas. The legislation also provides tax breaks for individuals serving in Operation Enduring Freedom, the global

war on terrorism, in Guantanamo Bay, Cuba, and the Horn of Africa. If this measure were to pass, the pay for these personnel would not be subject to Federal or State taxes for any month in which they serve in one of these areas.

As a matter of past precedent, in 1995, Congress passed legislation designating Bosnia-Herzegovina, Croatia, and Macedonia as comprising qualified hazardous duty areas. Military personnel serving there on peacekeeping duties are eligible for the same tax exclusion as personnel serving in combat zones.

I also point out that officers do not receive a full income tax exclusion. Any income above the level of the highest enlisted rank is subject to Federal and State taxes. This makes absolutely no sense to me whatsoever, and I know that Senator CHAMBLISS has another measure that will provide parity between officers serving in the Guard and Reserve.

The other point of this matter is that the pay of personnel in transit to a combat zone is subject to income taxes until they actually cross into the combat zone area.

What we are seeing is some of the ships are steaming at full speed when otherwise not necessary in an effort to give personnel as much tax-excluded income as possible. My view is that as soon as those battleship groups leave the ports, whether it is Wilmington, Norfolk, or San Diego, that is when the combat zone exclusion ought to apply. I think this is a commonsense, equitable matter. I think we should not be having our families back home worried about paying taxes when their brave loved one—whether that may be their husband, wife, son, daughter, mother or father—is leaving home. They should not be having to worry about paying taxes when they are serving, whether they are Reserves, Guard, or active military, in these areas supporting this operation for our security and also to liberate Iraq.

I urge my colleagues to pass S. 718, the Troops Phone Home Free Act of 2003. It is the proper and compassionate thing to do. It also expresses our gratitude and appreciation not just to the troops but the loved ones home who need to have that reassurance and the pleasure of hearing their loved one's voice.

The PRESIDING OFFICER (Mr. CHAFEE). The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I rise today in support of the Troops Phone Home Free Act introduced by my colleague from Arizona, Senator MCCAIN. This legislation would allow troops who are on the front lines in Operation Iraqi Freedom and Enduring Freedom to place phone calls to their loved ones without cost to them or their families. It would provide prepaid phone cards for the soldiers and provide more phones in the Middle East and in Afghanistan so our troops can have more flexibility to communicate with their families.

This is an important measure not only for the morale of our brave men and women who are overseas fighting in a war but also to their families and loved ones who are sacrificing dearly for their country.

There is nobody in this great body that we serve in who has a greater appreciation for a soldier to have the ability to pick up the phone and call his or her family than Senator MCCAIN. I admire and respect him for his service to our country, and I am very pleased to be in support of his bill to make sure that every member of our Armed Forces serving in Iraq today, in Enduring Freedom in Afghanistan, has the opportunity to communicate with their families.

We think of our brave men and women and the great job they are doing—which they are and I am so proud of all of them—but we have to also remember they have families back home. They have friends and loved ones here who are making just as big a sacrifice as they are making by serving our country. I think it is only right and fair that we give them as many benefits as we possibly can, and this is simply one more way of saying we appreciate the great work they are doing.

I also rise in support of S. 721, which is Senator ALLEN's bill to extend the combat zone where our men and women are serving. Again, from a Guard and Reserve standpoint, we are calling up these men and women on a much more regular basis today than ever before, and it is extremely important that we show support for all of our men and women serving in combat, active duty, Guard, and Reserve. This provides some equity in the payment to all of those men and women who are serving in combat in any part of the world to which they are called. So I do rise in strong support of Senator ALLEN's bill.

I also rise to introduce legislation, along with my colleagues Senator MCCAIN, Senator GRAHAM of South Carolina as well as Senator ALLEN, that I believe will be a positive step in assisting commanders in the Reserve and the National Guard. The men and women who serve our country in the Reserve and National Guard make up a critical component of an All-Volunteer Force and have chosen to put their lives on the line for the freedom of their families and their country, and we thank them. We continue to be on our knees in prayer for their continued safety and for their families as they serve around the world. The legislation I bring to the floor today represents a small step in recognizing the sacrifices that specifically the commanding officers in the Reserve and the National Guard are making as we speak. This initiative will provide a well-deserved benefit to at least 500 reservists and 1,500 National Guardsmen. Currently, National Guard and Reserve commanders are not entitled to command responsibility pay, even though they serve in a similar capacity to their active duty counterparts. This bill will allow for an added benefit of $50 per month for junior officers, $100 a month for mid-level officers, and $150 a month for Guard and Reserve senior officers who serve as commanders. This pay will apply whether they are full-time wing commanders of a Reserve component airlift wing or whether they are serving as a commander in an inactive duty training capacity. The purpose of this bill is to create further equity between our active and Reserve components. The amount of money involved is relatively small, but this measure serves as a powerful symbol that we value the contribution and sacrifice of our citizen soldiers stationed around the world serving the United States of America and the cause of freedom.

There is one special story about which I would like to speak very briefly. It is a story on the front page of virtually every major newspaper in America this morning. It is a story about CPT Chris Carter in the United States Army, a young captain from Watkinsville, GA, of whom I am so extremely proud, a story about Captain Carter who risked his life on a bridge over the Euphrates River, which was under siege, a bridge which they were seeking to have explosives removed from so we could take that bridge to make sure our troops ultimately got safely across the bridge. It is a story of CPT Chris Carter who, during the midst of a firefight, saw some innocent civilians, Iraqi civilians, crossing that bridge, coming over to the side he and his troops were on. He saw innocent civilians being caught in that firefight and one man being killed and a woman, an Iraqi woman, bleeding and pleading for help. Captain Carter got off of his vehicle, rushed to the bridge, behind his vehicle so that he could have some cover, until he got behind an iron post on that bridge. After he got behind the iron post on that bridge and under fierce fire coming from the other side, he risked his own life to go to that Iraqi woman and to pull her to safety and secure medication for her and ultimately have her transported to a medical facility where she is being treated.

I am so proud of every one of our men and women who are fighting in Operation Iraqi Freedom today. But it is men and women like Chris Carter of whom I am especially proud. He is not just a great Georgian, he is a great American and a great member of the United States Army.

I had a great conversation with his father this morning. His father obviously is extremely proud of him. He is one of those young men who will be able to take advantage of these benefits we have been talking about here today, Senator MCCAIN, Senator ALLEN, and myself. He is one of the young men who will be able to take that phone card under Senator MCCAIN's bill and call home to his family to tell them exactly what did happen and let them have an opportunity to tell him how very proud of him they are.

Again, I commend Senator MCCAIN. I appreciate very much the strong support of Senator ALLEN and Senator GRAHAM as we introduce these measures to try to make life a little more pleasant for our troops as they are separated from their families, and also to make sure their families have the opportunity to communicate with them, and have the financial resources to continue to provide for their families while they are serving in combat areas so that they can concentrate on doing the job they are sent to do and know that their families are being well taken care of, and know they are going to have the ability to communicate by telephone with their families on a regular basis.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. MCCAIN. Mr. President, I yield such time as she may consume to the Senator from Maine.

Ms. COLLINS. Mr. President, I commend the Senator from Arizona for his initiative.

I ask unanimous consent I be added as a cosponsor of his legislation, the Troops Phone Home Free Act. I think it is a wonderful initiative.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. I also commend the Senator from Georgia, who heads the Personnel Subcommittee on the Armed Services Committee, with whom I am very privileged to serve. He brings great leadership to the effort. I am proud to be a member of his subcommittee.

DEATH GRATUITY

Later tonight I am hopeful the Senate will consider legislation, S. 704, which I introduced last week with my colleagues on the Armed Services Committee, the chairman, Senator JOHN WARNER, and my colleague, Senator JOHN MCCAIN. I recognize the contributions and cosponsorship of Senators BEN NELSON and GEORGE ALLEN. The legislation we have introduced will send an important message to our troops who are engaged in combat, even as we speak, that our Nation is so grateful for their service.

Our bill would raise the amount paid to the families of military personnel killed while on active duty. It would increase it from $6,000 to $12,000. This payment, which is known as the death gratuity, would be paid retroactive to September 11, 2001, so that the troops who have been killed in the battle against terrorism would also be eligible for this doubled benefit.

As are all of my colleagues, I am very saddened by the loss of American life in Operation Iraqi Freedom. The young men and women of our military represent the very best our Nation has to offer. They do not join the military for monetary gain nor to have a comfortable lifestyle. They serve our Nation out of a sense of patriotism that should make each and every American proud. The mercy they are showing even today to Iraqi prisoners of war is testament to the strength of character that is the core of our military values. In many cases, we ask our own troops to take additional risks in order to avoid injuring or killing innocent civilians. That they do this without question or regret speaks well not only of our military but of our Nation.

When the Commander in Chief sends our troops into harm's way, we hope and pray each and every one of them will come back home unharmed. While we know this will not be possible, that knowledge does not lessen our shock and our sadness when we learn of the loss of lives.

My State of Maine has experienced two such losses since the war began. Last Saturday, I attended a memorial mass in Windsor, ME, in honor of the life and sacrifice of CPT Jay Aubin. CPT Jay Aubin and CPL Brian Kennedy, both proud members of the United States Marine Corps, perished in a helicopter crash in the Kuwaiti desert in the very first few days of the conflict. I met with the parents of both these brave marines, both of whom were present at this memorial mass last Saturday. Hundreds of Mainers gathered to pay tribute to the sacrifice of these brave marines and their families.

As I stand on the floor of the Senate, I once again want to assure their families we honor and recognize their service and their sacrifice. When we send a young man or woman into harm's way, our Nation has in return a sacred obligation to them and to their families. We must ensure they go forth with the utter and complete confidence, should the worst happen, should they be called upon to make the ultimate sacrifice, that their country will care for their families and honor their service. The death gratuity is a small token, but it assists the grieving families with their immediate financial needs. There are a variety of other programs that provide for longer term support, but in the initial hours and days after a family has endured such a terrible loss, these funds help to alleviate monetary concerns. This benefit is commonly provided within 72 hours to the family of the service member who is killed while on active duty.

The last time the death gratuity was raised was in 1991 during the period of the gulf war when it was doubled from $3,000 to $6,000. With more than a decade having passed, it is time for Congress to move forward and increase this sum in recognition of those who are today fighting in Operation Iraqi Freedom and in the war against terrorism. It is the least we can do to honor their sacrifice. I offer this legislation in tribute to the families of those whose loved ones are today engaged in combat in the Persian Gulf. Too often we forget the sacrifices they make so that their loved one, their husband, wife, father, mother, brother, or sister, can serve our Nation. They are asked to accept long deployments and frequent moves while at the same time providing their loved one with the support they need to do their jobs.

Truly, what these families do is heroic. Passage of this legislation will send a clear and strong message to them that this Congress and this Nation is grateful for their sacrifice. Again, it is my hope we will pass this legislation by unanimous consent later this evening. In the meantime, my thoughts are with our troops as they fight in the battles in Iraq, in Afghanistan, in the war against terrorism, and I pray they will soon return home in victory.

Mr. President, I yield the floor and 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. MCCAIN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, I ask unanimous consent that all time be yielded back and we move to consideration of the legislation, S. 718.

The PRESIDING OFFICER. Without objection, all time is yielded back.

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

The bill was ordered to be engrossed for a third reading, was read the third time and passed, as follows:

S. 718

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 ''Troops Phone Home Free Act of 2003''.

SEC. 2. PURPOSE.

It is the purpose of this Act to support the morale of the brave men and women of the United States armed services stationed outside the United States who are directly supporting military operations in Iraq or Afghanistan (as determined by the Secretary of Defense) by giving them the ability to place calls to their loved ones without expense to them.

SEC. 3. FINDINGS.

The Congress finds the following:

(1) The armed services of the United States are the finest in the world.

(2) The members of the armed services are bravely placing their lives in danger to protect the security of the people of the United States and to advance the cause of freedom in Iraq.

(3) Their families and loved ones are making sacrifices at home in support of the members of the armed services abroad.

(4) Telephone contact with family and friends provides significant emotional and psychological support to them and helps to sustain and improve morale.

SEC. 4. DEPARTMENT OF DEFENSE TELECOMMUNICATIONS BENEFIT.

(a) IN GENERAL.—As soon as possible after the date of enactment of this Act, the Secretary of Defense shall provide, wherever practicable, prepaid phone cards, or an equivalent telecommunications benefit which includes access to telephone service, to members of the armed forces stationed outside the United States who are directly supporting military operations in Iraq or Afghanistan (as determined by the Secretary)

to enable them to make telephone calls to family and friends in the United States without cost to the member.

(b) MONTHLY AMOUNT.—The value of the benefit provided by subsection (a) shall not exceed $40 per month per person.

(c) END OF PROGRAM.—The program established by subsection (a) shall terminate on the date that is 60 days after the date on which the Secretary determines that Operation Iraqi Freedom has ended.

(d) FUNDING.—

(1) USE OF EXISTING RESOURCES.—In carrying out this section, the Secretary shall maximize the use of existing Department of Defense telecommunications programs and capabilities, private support organizations, private entities offering free or reduced-cost services, and programs to enhance morale and welfare.

(2) USE OF APPROPRIATED FUNDS.—In addition to resources described in paragraph (1) and notwithstanding any limitation on the expenditure or obligation of appropriated amounts, the Secretary may use available funds appropriated to or for the use of the Department of Defense that are not otherwise obligated or expended to carry out this section.

SEC. 5. DEPLOYMENT OF ADDITIONAL TELEPHONE EQUIPMENT.

The Secretary of Defense shall work with telecommunications providers to facilitate the deployment of additional telephones for use in calling the United States under this Act as quickly as practicable, consistent with the availability of resources. Consistent with the timely provision of telecommunications benefits under this Act, the Secretary should carry out this section and section 4 in a manner that allows for competition in the provision of such benefits.

SEC. 6. NO COMPROMISE OF MILITARY MISSION.

The Secretary of Defense shall not take any action under this Act that would compromise the military objectives or mission of the Department of Defense.

Mr. MCCAIN. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MCCAIN. 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. TALENT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALEXANDER). Without objection, it is so ordered.

MORNING BUSINESS

Mr. TALENT. Mr. President, I ask unanimous consent that the Senate proceed to a period for morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

PETER ARNETT, TRAITOR

Mr. BUNNING. Mr. President, I rise today to comment on and express outrage over the recent actions and words of journalist Peter Arnett. In fact, I hesitate to even use the term ''journalist'' when referring to Mr. Arnett. This word implies a certain degree of objectivity and balance which this man knows absolutely nothing about. ''Traitor'' is a better word to describe Mr. Arnett.

This past weekend Mr. Arnett appeared on state-controlled Iraqi television. With a uniformed Iraqi anchor translating, Mr. Arnett told the Iraqi people that the American war plan had failed due to their continued resistance and that coalition forces were in the process of drafting new battle plans. To quote Arnett:

> Clearly, the American war plans misjudged the determination of the Iraqi forces.

Saddam Hussein couldn't have written his script any better.

Clearly, Mr. Arnett has no idea what he is talking about. This is the same man who reported in 1991 during the first gulf war that the United States had blown up a baby milk factory. Military sources confirmed that this target was in fact hit. The fact that Mr. Arnett conveniently left out was that this ''baby milk factory'' was actually a biological weapons plant.

I will never understand how and why Mr. Arnett always thinks he knows so much more than our military and intelligence officials. I am pretty sure our military leaders on the ground and civilian leaders in the Pentagon, who are briefed around the clock, know a whole heck of a lot more than Mr. Arnett. I hope Mr. Arnett is not getting his info from the same source who told him that U.S. forces used the nerve agent—sarin gas—against villagers in Laos during the Vietnam war.

This story, reported in 1998 by Mr. Arnett, could hold no water and CNN rightly fired Arnett for his reckless words and actions. Now, 6 years after that bogus claim, Peter Arnett has once again found himself in search of employment.

Both National Geographic Explorer and NBC News have fired Arnett for this latest stunt by Peter Arnett on Iraqi-controlled television. I am trying to figure out why these entities even hired him in the first place with his pathetic track record of recent years.

We all firmly believe in the first amendment which protects the freedom of religion, speech, press and assembly. However, no U.S. citizen should be allowed to provide aid, and comfort, through false information, to the enemy during wartime.

Of course the media doesn't mention the word ''treason'' like many of us have over Mr. Arnett's comments. That would be an indictment of one of their own and a pock on their profession.

Mr. Arnett can apologize all he likes for being a ''useful idiot'' for Saddam and his barbaric regime, but that's not enough for me and it's certainly not enough for our soldiers and many Americans. I think Mr. Arnett should be met at the border and arrested should he come back to America.

I dare Mr. Arnett to take a good look at our soldiers in uniform and tell them they have failed in this mission and objective.

These men and women embody everything that is great about America and freedom. They come from small towns and big cities. They come from families both rich and poor. They come from all religions and races. The one thing all these Americans have in common is their love for America and freedom.

They love this Nation and cherish its very idea so much that they are willing to sacrifice their own lives to ensure that we can live in a country free of government tyranny like that under which those in Iraq have lived.

This war has lasted almost 13 days. Thus far we have lost about 50 U.S. soldiers and have 17 missing in action.

As I stand here today, our coalition forces are surrounding Baghdad and will bring about the demise of Saddam Hussein and his regime. We will help liberate the Iraqi people from deceit and hopelessness and tyranny.

Mr. Arnett, you need to retire or think about a second career as a fiction writer. I understand you are looking for work and that the socialist, anti-American Daily Mirror in the United Kingdom has already picked you up.

To those news organizations that have already picked up Mr. Arnett, and others that may hire him, I have two things to say: One, you have every right to hire him. Two, we have every right to call your news organization a joke and a sympathizer to traitors.

I believe it is about time we made an example of Mr. Arnett's lies and deceit and let the media know we are watching.

While we are giving the media top access and protection in this war, we must demand that they not hang out to dry our soldiers and Americans. If they do so, there should be consequences.

Some believe freedom of speech is an absolute right and that journalists have the right to say and report anything they want. I, and many others, do not believe this. I do not believe journalists should be allowed to lie and opine and aid our enemies in the time of a war.

There is a line journalists are not meant to cross, and Mr. Arnett crossed this line many years ago, and he continues to do so. It is time we held this man accountable for his actions.

THE SMALL BUSINESS DROUGHT RELIEF ACT OF 2003

Mr. KERRY. Mr. President, I rise to thank my colleagues for voting last night in favor of the Small Business Drought Relief Act of 2003. Time is of the essence for disaster victims; small businesses across the country have been waiting 8 months for Congress to take action and force the Small Business Administration to comply with the law and open its disaster loan program to them. They are frustrated, and understandably so.

You see, the SBA doesn't treat all drought victims the same. The agency only helps those small businesses whose income is tied to farming and

agriculture. However, farmers and ranchers are not the only small business owners whose livelihoods are at risk when drought hits their communities. The impact can be just as devastating to the owners of rafting businesses, marinas, and bait and tackle shops. Sadly, these small businesses cannot get help through the SBA's disaster loan program because of something taxpayers hate about government bureaucracy.

The SBA denies these businesses access to disaster loans because its lawyers say drought is not a sudden event and therefore it is not a disaster by definition. However, contrary to the agency's position that drought is not a disaster, as of July 16, 2002, the day this legislation was introduced last year, the SBA had in effect drought disaster declarations in 36 States. That number has grown to 48, demonstrating that problem has gotten worse and even more small businesses are in need.

As I have said time and again, the SBA has the authority to help all small businesses hurt by drought in declared disaster areas, but the agency won't do it. For years the agency has been applying the law unfairly, helping some and not others, and it is out of compliance with the law. The Small Business Drought Relief Act of 2003 would force SBA to comply with existing law, restoring fairness to an unfair system, and get help to small business drought victims that need it.

I thank the Chair of the Committee on Small Business and Entrepreneurship, Senator SNOWE, for all her work to ensure passage of this bill, as well as our many colleagues who are cosponsors—Senators BOND, LANDRIEU, EDWARDS, JOHNSON, BINGAMAN, LEVIN, BAUCUS, DASCHLE, HOLLINGS, LIEBERMAN, WARNER, CRAPO, HARKIN, REID, ALLEN, BENNETT, and ENZI.

Mr. President, I ask unanimous consent that letters of support from Governors who advocated prompt passage of this legislation last year be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SOUTHERN GOVERNORS' ASSOCIATION,
Washington, DC, August 19, 2002.

Hon. JOHN KERRY,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR KERRY: We are deeply concerned that small businesses in states experiencing drought are being devastated by drought conditions that are expected to continue through the end of the summer. We urge you to support legislation that would allow small businesses to protect themselves against the detrimental effects of drought.

Much like other natural disasters, the effects of drought on local economies can be crippling. Farmers and farm-related businesses can turn in times of drought to the U.S. Department of Agriculture. However, non-farm small businesses have nowhere to go, not even the Small Business Administration (SBA), because their disaster loans are not made available for damage due to drought.

To remedy this omission, Sen. John Kerry (D-Mass.) introduced the Small Business Drought Relief Act (S. 2734) on July 16, 2002, to make SBA disaster loans available to those small businesses debilitated by prolonged drought conditions. This bill was passed by the Senate Small Business Committee just eight days later. Also, the companion legislation (H.R. 5197) was introduced by Rep. Jim DeMint (R–S.C.) on July 24, 2002. Both bills are gaining bipartisan support, and we hope you will cosponsor this important legislation and push for its rapid enactment in the 107th Congress.

As 11 southern states are presently experiencing moderate to exceptional drought conditions this summer, we cannot afford to wait to act. We urge you to cosponsor the Small Business Drought Relief Act and push for its consideration as soon as possible.

Sincerely,

Gov. Don Siegelman of Alabama; Gov. Mike Huckabee of Arkansas; Gov. Roy E. Barnes of Georgia; Gov. Paul E. Patton of Kentucky; Gov. M.J. ''Mike'' Foster, Jr. of Louisiana; Gov. Parris N. Glendening of Maryland; Gov. Ronnie Musgrove of Mississippi; Gov. Bob Holden of Missouri; Gov. Michael F. Easley of North Carolina; Gov. Frank Keating of Oklahoma; Gov. Jim Hodges of South Carolina; Gov. Don Sundquist of Tennessee; Gov. Rick Perry of Texas; Gov. Mark Warner of Virginia; Gov. Bob Wise of West Virginia.

OFFICE OF THE GOVERNOR,
Carson City, NV, July 23, 2002.

Hon. JOHN F. KERRY,
Chairman, Committee on Small Business, Russell Building, Washington, DC.

Hon. CHRISTOPHER BOND,
Ranking Member, Committee on Small Business, Russell Building, Washington, DC.

DEAR SENATORS KERRY AND BOND: Much of Nevada and the Nation have been experiencing extreme drought over the past several years. In Nevada we have seen the effects of this situation through catastrophic range and forest fires, insect infestations and loss of crops and livestock.

Prolonged drought causes a drastic reduction in stream and river flow levels. This can cause the level of lakes to drop so significantly that existing docks and boat ramps cannot provided access to boats. In the case of range and forest fires we have seen small innkeepers and hunting and fishing related businesses that have their entire season wiped out in a matter of a few hours.

Unfortunately for some small businesses, drought assistance is available only for agriculture related small businesses, such as feed and seed stores. For businesses that are based on tourism around lakes and rivers, there is currently no drought assistance available.

The Small Business Administration (SBA) is not currently authorized to help these businesses because a drought is not a sudden occurrence. Nonetheless, a drought is an ongoing natural disaster that causes great damage to these small businesses.

I would like to lend my support to S. 2734. The Small Business Drought Relief Act. This bill would amend the guidelines and authorize the SBA to offer assistance to small businesses affected by prolonged drought. With passage of this bill, Governors would be allowed to ask SBA for an administrative declarations of economic injury because of drought. The low interest loans SBA can offer these businesses would allow many of them to weather the drought and remain economically viable for future operation.

Sincerely,

KENNY C. GUINN,
Governor.

STATE OF NORTH CAROLINA,
OFFICE OF THE GOVERNOR,
Raleigh, NC, July 18, 2002.

Hon. JOHN EDWARDS,
U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR EDWARDS: I am writing to thank you for your support for legislation introduced in the Senate to add drought as a condition for which small businesses may apply for Small Business Administration Economic Injury Disaster Loans.

The Small Business Drought Relief Act (S. 2734) will correct the current situation facing our small businesses in North Carolina. SBA disaster assistance is not available despite a historic drought that is impacting not just our agriculture sector, but causing real business and revenue losses, which threaten some firms with job layoffs or even bankruptcy.

These businesses need help, and access to low-interest SBA loans can offer a lifeline to allow paying bills and making payrolls until business returns to normal.

I urge you to push for rapid action on this important enhancement to SBA's ability to help our people through this time of trouble.

With kindest regards, I remain

Very truly yours,

MICHAEL F. EASLEY.

STATE OF SOUTH CAROLINA,
OFFICE OF THE GOVERNOR,
Columbia, SC, July 9, 2002.

Hon. JOHN KERRY,
U.S. Senate, Russell Building, Washington, DC.

DEAR SENATOR KERRY: The State of South Carolina is in its fifth year of drought status, the worst in over fifty years. Some parts of the state are in extreme drought status and the rest is in severe drought status.

Ninty-nine percent of our streams are flowing at less than 10% of their average flow for this time of year. 60% of those same streams are running at lowest flow on record for this date. The levels of South Carolina's lakes have dropped anywhere from five feet to twenty feet. Some lakes have experienced a drop in water level so significant that tourist and recreational use has diminished.

State and national climatologists are not hopeful that we will receive any significant rainfall in the near future. To end our current drought, we would need an extended period of average to above average rainfall.

Droughts, particularly prolonged ones such as we are experiencing now, have extensive economic effects. For farmers who experience the economic effects of such a drought, assistance is available through the USDA. For small businesses, assistance is available only for agriculture related small businesses, i.e. feed and seed stores. For businesses that are based on tourism around Lakes and Rivers, there is currently no assistance available.

We have reports of lake and river tourism dependent businesses experiencing 17% to 80% declines in revenue. The average decline in revenue is probably near 50% across the board.

My staff has contacted Small Business Administration and they are not authorized to offer assistance to these businesses because a drought is not defined as a sudden occurrence. Nonetheless, a drought is an ongoing natural disaster that is causing great economic damage to these small business owners.

I am requesting that you assist us in this situation by proposing that the Small Business and Entrepreneurship Committee take action to at least temporarily amend the SBA authorizing language and allow them to offer assistance to small businesses affected by prolonged drought. This would allow Governors to ask SBA for an administrative declaration of economic injury because of

drought. The low interest loans SBA can offer these businesses would allow many of them to weather the drought and remain in business for the long run.

My staff has also been in contact with Senator Hollings' legislative staff. I hope together, we can find an expedient solution to the plight of these small business owners. Short of finding a way to control the weather, this may be our only option to help their dire situation.

Sincerely,

JIM HODGES.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. In the last Congress Senator KENNEDY and I introduced the Local Law Enforcement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred September 19, 2001, in Fairhaven, MA. An Arab-American family was harassed and assaulted by its neighbors. After being followed and harassed with racial slurs, the Arab-American father was attacked with a baseball bat. He was treated at a local emergency room. The tires on his son's car were slashed, as well.

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.

DANIEL PATRICK MOYNIHAN

Mr. HAGEL. Mr. President, the passing of Senator Daniel Patrick Moynihan is a loss for all of us. Pat Moynihan committed his remarkable life to his country: serving four Presidents, representing our Nation as Ambassador to India and the United Nations, and representing the State of New York as a Senator. His deep intellect and unyielding candor will be missed.

As a junior colleague, I was struck by Senator Moynihan's generosity with his time and graciousness of spirit. I had the privilege of sitting next to Senator Moynihan on the trip to Rhode Island for the funeral of our colleague the late Senator John Chafee. As we traveled, I was out of my depth listening to him discuss different styles of architecture in between offering endearing stories about our departed colleague.

Of all his gifts, Pat Moynihan's ability to recognize great issues before they were commonly observed was his greatest. In public policy, he had an ability to appreciate and make sense of the larger picture rarely found in a politician. From the plight of broken families and inner cities, to the collapse of the Soviet Union, to the danger of ethnic conflict in the Balkans, to Social Security reform, Moynihan was prophetic. In one of his last public speeches, at last year's Harvard Commencement, Moynihan again offered words that carry far more weight today than when he delivered them less than a year ago:

> Certainly we must not let ourselves be seen as rushing about the world looking for arguments. There are now American armed forces in some 40 countries overseas. Some would say too many. Nor should we let ourselves be seen as ignoring allies, disillusioning friends, thinking only of ourselves in the most narrow terms. That is not how we survived the 20th century. Nor will it serve in the 21st.

Senator Moynihan's wit and wisdom will be greatly missed. My thoughts and prayers go to Liz Moynihan and the Moynihan family.

THE NORWICH CADETS

Mr. LEAHY. Mr. President, recognition and congratulations are in order for a school and a group of young men known throughout Vermont for their honor, integrity and prowess on the hockey rink.

Norwich University, the nation's oldest private military college, sits in the picturesque town of Northfield, VT. It is a quaint college town, and it is a unique college, hosting a mix of military cadets and more traditional college students.

The cadets, as their hockey team is known, have a reputation for being an NCAA Division III hockey powerhouse. It is cold in Northfield this time of year, but a few weeks ago, Norwich University's Kreitzberg Arena was warmed by a sellout crowd gathered to watch the Cadets capture their second NCAA Division III hockey title in just four years.

The Cadets staged a come-from-behind 2–1 win over Oswego State on March 22 to capture the title. After trailing 1–0 going into the third period, Norwich was looking at the possibility of being shut out, something that has not happened to the program in 278 consecutive games, a streak dating back to the 1993–94 season. Junior defensemen Lou DiMasi, a Vermont native, was quoted by the Burlington Free Press on the team's third period comeback, saying: ''There was no way we were going to let it get away.'' Junior defensemen Aaron Lee scored his thirteenth goal of the season in the third period to tie the game, and senior team captain Toza Crnilovic notched the game-winning goal for the championship.

Norwich coach Mike McShane has built a remarkable record over the past 8 years, winning the Eastern College Athletic Conference East crown five times and reaching five ''Frozen Fours.'' Since Mike McShane began coaching the Cadets, the team has had five 20-win seasons accompanied by a long list of individual accomplishments for members of Cadet teams, including national players of the year and a long list of All-Americans.

Following the game, Coach McShane attributed part of the team's success to the great support the Cadets have from Norwich and Northfield. ''We've got great support here and that helps a lot. You saw the president and the chairman of the board of trustees out there at center ice in the celebration. You don't see that at many schools.''

Norwich finished the season with an impressive record of 27–3, and many of the Cadets' stars will be returning next year. And, as surely as the sugar rises each year in the maples, Vermonters next year will be closely following the Cadets through another great season. Until next winter, the Cadets have earned the right to bask in the glow of knowing they have accomplished another successful season, bought with hard work, skill and determination.

ADDITIONAL STATEMENTS

OREGON HEALTH CARE HEROES

• Mr. SMITH. Mr. President, I rise today to salute Chance and Dr. Lisa Steffey as Oregon Health Care Heroes for their willingness to save a deeply needed community health clinic in Oregon's beautiful, rural community of La Pine.

A hero is someone who sets aside personal interest to act for another person's welfare. That is exactly what Dr. Steffey and her husband did when they purchased the La Pine Community Clinic in Oregon. Because of their courage and willingness to take a risk, an Oregon community with extremely limited health care resources will continue to have a local place to access health services.

Despite warnings that purchasing the community health clinic was a significant financial risk, the couple forged ahead. Without their intervention, the clinic would have closed, leaving many residents without access to local care. Many of the clinic's clients are Medicaid and Medicare patients who would have been forced to travel significant distances to find care had the Steffeys not seen an opportunity.

La Pine has been named a Health Professional Shortage Area where many residents do not have access to care. Low Medicare and Medicaid reimbursements make it difficult for doctors to serve the area, which is home to many who rely on these programs for health coverage. But with the Steffeys' dedication, and the temporary help of Central Oregon Independent Health Services, the clinic is now financially stable and serving the families of La Pine.

Many rural Oregon residents face incredible hurdles accessing health services. The shortage of providers willing to serve in rural areas, combined with the particularly low federal reimbursement levels offered to rural providers, has caused an exodus of health services

from the country. Add this to the large number of uninsured families who live in these communities, and the crisis facing rural health care delivery is clear.

Despite numerous efforts to increase reimbursement rates for rural health services and our ongoing quest to cover the millions of uninsured across America, rural people are still hurting. It takes people like the Steffeys, who are willing to make a sacrifice to meet the needs of rural communities today, while we continue to work towards solutions for tomorrow.

On March 1, 2003, Dr. and Mr. Steffey took ownership of the La Pine Community Clinic. I hope that their vision is rewarded with great success. I join the many grateful residents of La Pine in naming them as Oregon Health Care Heroes and thank them for bringing hope and healing to La Pine.●

GEORGETOWN FIRE COMPANY'S 100TH ANNIVERSARY

● Mr. BIDEN. Mr. President, I rise today to give congratulations to one of the great local fire departments in Delaware, the Georgetown Fire Company, which is celebrating its 100th anniversary this month. This anniversary is a tribute to those who had the vision to found the fire department and to those volunteers who have carried on this tradition all the way through today.

We are very lucky in Delaware to have such a rich history of volunteer community fire departments. With the addition of the Georgetown Company, we have had 15 fire companies in our state celebrate 100 years of service. In fact, we have even had 3 companies—Lewes, Carlisle of Milford, and Good Will of New Castle—celebrate 200 years of service.

With such successes though, it is easy to forget the humble beginnings of many of these departments. On April 11, 1903, the town commissioners of Georgetown announced in a town meeting that it would be forming a fire company to bring down the cost of fire insurance. Before the establishment of a fire company, the community had relied on so-called bucket brigades and a hand-drawn ladder wagon.

When it was founded, there were fourteen charter members of the Georgetown Fire Company and only one piece of fire equipment. Today, there are almost one hundred members of the company and an entire fleet of state of the art fire equipment.

And as a testament to the unceasing dedication of the volunteers who serve in this company and to the respect and veneration it has in the community, almost half of the members of the Georgetown Fire Company are life members or honorary members. Many members of the company who have served their town as volunteer firefighters for decades never stop serving.

The Georgetown Fire Company has become an integral part of the community it has served. It has saved the lives and the property of many. In the town of Georgetown, everyone knows who the real heros are.

It is my privilege to share the company's great history with my colleagues and with our fellow citizens today. We honor the company's 100th anniversary and the extraordinary commitment that it has never stopped showing to its community. Congratulations to all of the officers, members, and friends of the Georgetown Fire Company. It is very well deserved.●

COMMENDING JOHN KOERNER ON HIS RETIREMENT FROM THE U.S. FISH AND WILDLIFE SERVICE

● Mr. JOHNSON. Mr. President, I rise to recognize Mr. John Koerner's long, distinguished career with the United States Fish & Wildlife Service. John began his career in 1972 in Valentine, NE at Fort Niobrara National Wildlife Refuge. Before he arrived at his ''dream location'' of Sand Lake National Wildlife Refuge, he was stationed in the South Dakota communities of Madison, Pierre and Waubay. John has now managed the Sand Lake NWR for 15 years. This refuge has a wonderful reputation within the refuge system, and that reputation reaches far beyond its borders. In 1988, because of its importance to migratory birds, Sand Lake was designated as the 16th Wetland of International Importance in the United States. This designation was proposed under John's guidance, and supported by myself and U.S. Senator TOM DASCHLE.

During his time in South Dakota, John has been instrumental in reaching out to the public he serves through effective outreach and environmental programs. The annual Eagle Day event held at Sand Lake Refuge has grown from one carload of visitors attending the first Eagle Day event to well over 1,200 visitors attending in 2002. John has also enhanced the youth, education and outreach programs during his time at the refuge.

John has been an articulate and outspoken voice on water and conservation issues concerning the James River. His coordination efforts with local, State and Federal agencies, during major flooding events and day-to-day operations have been an asset to Sand Lake Refuge and to the communities and landowners up and down the James River. His knowledge of the James River has been very helpful to South Dakota's congressional delegation.

John's coordination efforts with all of South Dakota's congressional offices have been beneficial to both the FWS and the citizens of South Dakota. His knowledge of FWS history, compatibility issues, and his vast experience has provided him with a ''common sense'' approach to resolving issues before they become major problems. I know that John Koerner has provided extremely valuable assistance to my offices in working through many of the difficult issues that have been brought forward during his tenure.

I commend John Koerner for his work with the U.S Fish & Wildlife Service. His contributions will benefit many generations to come.●

TRIBUTE TO ORLANDO ''TUBBY'' SMITH

● Mr. BUNNING. Mr. President, today I honor and pay tribute to University of Kentucky Basketball coach and friend Orlando ''Tubby'' Smith. Coach Smith was selected today as the 2003 Naismith College Basketball Coach of the Year.

Earlier this year, Tubby was also named the Nation's top coach by the Sporting News, ESPN, and the Basketball Times. Coach Smith led the University of Kentucky Wildcats to an outstanding 32–4 record this season, including a NCAA season-high 26 game winning streak. The Wildcats' winning streak this season was the Nation's longest in seven years.

Coach Smith is more than just a basketball coach to his players at the University of Kentucky. He is a skilled teacher of the game of basketball, but he also teaches his players important lessons about life and instills a sense of character in them that allows them to excel both on and off the court.

Tubby and his wife Donna are also very active in many communities across Kentucky. Over the past 5 years, they have raised over $1.5 million for the Tubby Smith Foundation. Through annual auctions, golf tournaments and other events, Tubby and Donna have devoted much of their time and energy to assisting underprivileged children in Kentucky through their foundation.

I am proud to have Coach Smith represent the great Commonwealth of Kentucky. He is a fantastic basketball coach and a prominent community leader. I ask my colleagues in the Senate to join me in congratulating him on receiving the 2003 Naismith College Basketball Coach of the Year Award.●

SOUTH DAKOTA STATE UNIVERSITY LADY JACKRABBITS

● Mr. JOHNSON. Mr. President, I rise today to recognize and congratulate the South Dakota State University Lady Jackrabbits. The Jackrabbits, under head coach Aaron Johnston and assistant coach Laurie Melum, won the National Division II Basketball Tournament against Northern Kentucky March 29 in St. Joseph, MO.

Coach Johnston's squad went through the 2002–2003 season with a school-record 32 wins against just three losses. The Jackrabbits entered the tournament with an impressive 32–3 mark and defeated Cal State–Bakersfield and Bentley before rallying to overtake Northern Kentucky, 65–50, for the first ever women's basketball national title.

The team was guided this season by the leadership provided by seniors Melissa Pater and Karly Hegge. Joining

them were Jackrabbit juniors Stacie Cizek and Brenda Davis. All-tournament team member and NCAA Division II Elite Eight Most Outstanding Player Pater was joined on the all-tournament team by freshman Heather Sieler.

As Hegge told the Sioux Falls Argus Leader following the title victory, ''After A.J. [Coach Aaron Johnston] first started coaching, he used the phrase, 'Don't stop believing.' That's what we tried to do, not stop believing and just keep on going.'' This title reflects that devotion and conviction South Dakota residents pride themselves on.

I want to acknowledge Dean Dr. Laurie Nichols, Athletic Director Dr. Fred Oien, Head Coach Aaron Johnston, Assistant Coach Laurie Melum, and Graduate Assistant Sheila Roux for their guidance and support to help make this year's team so successful. I also want to congratulate all of this year's team members: seniors Melissa Pater and Karly Hegge; juniors Stacie Cizek and Brenda Davis; sophomores Stephanie Bolden, Megan Otte, Brooke Dickmeyer, Dianna Pavek, Shannon Schlager, and Christine Gilbert; and freshmen Heather Sieler and Christine Gilbert, for their hard work, dedication and commitment this season. Finally, I want to acknowledge the great work of team manager Laci Greenfield, and the hard-working efforts of cheerleaders Christina Bennett, Emmie Johnson, Eve Becker, Jill McClung, Julie Raeder, and Katie Jacobson.

Again, congratulations to the South Dakota State University Lady Jackrabbits on winning their first women's basketball national title.●

GEORGIAN SOLDIER SAVES CIVILIAN

● Mr. MILLER. Mr. President, today I share with my colleagues the story of a 3rd Infantry soldier, and a fellow Georgian, who risked his own life to save a civilian caught in the crossfire in Iraq. The following article was printed in the April 1 edition of the Atlanta Journal-Constitution.

Michael Carter wanted to talk about his son, CPT Chris Carter, 31, whose heroic rescue of an Iraqi woman flashed across the newswires Monday, but the batteries on his cordless phone were running down.

''I didn't know about it until the phone rang this morning,'' he said Monday afternoon, adding that it hadn't stopped ringing since.

Constant phone calls kept him from logging on to the Internet and reading about Chris, commander of A Company, part of the 3rd Battalion, 7th Regiment of the 3rd Infantry Division (Mechanized).

''I've been so busy with phone calls, I have not had time to download it,'' said Carter, 63.

He and his wife Shirley, 60, live in Watkinsville, where Chris grew up and attended Oconee County High School. On Monday pretty much everyone in Watkinsville wanted to call and congratulate the family.

Chris was an ROTC student at the University of Georgia and a member of the Georgia Army National Guard. He was commissioned as an officer, trained with the 82nd Airborne Division and took the mountain section of his wilderness training with the 5th Ranger Training Battalion's Camp Merrill, near Dahlonega.

Of medium height and a stocky build, Carter loves to hunt, fish, and sing Hank Williams, Jr. songs, said his girlfriend, Amanda Cofer, 24, an assistant to State Senators Mitch Seabaugh and Dan Moody.

Carter distinguished himself Monday when he left his Bradley fighting vehicle and dashed out on a bridge during a firefight outside of Hindiyah, to try to bring an Iraqi woman to safety.

An Associated Press account of the rescue began with Carter saying, ''We've got to get her off that bridge'' and then determining to save her.

The woman had apparently tried to race across the bridge when the Americans arrived, but was caught in the crossfire.

Soldiers who had spotted her through the smoke at first thought she was dead, as was a man sprawled in the dust nearby. But the woman sat up and waved for help during breaks in the gunfire.

According to AP reporter Chris Tomlinson's account, Carter ''ordered his Bradley armored vehicle to pull forward while he and two men ran behind it. They took cover behind the bridge's iron beams.

''Carter tossed a smoke grenade for more cover and approached the woman, who was crying and pointing toward a wound on her hip. She wore the black chador, common among older women in the countryside. The blood soaked through the fabric, streaking the pavement around her.

''Medics placed the woman on a stretcher and into an ambulance; Carter stood by, providing cover with his M16A4 rifle. Then she was gone, and Monday's battle for this town of 80,000, 50 miles south of Baghdad, raged on.''

When Carter's girlfriend, Cofer, heard about the rescue, her first thought was, ''Get back in the vehicle!'' she said.

Cofer and Carter met last October during a victory celebration in Buckhead after the Georgia Bulldogs beat the University of Kentucky in football. ''I knew immediately he was a special person,'' she said. Carter was deployed to Kuwait the next month.

''He is the kind of man every parent in America would be glad to have as a son,'' said Carter's father, who is retired from the Environmental Protection Agency.

Though the Carters haven't heard from their son for 3 weeks, they keep up with him through the news.

''We have more current information on him than any other parent in the United States,'' said the father, adding that Carter's vehicle has been host to an embedded reporter during much of the campaign. ''Every day since he's been over there he's been in some newspaper. The next best thing to being able to talk to him personally has been to read the papers.''

Carter then excused himself to answer the door. Television cameramen were ringing the bell.●

THE KIWANIS CLUB OF DEARBORN ON THE CELEBRATION OF THEIR 75TH ANNIVERSARY

● Mr. LEVIN. Mr. President, today it is my pleasure to congratulate the Kiwanis Club of Dearborn, MI for 75 years of distinguished service addressing the needs of children, seniors, and the disadvantaged throughout the Dearborn community and my home State of Michigan.

As a member of Kiwanis International, the Kiwanis Club of Dearborn is part of a larger organization that holds community service at its core. Since its founding in 1915, Kiwanis International has united individuals to respond to the changing needs of their communities. Kiwanis groups promote awareness of vital issues such as child health and development, literacy, substance abuse, and senior care. Kiwanis Clubs nationwide take practical steps to respond to these concerns through volunteer service projects and fundraising. Today, the Kiwanis family includes 500,000 members in over 80 countries.

Since 1928, the Kiwanis Club of Dearborn has taken an active role in performing community service. Through their annual ''Peanut Sale'' fundraiser, the Kiwanis Club of Dearborn has generated thousands of dollars each year for charity organizations. Recipients of the money raised at this benefit include Children's Hospital, the Salvation Army, the DeSales School for the Deaf, the Hemophilia Foundation, and the Special Olympics. This year, the club raised a record $54,000, a sum which has earned them recognition as a leader in fundraising initiatives. Furthermore, the club can be commended for donating all moneys raised to charity, due to the absence of administrative costs. The Kiwanis Club of Dearborn also produces ''Kiwani Talk,'' a television show that informs viewers of services available to the public. In the past 10 years, this program has aired 500 episodes relaying pertinent information to the community. The emergence of two additional clubs, the Outer Drive Kiwanis Club and the East Dearborn Kiwanis Club, is testament to the commitment of the Kiwanis Club of Dearborn to continued community service and the appeal of their message.

I am confident that my Senate colleagues will join me in thanking the Kiwanis Club of Dearborn for their 75 years of service dedicated to improving the lives of many in the Dearborn community. The dedication to community

service is an inspiring example of human kindness and selflessness. We wish them continued success as they work to make our communities better places to live.●

MESSAGE FROM THE HOUSE

At 2:16 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1166. An act to amend the Small Business Act to expand and improve the assistance provided by Small Business Development Centers to Indian tribe members, Native Alaskans, and Native Hawaiians.

H.R. 1208. An act to authorize appropriations for fiscal years 2004 and 2005 for United States contributions to the International Fund for Ireland, and for other purposes.

H.R. 1505. An act to designate the facility of the United States Postal Service located at 2127 Beatties Ford Road in Charlotte, North Carolina, as the ''Jim Richardson Post Office.''

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 58. concurrent resolution honoring the City of Fayetteville, North Carolina, and its many partners for the Festival of Flight, a celebration of the centennial of Wilbur and Orville Wright's first flight, the first controlled, powered flight in history.

The message further announced that the Speaker appoints the following Members as additional conferees in the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 151) to amend title 18, United States Code, with respect to the sexual exploitation of children:

From the Committee on Education and the Workforce, for consideration of section 8 of the Senate bill and sections 222, 305, 508 of the House amendments, and modifications committed to conference: Mr. HOEKSTRA; MR. GINGREY; and Mr. HINOJOSA.

From the Committee on Transportation and Infrastructure, for consideration of section 303 and title IV of the House amendments, and modifications committed to conference: Mr. YOUNG of Alaska; Mr. PETRI; and Mr. MATHESON.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1208. An act to authorize appropriations for fiscal years 2004 and 2005 for United States contributions to the International Fund for Ireland, and for other purposes; to the Committee on Foreign Relations.

H.R. 1505. An act to designate the facility of the United States Postal Service located at 2127 Beatties Ford Road in Charlotte, North Carolina, as the ''Jim Richardson Post Office,'' to the Committee on Governmental Affairs.

The following bill was read, and referred as indicated:

H.R. 1166. An act to amend the Small Business Act to expand and improve the assistance provided by Small Business Development Centers to Indian tribe members, Native Alaskans, and Native Hawaiians; to the Committee on Small Business and Entrepreneurship.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 58. Concurrent resolution honoring the City of Fayetteville, North Carolina, and its many partners for the Festival of Flight, a celebration of the centennial of Wilbur and Orville Wright's first flight, the first controlled, powered flight in history; to the Committee on the Judiciary.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–1729. A communication from the Chief, Regulation and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Special Anchorage Areas/Anchorage Grounds Regulations; Boothville, Anchorage, Venice, LA (CGD08–02–017)'' received on March 24, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1730. A communication from the Chief, Regulation and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations; (Including 4 Regulations) [CGD08–03010] [CGD08–03–012] [CGD07–03–31] [CGD1–03–019] (1625–AA09)(2003–0001)'' received on March 24, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1731. A communication from the Chief, Regulation and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations: (Including 3 regulations) [COTP Pittsburgh 02–0] [COTP Los Angeles-Long Beach 02–005] [COTP Western Alaska 02–001] (1625–AA00)(2003–0002)'' received on March 24, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1732. A communication from the Chief, Regulation and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations: (Including 4 Regulations) [COTP Los Angeles-Long Beach 03–001] [COTP San Francisco Bay 03–003] [COTP San Diego 03–003] [COTP Tampa 03–006] (1625–AA00) (2003–0001)'' received on March 24, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1733. A communication from the Attorney, Research and Special Programs Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Hazardous Materials: Availability of Information for Hazardous Materials Transported by Aircraft (2137–AD29)'' received on March 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1734. A communication from the Attorney, Office of the Secretary of Transportation, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Extension of Computer Reservations Systems Regulations (2105–AD24)'' received on March 26, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1735. A communication from the Deputy Assistant Administrator, Regulatory Programs, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Framework 15 to the Atlantic Sea Scallop Fishery Management Plan (0648–AQ28)'' received on March 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1736. A communication from the Associate Deputy Assistant Administrator, National Oceanic and Atmospheric Administrator, National Ocean Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Announcement of Funding Opportunity to Submit Proposals for the Monitoring and Event Response for Harmful Algal Blooms (MERHAB) Program FY2004 (0648–ZB12)'' received on March 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1737. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report of a Bill to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2004, 2005, 2006 and 2007 and for other purposes, received on March 26, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1738. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Rotable Spare Parts; Capitol Expenditures (Rev. Rul. 2003–37)'' received on March 26, 2003; to the Committee on Finance.

EC–1739. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Appeals Settlement Guidelines: All Industries—Section 302/318 Basis Shifting Transactions'' received on March 26, 2003; to the Committee on Finance.

EC–1740. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Civil Cause of Action for Violation of Section 362 or Section 524 of the Bankruptcy Code (RIN1545–AY08)(TD 9050)'' received on March 26, 2003; to the Committee on Finance.

EC–1741. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Certain Transfers of Property to Regulated Investment Companies [RICs] and Real Estate Investment Trusts [REITs] (RIN1545–BA36)(1545–AW92)'' received on March 24, 2003; to the Committee on Finance.

EC–1742. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Bureau of Labor Statistics Price Indexes for Department Stores—January 2003 (Rev. Rul. 2003–33)'' received on March 24, 2003; to the Committee on Finance.

EC–1743. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Amendments to Rules for Determination of Basis of Partners's Interest; Special Rules (RIN1545–BA50)(TD9049)'' received on March 24, 2003; to the Committee on Finance.

EC–1744. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Business Disaster Grant Payments (Notice 2003–18)'' received on March 18, 2003; to the Committee on Finance.

EC–1745. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Applicable Federal Rates—April 2003 (Rev.

Rul. 2003–35)'' received on March 24, 2003; to the Committee on Finance.

EC–1746. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Applicable Federal Rates—April 2003 (Rev. Rul. 2003–35)'' received on March 24, 2003; to the Committee on Finance.

EC–1747. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Section 911 Waiver Rev. Proc. 2002-update (Rev. Proc. 2003–26)'' received on March 24, 2003; to the Committee on Finance.

EC–1748. A communication from the Board Members, Railroad Retirement Board, transmitting, pursuant to law, the report of a Bill to amend the Railroad Retirement Act to solve several technical problems that have arisen in connection with the establishment of and actions by the National Railroad Retirement Investment Trust, received on March 24, 2003; to the Committee on Finance.

EC–1749. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of the establishment of Danger Pay to U.S. Government Civilian Employees in Kuwait, received on March 24, 2003; to the Committee on Foreign Relations.

EC–1750. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the Annual Report covering defense Articles and Services that were licensed for Export; to the Committee on Foreign Relations.

EC–1751. A communication from the Acting Principle Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans and Approval Under Sections 110 and 112(I); State of Kansas (FRL7471–9)'' received on March 24, 2003; to the Committee on Environment and Public Works.

EC–1752. A communication from the Acting Principle Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; State of Missouri (FRL7471–6)'' received on March 24, 2003; to the Committee on Environment and Public Works.

EC–1753. A communication from the Acting Principle Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Clean Water for Sustainable Cities in China Project'' received on March 24, 2003; to the Committee on Environment and Public Works.

EC–1754. A communication from the Acting Principle Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Minor Clarification of National Primary Drinking Water Regulation for Arsenic (FRL7472–5)'' received on March 24, 2003; to the Committee on Environment and Public Works.

EC–1755. A communication from the Acting Principle Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Significant New Uses of Certain Chemical Substances (FRL 6758–7)'' received on March 24, 2003; to the Committee on Environment and Public Works.

EC–1756. A communication from the Acting Principle Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Philadelphia County, Pennsylvania Construction, Modification and Operation Permit Programs (FRL 7474–2)'' received on March 27, 2003; to the Committee on Environment and Public Works.

EC–1757. A communication from the Acting Principle Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans and Designation of Areas; California—Indian Wells Valley PM10 Nonattainment Area (FRL7461–5)'' received on March 27, 2003; to the Committee on Environment and Public Works.

EC–1758. A communication from the Acting Principle Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Indiana (FRL7470–7)'' received on March 27, 2003; to the Committee on Environment and Public Works.

EC–1759. A communication from the Acting Principle Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Bacillus pumilus GB 34; Exemption from the Requirements of a Tolerance (FRL7286–9)'' received on March 27, 2003; to the Committee on Environment and Public Works.

EC–1760. A communication from the Acting Principle Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a document entitled ''Ground Level Ozone: Compilation of States' Recommendations and Initial Regional Office Responses on Areas That Are Not Attaining the 8-hour Ground-Level Ozone National Ambient Air Quality Standards: Guidance Memorandum''; to the Committee on Environment and Public Works.

EC–1761. A communication from the Acting Principle Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a document entitled ''Rubber Tire Manufacturing: Air Toxins Rule: Amendments''; to the Committee on Environment and Public Works.

EC–1762. A communication from the Acting Principle Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a document entitled ''Rubber Tire Manufacturing: Air Toxins Rule: Fact Sheet''; to the Committee on Environment and Public Works.

EC−1763. A communication from the Director, Office of Congressional Affairs, Nuclear Material Safety and Safeguards, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Radiation Exposure Reports: Labeling Personal Information (RIN3150–AH–07)'' received on March 24, 2003; to the Committee on Environment and Public Works.

EC−1764. A communication from the Regulations Officer, Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Traffic Control Devices on Federal-Aid and Other Streets and Highways; Standards (2125–AE78)'' received on March 26, 2003; to the Committee on Environment and Public Works.

EC−1765. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, the report submitting legislation which authorizes appropriations for fiscal year 2004, received on March 25, 2003; to the Committee on Environment and Public Works.

EC−1766. A communication from the Under Secretary of Defense, Acquisition, Technology and Logistics, Department of Defense, transmitting, pursuant to law, the 2003 report on National Defense Stockpile (NDS) requirements; to the Committee on Armed Services.

EC−1767. A communication from the Under Secretary of Defense, Acquisition, Technology and Logistics, Department of Defense, transmitting, pursuant to law, the Conference Report to accompany the Bob Stump National Defense Authorization Act for Fiscal Year 2003, received on March 26, 2003; to the Committee on Armed Services.

EC−1768. A communication from the Assistant Secretary of Defense, Health Affairs, Department of Defense, transmitting, pursuant to law, the report relative to outreach to Gulf War veterans, received on March 27, 2003; to the Committee on Armed Services.

EC−1769. A communication from the General Counsel, Department of Defense, transmitting, pursuant to law, the report relative to proposed legislative initiatives to be included in the National Defense Authorization Act for Fiscal Year 2004, received on March 27, 2003; to the Committee on Armed Services.

EC−1770. A communication from the Register Liaison Officer, Office of the Secretary, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''CHAMPUS Appeals and Hearings Procedures; Formal Review (Administrative Corrections) (0720–AA74)'' received on March 27, 2003; to the Committee on Armed Services.

EC−1771. A communication from the General Counsel, Department of Defense, transmitting, pursuant to law, the report relative to certification that Kazakhstan and Ukraine are committed to the courses of action described in section 1203 (d) of the Cooperative Threat Reduction Act of 1993, received on March 25, 2003; to the Committee on Armed Services.

EC−1772. A communication from the Attorney, Research and Special Programs Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Hazardous Materials: Security Requirements for Officers and Transporters of Hazardous Materials (2137–AD67)'' received on March 25, 2003; to the Committee on Armed Services.

EC−1773. A communication from the Under Secretary of Defense, Acquisition, Technology and Logistics, Department of Defense, transmitting, pursuant to law, the report of the Department of Defense 2002 inventory of activities that are not inherently governmental functions, received on March 27, 2003; to the Committee on Governmental Affairs .

EC−1774. A communication from the Chairman, Defense Nuclear Facilities Safety Board, transmitting, pursuant to law, the Performance Report for Fiscal Year 2002; to the Committee on Governmental Affairs.

EC−1775. A communication from the Chairman, Federal Trade Commission, transmitting, pursuant to law, the Federal Trade Commission's Office of Inspector General (OIG) Semiannual report for the period ending September 30, 2002, received on March 27, 2003; to the Committee on Governmental Affairs.

EC−1776. A communication from the Chairman, Securities and Exchange Commission, transmitting, pursuant to law, the Securities and Exchange Commission's combined Governmental Performance and Results Act Annual Performance Report for fiscal year 2002 and the Annual Performance Plan for fiscal year 2004, received on March 27, 2003; to the Committee on Governmental Affairs.

EC−1777. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, the report relative to summarizing the disposition of sixteen cases in which I granted equitable relief during calendar year 2002, received on March 27, 2003; to the Committee on Veterans' Affairs.

EC–1778. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, the Seventh Report describing the administration of the Montgomery GI Bill (MGIB) educational assistance program, received on March 27, 2003; to the Committee on Veterans' Affairs.

EC–1779. A communication from the Deputy General Counsel, Veterans Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''VA Homeless Providers Grant and Per Diem Program (2900–AL30) (Interim Final Rule)'' received on March 27, 2003; to the Committee on Veterans' Affairs.

EC–1780. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Pesticides; Tolerance Exemptions for Active and Inert Ingredients for Use in Antimicrobial Formulations (Food-Surface Sanitizing Solutions): Withdrawal of Direct Final Rule (FRL 7299–4)'' received on March 27, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1781. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''S-Metolachlor; Pesticide Tolerance (FRL7299–8)'' received on March 27, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1782. A communication from the Chief Justice, Supreme Court of the United States, transmitting, pursuant to law, the report to Congress of the amendments to the Federal Rules of Appellate Procedure that have been adopted by the Supreme Court of the United States, received on March 27, 2003; to the Committee on the Judiciary.

EC–1783. A communication from the Chief Justice, Supreme Court of the United States, transmitting, pursuant to law, the report relative to the amendments to the Federal Rules of Bankruptcy Procedure that have been adopted by the Supreme Court of the United States, received on March 27, 2003; to the Committee on the Judiciary.

EC–1784. A communication from the Chief Justice, Supreme Court of the United States, transmitting, pursuant to law, the report relative to the amendments to the Federal Rules of Evidence that have been adopted by the Supreme Court of the United States, received on March 27, 2003; to the Committee on the Judiciary.

EC–1785. A communication from the Chief Justice, Supreme Court of the United States, transmitting, pursuant to law, the report relative to the amendments to the Federal Rule of Civil Procedure, received on March 27, 2003; to the Committee on the Judiciary.

EC–1786. A communication from the Chief Financial Officer, Paralyzed Veterans of America, transmitting, pursuant to law, the report of the Audited Financial Statement for the fiscal year 2002; to the Committee on the Judiciary.

EC–1787. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report relative to amending section 41.107(c)(1) of Part 22 of the Code of Federal Regulations, received on March 20, 2003; to the Committee on the Judiciary.

EC–1788. A communication from the Secretary, Judicial Conference of the United States, transmitting, pursuant to law, the report of a draft bill to create additional Article III judgeships and convert temporary judgeships to permanent judgeships in the U.S. court of appeals and district courts, received on March 26, 2003; to the Committee on the Judiciary.

EC–1789. A communication from the Program Manager, Bureau of Alcohol, Tobacco, Firearms, and Explosives, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Implementation of the Safe Explosives Act, Title XI, Subtitle C of Public Law 107–296 (RIN1140–AA00)'' received on March 25, 2003; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. STEVENS, from the Committee on Appropriations, without amendment:

S. 762. An original bill making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes (Rept. No. 108–33).

By Ms. COLLINS, from the Committee on Governmental Affairs, with an amendment in the nature of a substitute:

S. 380. A bill to amend chapter 83 of title 5, United States Code, to reform the funding of benefits under the Civil Service Retirement System for employees of the United States Postal Service, and for other purposes.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of committee was submitted:

By Mr. LUGAR, from the Committee on Foreign Relations:

[Treaty Doc. 106–48 Joint Convention on Safety of Spent Fuel and Radioactive Waste Management (Exec. Rept. No. 108–5)]

TEXT OF THE RESOLUTION OF RATIFICATION AS REPORTED BY THE COMMITTEE ON FOREIGN RELATIONS

Resolved (two-thirds of the Senators present concurring therein).

SECTION 1. SENATE ADVICE AND CONSENT SUBJECT TO CONDITIONS.

The Senate advises and consents to the ratification of the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management, done at Vienna on September 5, 1997 (Treaty Document 106–48), subject to the conditions of section 2.

SEC. 2. CONDITIONS.

The advice and consent of the Senate to ratification of the Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management is subject to the following conditions, which shall be binding upon the President:

(1) COMMITMENT TO REQUEST AND REVIEW REPORTS—Not later than 45 days after the deposit of the United States instrument of ratification, the President shall certify to the appropriate committees of Congress that the United States will:

(A) request copies of all national reports submitted pursuant to Article 32 of the Convention; and

(B) comment in each review meeting held pursuant to Article 30 of the Convention (including each meeting of a subgroup) upon aspects of safety significance in any report submitted pursuant to Article 32 of the Convention by a Contracting Party that is receiving United States financial or technical assistance relating to the improvement of its nuclear and radiological safety and security practices.

(2) COMPLETE REVIEW OF INFORMATION BY THE LEGISLATIVE BRANCH OF GOVERNMENT.—

(A) UNDERSTANDING.—The United States understands that neither Article 36 nor any other provision of the Convention shall be construed as limiting the access of the legislative branch of the United States Government to any information relating to the operation of the Convention, including access to information described in Article 36 of the Convention.

(B) PROTECTION OF INFORMATION.—The Senate understands that the confidentiality of information provided by other Contracting Parties that is properly identified as protected pursuant to Article 36 of the Convention will be respected.

(C) CERTIFICATION.—Not later than 45 days after the deposit of the United States instrument of ratification, the President shall certify to the appropriate committees of Congress that the Comptroller General of the United States shall be given full and complete access to—

(i) all information in the possession of the United States Government specifically relating to the operation of the Convention that is submitted by any other Contracting Party pursuant to Article 32 of the Convention, including any report or document; and

(ii) information specifically relating to any review or analysis by any department, agency, or other entity of the United States, or any official thereof, undertaken pursuant to Article 30 of the Convention, of any report or document submitted by any other Contracting Party.

(D) REPORTS TO CONGRESS.—Upon the request of the chairman of either of the appropriate committees of Congress, the President shall submit to the respective committee an unclassified report, and a classified annex as appropriate, detailing—

(i) how the objective of a high level of nuclear and radiological safety and security has been furthered by the operation of the Convention;

(ii) with respect to the operation of the Convention on an Article-by-Article basis—

(I) the situation addressed in the Article of the Convention;

(II) the results achieved under the Convention in implementing the relevant obligation under that Article of the Convention; and

(III) the plans and measures for corrective action on both a national and international level to achieve further progress in implementing the relevant obligation under that Article of the Convention; and

(iii) on a country-by-country basis, for each Contracting Party that is receiving United States financial or technical assistance relating to nuclear or radiological safety or security improvement—

(I) a list of all nuclear facilities within the country, including those installations operating, closed, and planned, and an identification of those nuclear facilities where significant corrective action is found necessary by assessment;

(II) a review of all safety or security assessments performed and the results of those assessments for existing nuclear facilities;

(III) a review of the safety and security of each nuclear facility using facility-specific data and analysis showing trends of safety or security significance and illustrated by particular issues at each facility;

(IV) a review of the position of the country as to the further operation of each nuclear facility in the country;

(V) an evaluation of the adequacy and effectiveness of the national legislative and regulatory framework in place in the country, including an assessment of the licensing system, inspection, assessment, and enforcement procedures governing the safety and security of nuclear facilities;

(VI) a description of the country's on-site and off-site emergency preparedness; and

(VII) the amount of financial and technical assistance relating to nuclear or radiological

safety or security improvement expended as of the date of the report by the United States, including, to the extent feasible, an itemization by nuclear facility, and the amount intended for expenditure by the United States on each such facility in the future.

(3) TREATY INTERPRETATION.—The Senate reaffirms condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe (CFE) of November 19, 1990 (adopted at Vienna on May 31, 1996), approved by the Senate on May 14, 1997, relating to condition (1) of the resolution of ratification of the Intermediate-Range Nuclear Forces (INF) Treaty, approved by the Senate on May 27, 1988.

SEC. 3. DEFINITIONS.

As used in this resolution:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

(2) CONTRACTING PARTY.—The term ''Contracting Party'' means any nation that is a party to the Convention.

(3) CONVENTION.—The term ''Convention'' means the Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management, done at Vienna on September 5, 1997 (Treaty Document 1060948).

(4) NUCLEAR FACILITY.—The term ''nuclear facility'' has the meaning given the term in Article 2(f) of the Convention.

(5) UNITED STATES INSTRUMENT OF RATIFICATION.—The term ''United States instrument of ratification'' means the instrument of ratification of the United States of the Convention.

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 Mrs. CLINTON (for herself, Mr. SCHUMER, Mrs. FEINSTEIN, Ms. LANDRIEU, Mrs. MURRAY, Ms. CANTWELL, and Ms. COLLINS):

S. 749. A bill to authorize the Secretary of the Interior to establish the Votes for Women History Trail in the State of New York; to the Committee on Energy and Natural Resources.

By Mr. MCCAIN (for himself, Mr. DODD, Mr. ALLEN, Mr. BREAUX, Mr. WARNER, Mr. AKAKA, Mr. BENNETT, Mrs. LINCOLN, Ms. COLLINS, Mr. HOLLINGS, Mr. CHAFEE, Mr. FITZGERALD, Ms. LANDRIEU, Mr. BROWNBACK, Mr. CAMPBELL, Mr. HAGEL, Mr. ROBERTS, Mr. SARBANES, Mr. SMITH, and Ms. SNOWE):

S. 750. A bill to amend title II of the Social Security Act to increase the level of earnings under which no individual who is blind is determined to have demonstrated an ability to engage in substantial gainful activity for purposes of determining disability; to the Committee on Finance.

By Mr. BAUCUS (for himself, Mr. DASCHLE, Mr. JOHNSON, Mr. CAMPBELL, Mr. BINGAMAN, Mr. INOUYE, and Mr. AKAKA):

S. 751. A bill to amend part A of title IV of the Social Security Act to reauthorize and improve the operation of temporary assistance to needy families programs operated by Indian tribes, and for other purposes; to the Committee on Finance.

By Mr. BINGAMAN (for himself and Mrs. HUTCHISON):

S. 752. A bill to amend the Internal Revenue Code of 1986 to treat distributions from publicly traded partnerships as qualifying income of regulated investment companies, and for other purposes; to the Committee on Finance.

By Mr. HATCH (for himself, Mr. BREAUX, Mr. BAUCUS, and Mr. GRASSLEY):

S. 753. A bill to amend the Internal Revenue Code of 1986 to provide for the modernization of the United States Tax Court, and for other purposes; to the Committee on Finance.

By Mr. FRIST:

S. 754. A bill to amend the Public Health Service Act to improve immunization rates by increasing the distribution of vaccines and improving and clarifying the vaccine injury compensation program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. HATCH, Mr . THOMAS, Mrs. LINCOLN, and Mr. ROCKEFELLER):

S. 755. A bill to amend the Internal Revenue Code of 1986 to provide a uniform definition of child, and for other purposes; to the Committee on Finance.

By Mr. THOMAS (for himself and Mr. GREGG):

S. 756. A bill to amend the Internal Revenue Code of 1986 to modify the qualified small issue bond provisions; to the Committee on Finance.

By Mr. CHAMBLISS (for himself, Mr. GRAHAM of South Carolina, Mr. MCCAIN, and Mr. ALLEN):

S. 757. A bill entitled the ''Guard and Reserve Commanders Pay Equity Act''; to the Committee on Armed Services.

By Mr. LIEBERMAN (for himself, Ms. SNOWE, Mr. DODD, Mr. ALLEN, Mrs. CLINTON, Mr. HARKIN, and Mr. AKAKA):

S. 758. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for certain energy-efficient property; to the Committee on Finance.

By Mr. DURBIN (for himself, Mr. ALLARD, Mr. CONRAD, Mr. HARKIN, Mr. JOHNSON, Mr. LEAHY, Mr. DORGAN, and Mr. JEFFORDS):

S. 759. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for individuals and businesses for the installation of certain wind energy property; to the Committee on Finance.

By Mr. GRASSLEY (for himself, Mr. BAUCUS, Mr. DEWINE, Mr. DURBIN, Mr. GREGG, Mr. BINGAMAN, Mr. FEINGOLD, Ms. SNOWE, Mr. ROCKEFELLER, Mr. SANTORUM, and Mr. LEAHY):

S. 760. A bill to implement effective measures to stop trade in conflict diamonds, and for other purposes; to the Committee on Finance.

By Mrs. HUTCHISON:

S. 761. A bill to exclude certain land from the John H. Chafee Coastal Barrier Resources System; to the Committee on Environment and Public Works.

By Mr. STEVENS:

S. 762. An original bill making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; from the Committee on Appropriations; placed on the calendar.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SUNUNU (for himself, Mr. GREGG, Ms. SNOWE, and Ms. COLLINS):

S. Res. 102. A resolution recognizing the 40th anniversary of the sinking of the U.S.S. *Thresher* (SSN 593); considered and agreed to.

ADDITIONAL COSPONSORS

S. 91

At the request of Mr. EDWARDS, his name was added as a cosponsor of S. 91, a bill to amend title 9, United States Code, to provide for greater fairness in the arbitration process relating to livestock and poultry contracts.

S. 202

At the request of Mr. DEWINE, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 202, a bill to amend the Internal Revenue Code of 1986 to allow as a deduction in determining adjusted gross income that deduction for expenses in connection with services as a member of a reserve component of the Armed Forces of the United States, to allow employers a credit against income tax with respect to employees who participate in the military reserve components, and to allow a comparable credit for participating reserve component self-employed individuals, and for other purposes.

S. 274

At the request of Mr. GRASSLEY, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 274, 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. 349

At the request of Mrs. FEINSTEIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 349, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 385

At the request of Mr. EDWARDS, his name was added as a cosponsor of S. 385, a bill to amend the Clean Air Act to eliminate methyl tertiary butyl ether from the United States fuel supply, to increase production and use of renewable fuel, and to increase the Nation's energy independence, and for other purposes.

S. 413

At the request of Mr. NICKLES, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 413, a bill to provide for the fair and efficient judicial consideration of personal injury and wrongful death claims arising out of asbestos exposure, to ensure that individuals who suffer harm, now or in the future, from illnesses caused by exposure to asbestos receive compensation for their injuries, and for other purposes.

S. 451

At the request of Ms. SNOWE, the names of the Senator from Oklahoma (Mr. INHOFE) and the Senator from South Dakota (Mr. DASCHLE) were added as cosponsors of S. 451, a bill to amend title 10, United States Code, to increase the minimum Survivor Benefit Plan basic annuity for surviving spouses age 62 and older, to provide for a one-year open season under that plan, and for other purposes.

S. 457

At the request of Mr. LEAHY, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 457, a bill to remove the limitation on the use of funds to require a farm to feed livestock with organically produced feed to be certified as an organic farm.

S. 480

At the request of Mr. HARKIN, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 480, a bill to provide competitive grants for training court reporters and closed captioners to meet requirements for realtime writers under the Telecommunications Act of 1996, and for other purposes.

S. 518

At the request of Ms. COLLINS, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 518, a bill to increase the supply of pancreatic islet cells for research, to provide better coordination of Federal efforts and information on islet cell transplantation, and to collect the data necessary to move islet cell transplantation from an experimental procedure to a standard therapy.

S. 544

At the request of Mr. DODD, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 544, a bill to establish a SAFER Firefighter Grant Program.

S. 554

At the request of Mr. GRASSLEY, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 554, a bill to allow media coverage of court proceedings.

S. 558

At the request of Mr. MCCAIN, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 558, a bill to elevate the position Director of the Indian Health Service within the Department of Health and Human Services to Assistant Secretary for Indian Health, and for other purposes.

S. 652

At the request of Mr. CHAFEE, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 652, a bill to amend title XIX of the Social Security Act to extend modifications to DSH allotments provided under the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000.

S. 664

At the request of Mr. BAUCUS, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 664, a bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit, to increase the rates of the alternative incremental credit, and to provide an alternative simplified credit for qualified research expenses.

S. 669

At the request of Ms. SNOWE, the names of the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 669, a bill to provide more child support money to families leaving welfare, to simplify the rules governing the assignment and distribution of child support collected by States on behalf of children, to improve the collection of child support, and for other purposes.

S. 684

At the request of Mr. WYDEN, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 684, a bill to create an office within the Department of Justice to undertake certain specific steps to ensure that all American citizens harmed by terrorism overseas receive equal treatment by the United States Government regardless of the terrorists' country of origin or residence, and to ensure that all terrorists involved in such attacks are pursued, prosecuted, and punished with equal vigor, regardless of the terrorists' country of origin or residence.

S. 705

At the request of Mr. MCCAIN, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 705, a bill to amend title 37, United States Code, to alleviate delay in the payment of the Selected Reserve reenlistment bonus to members of Selected Reserve who are mobilized.

S. 706

At the request of Mr. MCCAIN, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 706, a bill to amend title 10, United States Code, to provide Survivor Benefit Plan annuities for surviving spouses of Reserves not eligible for retirement who die from a cause incurred or aggravated while on inactive-duty training.

S. 709

At the request of Mrs. DOLE, the names of the Senator from Tennessee (Mr. FRIST) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. 709, a bill to award a congressional gold medal to Prime Minister Tony Blair.

S. 711

At the request of Mr. MCCAIN, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 711, a bill to amend title 37, United States Code, to alleviate delay in the payment of the Selected Reserve reenlistment bonus to members of Selected Reserve who are mobilized.

S. 712

At the request of Mr. MCCAIN, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 712, a bill to amend title 10, United States Code, to provide Survivor Benefit Plan annuities for surviving spouses of Reserves not eligible for retirement who die from a cause incurred or aggravated while on inactive-duty training.

S. 718

At the request of Mr. MCCAIN, the names of the Senator from New Hampshire (Mr. GREGG) and the Senator from Georgia (Mr. MILLER) were added as cosponsors of S. 718, a bill to provide a monthly allotment of free telephone calling time to members of the United States armed forces stationed outside the United States who are directly supporting military operations in Iraq or Afghanistan.

S. 718

At the request of Ms. COLLINS, her name was added as a cosponsor of S. 718, supra.

S. 721

At the request of Mr. ALLEN, the names of the Senator from Montana (Mr. BURNS), the Senator from Alaska (Mr. STEVENS), and the Senator from Georgia (Mr. MILLER) were added as cosponsors of S. 721, a bill to amend the Internal Revenue Code of 1986 to expand the combat zone income tax exclusion to include income for the period of transit to the combat zone and to remove the limitation on such exclusion for commissioned officers, and for other purposes.

S. 740

At the request of Mr. LIEBERMAN, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 740, a bill to amend title XVIII of the Social Security Act to improve patient access to, and utilization of, the colorectal cancer screening benefit under the medicare program.

S. CON. RES. 6

At the request of Ms. LANDRIEU, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. Con. Res. 6, a concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued in honor of Daniel ''Chappie'' James, the Nation's first African-American four-star general.

S. CON. RES. 7

At the request of Mr. CAMPBELL, the names of the Senator from Wisconsin (Mr. KOHL), the Senator from Maryland (Mr. SARBANES), and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. Con. Res. 7, a concurrent resolution expressing the sense of Congress that the sharp escalation of anti-Semitic violence within many participating States of the Organization for Security and Cooperation in Europe (OSCE) is of profound concern and efforts should be undertaken to prevent future occurrences.

S. CON. RES. 26

At the request of Ms. LANDRIEU, the names of the Senator from California

(Mrs. BOXER) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. Con. Res. 26, a concurrent resolution condemning the punishment of execution by stoning as a gross violation of human rights, and for other purposes.

S. CON. RES. 27

At the request of Mr. BOND, the names of the Senator from Wyoming (Mr. THOMAS) and the Senator from Georgia (Mr. MILLER) were added as cosponsors of S. Con. Res. 27, a concurrent resolution urging the President to request the United States International Trade Commission to take certain actions with respect to the temporary safeguards on imports of certain steel products, and for other purposes.

S. CON. RES. 31

At the request of Mr. LIEBERMAN, the names of the Senator from Pennsylvania (Mr. SANTORUM), the Senator from Colorado (Mr. ALLARD) and the Senator from Ohio (Mr. VOINOVICH) were added as cosponsors of S. Con. Res. 31, a concurrent resolution expressing the outrage of Congress at the treatment of certain American prisoners of war by the Government of Iraq.

S. CON. RES. 31

At the request of Mr. LUGAR, his name was added as a cosponsor of S. Con. Res. 31, supra.

AMENDMENT NO. 429

At the request of Mr. ROCKEFELLER, his name was added as a cosponsor of amendment No. 429 proposed to S. Con. Res. 23, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013.

AMENDMENT NO. 429

At the request of Mr. LEAHY, his name was added as a cosponsor of amendment No. 429 proposed to S. Con. Res. 23, supra.

AMENDMENT NO. 429

At the request of Ms. MIKULSKI, her name was added as a cosponsor of amendment No. 429 proposed to S. Con. Res. 23, supra.

AMENDMENT NO. 429

At the request of Mr. FEINGOLD, his name was added as a cosponsor of amendment No. 429 proposed to S. Con. Res. 23, supra.

AMENDMENT NO. 429

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of amendment No. 429 proposed to S. Con. Res. 23, supra.

AMENDMENT NO. 429

At the request of Mrs. BOXER, her name was added as a cosponsor of amendment No. 429 proposed to S. Con. Res. 23, supra.

AMENDMENT NO. 429

At the request of Mr. DAYTON, his name was added as a cosponsor of amendment No. 429 proposed to S. Con. Res. 23, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. CLINTON (for herself, Mr. SCHUMER, Mrs. FEINSTEIN, Ms. LANDRIEU, Mrs. MURRAY, Ms. CANTWELL, and Ms. COLLINS):

S. 749. A bill to authorize the Secretary of the Interior to establish the Votes for Women History Trail in the State of New York; to the Committee on Energy and Natural Resources.

Mrs. CLINTON. Mr. President, today, I am introducing the Votes for Women's History Trail Act today in honor of Women's History Month. I recognize that this is a very difficult time in the history of our country. Our brave soldiers are putting their lives on the line in a war halfway around the world. At times like this it is important to remember our pioneers, the people who fought for equality and liberty for all Americans. Their courage should serve as an inspiration at troubling times like these.

The Votes for Women's History Trail Act would create a moving memorial to the women's suffrage movement in upstate New York, home to many of the most notable figures and events in the fight for women's suffrage. The Women's Rights movement began in 1848 when the first Women's Rights Convention occurred in Seneca Falls, NY. Although this convention was planned on very short notice, more than 300 people descended on Seneca Falls to challenge the subordination of women to men and call for equal rights.

After the Seneca Falls convention, the women's movement, lead in large part by Elizabeth Cady Stanton and Susan B. Anthony, continued their efforts to break down barriers for women. At times, they suffered major setbacks. Susan B. Anthony was arrested when she tried to vote by claiming that the 14th amendment entitled her to as a ''citizen.'' In 1875, the United States Supreme Court upheld the decision, forcing the women's movement to pursue a different strategy. They were undeterred and launched statewide campaigns for voting rights for women. Their efforts eventually paved the way for the passage of the 19th amendment in 1920—72 years after the first Women's Rights Convention.

These pioneers believed that women ought to be full and equal partners in the social, cultural, religious, economic, educational, and political life. To a large degree, their vision has been realized. But the journey is not complete. Women still earn only $.73 for every dollar earned by men. They are still underrepresented in the highest levels of virtually every occupation and field, including the United States Congress.

The Votes for Women's History Trail Act would create a fitting tribute to this critical period in our history and to the people whose strength and clarity of vision led us through the journey. For young children and older Americans alike, it would serve as an important reminder of how very far we have come.

The National Park Service has already conducted a feasibility study about this trail. Their study concluded that the Votes for Women's History Trail is of historical value, national significance, and possesses significant potential for public use and enjoyment. The study examined over 300 properties and narrowed the list to the 20 of the most significant and easily accessible to the public.

I am proud to introduce this bill on behalf of Senators SCHUMER, FEINSTEIN, LANDRIEU, CANTWELL, and MURRAY, and STABENOW. I look forward to working with them and so many of my other colleagues to make the Votes for Women's History Trail a reality.

By Mr. MCCAIN (for himself, Mr. DODD, Mr. ALLEN, Mr. BREAUX, Mr. WARNER, Mr. AKAKA, Mr. BENNETT, Mrs. LINCOLN, Ms. COLLINS, Mr. HOLLINGS, Mr. CHAFEE, Mr. FITZGERALD, Ms. LANDRIEU, Mr. BROWNBACK, Mr. CAMPBELL, Mr. HAGEL, Mr. ROBERTS, Mr. SARBANES, Mr. SMITH, and Ms. SNOWE):

S. 750. A bill to amend title II of the Social Security Act to increase the level of earnings under which no individual who is blind is determined to have demonstrated an ability to engage in substantial gainful activity for purposes of determining disability; to the Committee on Finance.

Mr. MCCAIN. Mr. President, I rise today to introduce an important piece of legislation, which will have a tremendous impact on the lives of blind people throughout the country. In 1996, with the passage of the Senior Citizens Freedom to Work Act, Congress broke the historic 20-year link between blind people and senior citizens in regards to the Social Security earnings. Previously, that linkage to earnings limits helped many blind people become self-sufficient and productive members of society.

The Senior Citizens Freedom to Work Act raised the earnings limit for seniors, without giving blind people the same opportunity. My intent when I sponsored that legislation was not to break the link between blind people and the senior population. Since then, I have worked with a bipartisan group of senators, in the spirit of fairness, to ensure that the blind population receives a raise in earnings limits, similar to that afforded to seniors under the 1996 Act. We must not continue policies which discourage blind individuals from working and contributing to our nation. I believe we should provide blind people with the opportunity to be productive and ''make it'' on their own.

Today I am joined by my good friend Senator DODD, and a bipartisan group of senators, in introducing the Blind Empowerment Act of 2003. This bill is

similar in purpose to the Blind Person's Earnings Equity Act, which I sponsored in previous Congresses. Over a five year period of time, the Blind Empowerment Act raises the earnings exemption for blind persons to afford them with greater flexibility to achieve their professional and personal goals, without sacrificing Social Security benefits.

The earnings test treatment of our blind and senior populations historically has been identical. From 1977, blind persons and senior citizens shared the identical earnings exemption threshold under Title II of the Social Security Act. The earnings limit for the blind is currently $1,330 a month for fiscal year (FY) 2003, had the link not been broken in the Senior Citizens Freedom to Work Act, it would be $2,560 today. Senior citizens are now given unlimited opportunity to increase their earnings without losing a portion of their Social Security benefits. The blind, however, have been left behind.

The Social Security earnings test imposes as great a work disincentive for blind people as it once did for senior citizens. In fact, the earnings test probably provides a greater aggregate disincentive for blind individuals because many blind beneficiaries are of working age and are capable of valuable and productive work.

Blindness is often associated with adverse social and economic consequences. Many blind individuals who desperately want to work encounter enormous obstacles to achieve sustained employment or any employment at all. They take great pride in being able to work and contribute to society. By linking the blind with seniors in 1977, Congress provided a great deal of hope and an incentive for blind people to enter the work force. By not allowing blind individuals the opportunity to increase their earnings, as we have for senior citizens, we are now taking that hope away from them.

Blind people are likely to respond favorably to an increase in the earnings test by working more, which will increase their tax payments and purchasing power allowing the blind to make a greater contribution to the general economy. In addition, encouraging blind individuals to work and allowing them to work more without being penalized would bring additional revenue into the Social Security trust funds as well as the federal Treasury.

I hope that this Congress will finally address issues regarding the overall structure of the Social Security system and work towards solutions that will strengthen the system for seniors of today and tomorrow without placing an unfair burden on working Americans. It is absolutely crucial that we include raising the earnings test for blind individuals as a part of any Social Security bill we enact this year.

I urge each of my colleagues to join me in sponsoring the Blind Empowerment Act of 2003, to restore fair and equitable treatment for our blind citizens and to give the blind community increased financial independence. Our Nation would be better served if we restore hope for the blind and provide them with the freedom, opportunities and fairness afforded to our Nation's seniors.

I ask unanimous consent that the text of the Blind Empowerment Act of 2003 be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 750

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

SECTION 1. SHORT TITLE.

The Act may be cited as the ''Blind Empowerment Act of 2003''.

SEC. 2. INCREASE IN AMOUNT DEMONSTRATING SUBSTANTIAL GAINFUL ACTIVITY IN THE CASE OF BLIND INDIVIDUALS.

Section 223(d)(4) of the Social Security Act (42 U.S.C. 423(d)(4)) is amended—

(1) by striking the second sentence of subparagraph (A); and

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

''(C)(i) No individual who is blind shall be regarded as having demonstrated an ability to engage in substantial gainful activity on the basis of monthly earnings in any taxable year that do not exceed an amount equal to—

''(I) in the case of earnings in the taxable year beginning after December 31, 2002, and before January 1, 2004, $1,330 per month;

''(II) in the case of earnings in the taxable year beginning after December 31, 2003, and before January 1, 2005, $1,720 per month;

''(III) in the case of earnings in the taxable year beginning after December 31, 2004, and before January 1, 2006, $2,110 per month;

''(IV) in the case of earnings in the taxable year beginning after December 31, 2005, and before January 1, 2007, $2,500 per month; and

''(V) in the case of earnings in taxable years beginning after December 31, 2006, the dollar amount determined for purposes of this clause under clause (ii).

''(ii) The Commissioner of Social Security shall, on or before November 1 of 2006 and of every year thereafter, determine and publish in the Federal Register the monthly dollar amount for purposes of clause (i) in the case of taxable years beginning with or during the succeeding calendar year. Such dollar amount shall be the larger of—

''(I) the monthly dollar amount in effect under clause (i) for taxable years beginning with or during the calendar year in which the determination under this clause is made, or

''(II) the product of $2,500 and the ratio of the national average wage index (as defined in section 209(k)(1)) for the calendar year before the year in which the determination under this clause is made to the national average wage index (as so defined) for 2004,

with such product, if not a multiple of $10, being rounded to the next higher multiple of $10 where such amount is a multiple of $5 but not of $10 and to the nearest multiple of $10 in any other case.''.

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall apply with respect to taxable years beginning after December 31, 2002.

Mr. DODD. Mr. President, I rise today with my colleague from Arizona, Senator JOHN MCCAIN, to reintroduce legislation that we've sponsored in the past, the ''Blind Empowerment Act of 2003.'' This legislation would restore the 20-year link between blind people and senior citizens with respect to the Social Security earnings limit. It will have a tremendous impact on the lives of many blind people, helping them become more self-sufficient and productive members of society.

Today there are nearly 1.1 million Americans who are blind, with 75,000 more becoming blind each year. With today's technology, blind and visually-impaired individuals can do just about anything. Blind people today are employed as farmers, lawyers, secretaries, nurses, managers, childcare workers, social workers, teachers, librarians, stockbrokers, accountants, and journalists, among many other things. The Federal Government should do all within its power to facilitate and encourage the blind and visually-impaired to enter the workforce. Many public and private initiatives provide the technical advancement necessary to educate and employ the blind at the same level as their sighted peers. For example, the National Federation of the Blind, NFB, has created an institute to utilize technological advancements for the blind in an effort to promote employment of the blind throughout the nation. The NFB helps employers provide adaptive technology, consultation, and training so that they can better accommodate the needs of blind and visually-impaired employees.

In 1996, Congress passed the Senior Citizens Freedom to Work Act, which broke the longstanding linkage between the treatment of blind people and seniors under Social Security. This allowed the earnings limit to be raised for seniors, but not for the blind. As a result, blind people do not have the opportunity to increase their earnings without jeopardizing their Social Security benefits. In 2002, that limit was at $14,800. If a blind individual earns more than that, his or her Social Security benefits are not protected.

The purpose of the Senior Citizens Freedom to Work Act was to allow seniors to continue contributing to society as productive workers while still receiving social security benefits. Historically, the earnings test treatment of seniors and blind people has been identical under Title II of the Social Security Act. With this legislation, we must do the same for the blind population of America as we have done for the seniors. We must provide blind people the same opportunity to be productive and contribute to their own stability. We must not discourage these individuals from working.

The current earnings test provides a disincentive for the blind population, many of whom are working age and capable of productive work. Work provides one of the fundamental ways individuals express their talents and allow them to make a contribution to society and to their loved ones. Blind individuals face constant hurdles when it comes to employment. Parents,

teachers, or counselors may tell them they can't do it. Employers sometimes don't even give them the opportunity to try. But blind people and others with severe visual impairments take great pride in being able to work, just like the rest of us. They are likely to respond favorably to an increase in the earnings test because they want to work. We don't want to create yet another hurdle to employment for blind individuals with the Social Security earnings test. By allowing those with visual impairments to work more without penalty, we would increase both their tax contribution and their purchasing power. By doing so we would also bring additional funds into the Social Security trust fund and the Federal Treasury.

I urge my colleagues to join me in sponsoring this important legislation to restore the fair and equal treatment for the blind citizens of America. The ''Blind Empowerment Act of 2003'' will provide the blind population with the same freedom and opportunities as our Nation's seniors and the rest of the citizens of this nation.

By Mr. BAUCUS (for himself, Mr. DASCHLE, Mr. JOHNSON, Mr. CAMPBELL, Mr. BINGAMAN, Mr. INOUYE, and Mr. AKAKA):

S. 751. A bill to amend part A of title IV of the Social Security Act to reauthorize and improve the operation of temporary assistance to needy families programs operated by Indian tribes, and for other purposes; to the Committee on Finance.

Mr. BAUCUS. Mr. President, today, I am re-introducing the American Indian Welfare Reform Act, an important step in improving the lives of this country's Native Americans. I originally introduced this bill last year and worked to include important elements of it in the welfare reform reauthorization bill approved by the Finance Committee. Unfortunately, we did not finish work on welfare reform reauthorization. So I am again offering this bill, with some improvements based on advice from tribes and other experts. I am glad to be joined by Senators DASCHLE, JOHNSON, CAMPBELL, BINGAMAN, INOUYE, and AKAKA.

In 1996 we enacted a sweeping welfare reform law. It was a long past-due fundamental change and ended a failed system for helping low-income families in America. I was a strong supporter of that law. This year, we continue to work to reauthorize it. As we in the Finance Committee have reviewed the evidence I have been struck by how successful it has been. The ranks of those dependent on welfare in this country has been reduced by half in just five years. There is more to be done, of course. Child poverty has declined but not by as much as the fall in the welfare caseload, for example. I plan to work with my Finance Committee colleague Senator GRASSLEY on comprehensive legislation to renew and improve the 1996 law.

One often overlooked important aspect of the 1996 law is that it didn't just devolve authority to States—it also permitted Indian tribes to operate their own welfare programs for the first time. The new welfare program, Temporary Assistance for Needy Families, TANF, is very flexible. Tribes can take advantage of that flexibility to design culturally-appropriate programs to move people from welfare to work. This is smart policy and is consistent with the important value of tribal sovereignty. I support it.

My own State of Montana is home to several tribes and I have given much thought to how we can build upon the provisions of the 1996 welfare law to help them and their members. Too often in Montana—and elsewhere—poverty has an Indian face. The numbers are cold and hard. According to the Census Bureau, 25.9 percent of American Indians live in poverty, more than twice the national poverty rate. The average household income for Indians in 2000 was only 75 percent of that of the rest of Americans. This is simply not right. We must do better. Welfare reform needs to work for everyone.

Luckily, the provisions of the 1996 law provide a good start. Now we must build upon them. The legislation I introduce today, the product of extensive dialogue and consultation, does that in several important ways.

First, more than 30 tribes—including the Confederated Salish-Kootenai and Fort Belknap tribes of Montana—have taken advantage of the opportunity to operate their own TANF programs. This bill contains provisions to help those tribes improve their programs. For example, under current law, tribes operating TANF are not eligible for the TANF high performance bonus or the TANF contingency fund while state TANF programs are. This oversight is rectified by this bill.

Second, there are many tribes interested in operating TANF programs who do not believe the current set-up allows them to do so. They want to exercise their sovereignty and adapt their program to better fit the needs of their people. We should help them do so. To that end, I propose creating a new grant fund to improve tribal governmental capacity. We have funded State administrative capacity for decades, helping States buy computer systems and train workers. We should do the same for tribal human services administration. Under this bill, a tribe which wants to operate TANF but needs to upgrade its computers to do it could receive the funding it needs—which will enable it to take over TANF.

Third, there are some tribes not interested in running a TANF program or a long time from being able to do it. Their low-income families will continue to receive assistance from State programs. I have included provisions to facilitate State-tribe dialogue in these cases so that the state can better understand the unique circumstances of each Indian reservation. There is also an important provision to allow States the same flexibility in designing welfare-to-work programs on high unemployment reservations that tribes gain when they operate TANF programs. We must ensure all Indian families are able to get help when they need it.

Finally, there is the all-important issue of economic development. A General Accounting Office review of Census Bureau data found that 25 of the 26 counties in the U.S. with a majority of American Indians had poverty rates ''significantly'' higher than average. Welfare reform is about moving people to work. On most of our Indian reservations there is simply far too little work to be had. Like everyone else, Indians want to work. We need to do better in giving them the opportunity.

This legislation provides tribes with an expanded authority to issue bonds, which will encourage additional economic activity on reservations, such as housing construction. This means more jobs, as well as a better quality of life. It also includes grants to help tribes improve their own economic development strategies. Tribes with uniform commercial codes and effective micro-enterprise programs can see more business activity on their lands. This bill helps tribes helps themselves. We need to let Indians find their own way to prosperity, not impose top-down strategies. But we must make sure they have the tools to get there.

This is an important bill. It includes other key provisions. One is a fine bill originally introduced by Senators DASCHLE and MCCAIN to allow tribes to receive direct Federal reimbursement for operating foster care programs. Another provision funds research on tribal welfare reform programs so we can learn what works as well as providing funds for ''peer-learning'' so that tribes can learn from one another. I am a strong supporter of welfare reform. We need to make sure it works for everyone. This bill does that.

I ask unanimous consent that a summary of the legislation be printed in the RECORD.

There being no objection, the additional material was ordered to be printed in the RECORD, as follows:

SUMMARY OF THE AMERICAN INDIAN WELFARE REFORM ACT

1. FINDINGS

The Federal Government bears a unique trust responsibility for American Indians. Despite this responsibility, Indians remain remarkably impoverished. According to the Census Bureau, 25.9 percent of American Indians live in poverty, more than twice the national poverty rate. The average household income for Indians in 2000 was only 75 percent of that of the rest of Americans. In some states with substantial Indian populations the welfare caseload has become increasingly Indian because some Indians face substantial barriers in moving from welfare to work. A General Accounting Office review of Census Bureau data found that 25 of the 26 counties in the U.S. with a majority of American Indians had poverty rates ''significantly'' higher than average. Further, many Indian tribes are located in isolated rural areas, far from economic opportunity. Tribal

Temporary Assistance for Needy Families, TANF, programs have demonstrated remarkable success in moving Indians from welfare to work. Tribal governments have not been afforded equal opportunity to administer foster care and adoption assistance programs. Welfare reform has not brought enough change to Indian Country.

2. THE TRIBAL TANF IMPROVEMENT FUND

The 1996 welfare reform law permits tribes to opt to operate their own Temporary Assistance for Needy Families, TANF, programs. A new Tribal TANF Improvement Fund of $500 million, to be available for 5 years, would be created to build upon these programs and allow more tribes to start them. It would have four parts:

Tribal Capacity Grants. State governments have benefitted from decades of federal investment in their administrative capacity, particularly in their information management systems. $185 million of the Fund would be reserved for grants to improve tribal human services program infrastructure, with a priority for management information systems and training. Tribes applying to operate TANF would be given priority. Tribes already operating TANF, applying to operate IV-E foster care programs with direct federal funding, and operating the new consolidated tribal job training program would also be eligible for grants. HHS would be required to assure that tribes of all sizes received funding and to maximize the number of tribes which receive funding. Tribes would be eligible for one grant per year.

Adjusted Tribal TANF Grants. Tribes which take over operation of TANF often experience significant increases in caseload as poor families apply for help for the first time because they are more comfortable asking assistance from the tribe or simply because they are more able to access services. Yet tribal TANF allocations are based on estimates of Indians served by state programs in 1994, which can leave the tribe facing funding levels which are too low. To better support families in tribal TANF programs, $140 million of the fund would be reserved for grants to tribal TANF programs where the tribe can demonstrate it has a significantly higher true caseload than originally estimated. Tribes with cash assistance caseloads two years after beginning operation of a TANF program which are 20 percent higher than originally estimated would be eligible for additional funding. The funds would be allocated proportionate to a tribe's size and service population as well as the caseload increase, on the basis of a formula to be determined by HHS in consultation, by region, with tribes. The funding level would be $35 million per year, from FY 2004–2007.

Tribal TANF MOE Incentive. A key factor in tribes being able to operate TANF programs has been the willingness and ability of states to contribute funding as part of the broader state maintenance of effort, MOE, requirement. To encourage states to do this, up to an additional $160 million would be available for ''rebates'' of TANF funds to states which provide MOE support to tribal TANF programs. For each $1 in MOE funds provided, the federal government would provide an additional 50 cents in TANF funding to the state. If funding is insufficient, HHS would provide pro-rata funding to ensure each state contributing MOE receives a share of the incentive funds.

Technical Assistance. HHS would receive $15 million to provide technical assistance to tribes. At least $5 million of these funds would be reserved to support peer-learning programs among tribal administrators and at least $5 million would be reserved for grants to tribes to conduct feasibility studies of their capacity to operate TANF.

III. TRIBAL TANF HIGH PERFORMANCE BONUS AND CONTINGENCY FUND ACCESS

There are separate sources of funding within TANF that tribes do not have the ability to access. To better support tribal TANF programs, 3 percent of the current TANF ''high performance'' bonus—or $6 million/year—would be reserved for distribution to tribal TANF programs. The criteria would be determined by HHS through consultation with tribes, but should involve effectiveness in moving TANF recipients into employment and self-sufficiency. In addition, $50 million of the $2 billion TANF Contingency fund would be reserved for tribal TANF programs operating in situations of increased economic hardship. The criteria for tribal access to the Contingency Fund would also be determined by HHS through consultation with the tribes, but would include a worsening economic condition, loss of reservation employers, or a loss of state match funding. In addition, current restrictions on the use of ''carryover'' TANF funds would be eliminated, permitting tribes to spend prior year TANF funds with just as much flexibility as current year TANF funds.

IV. ECONOMIC DEVELOPMENT

There are four elements in the bill to stimulate more economic activity on economically-depressed reservations.

Expanded tribal authority to issue tax-exempt private activity bonds. Currently, tribes have a limited authority to issue private activity bonds for ''essential'' governmental functions and for certain manufacturing-related purposes. This provision would allow bonds to be used for residential rental properties and qualified mortgage bonds, spurring construction. In addition, tribes could allocate authority for financing businesses that would qualify as enterprise zone businesses if the reservation were a zone. All property financed would have to be on the reservation of the issuing tribal government and qualified tribal governments would have to have an unemployment rate of at least 20 percent. Casinos and certain other forms of businesses could not be financed by the bonds. The authority would be for calendar years 2004–2008, and up to $10 million total would be available for each qualifying tribe.

Tribal Development Grants. A key part of tribal economic development is the investment climate on the reservation. Tribes with clear legal codes and which encourage micro-enterprise activities are more likely to generate economic growth. To facilitate this, the Administration for Native Americans within HHS would receive $50 million to distribute in grants to tribes, tribal organizations and non-profit organizations to provide technical assistance to tribes in the areas of: Development and improvement of uniform commercial codes; creating or expanding small business or micro-enterprise programs; development and improvement of tort liability codes; creating or expanding tribal marketing efforts; for-profit collaborative business networks; and telecommunications.

Job Access and Reverse Commute Grants. A lack of transportation often hinders tribal economic development. To help address this need, tribes would be made directly eligible to receive Job Access and Reverse Commute grants from the federal Department of Transportation, which would permit tribes to pursue innovative TANF strategies around transportation. A tribal set-aside of 3 percent would be established in the program. Matching funds could be provided by tribes on an in-kind basis or with other federal funds, such as TANF.

Transportation Grants. A lack of transportation also often hinders individual Indians from moving from welfare-to-work. This need is particularly acute given the remote nature of many reservations. To assist Indians in acquiring reliable automobiles, a $10 million per year grant program would be created, beginning in FY 2004. Tribes would be given priority in receiving grants to create car ownership assistance programs. This program is based on a proposal originally put forward by Senator Jeffords.

V. TRIBAL JOB TRAINING PROGRAMS

There are currently two tribal job training programs, the NEW program and Welfare-to-Work grantees. To simplify and better co-ordinate programs, a new Tribal Employment Services Program, TESP, would be created in the Department of Labor by combining the two programs. It would be funded at $37 million annually and distributed to current Tribal NEW and Welfare-to-Work grantees as well as new applicants. TESP funds could be used for employment training efforts for those on, or at-risk of being on, public assistance. Tribes could also use the funds to assist non-custodial parents of children on, or at risk of being on, public assistance. To encourage state-tribal partnerships, TANF funds transferred to tribal TESP programs would be governed by TESP rules, not TANF rules. The bill also clarifies that the single plan, single budget, and single reporting requirements of PL 102–477 should be respected.

VI. TRIBAL CHILD CARE

The availability and quality of child care is basic to the success of welfare reform. Tribal welfare reform efforts are no exception. The tribal set-aside within the Child Care and Development Block Grant, CCDBG, would be increased to 5 percent to better support tribal welfare reform programs. HHS would be required to go through a negotiated rulemaking process, in consultation with tribal representatives, to determine an equitable allocation of the base funding among tribes. In addition, each tribe receiving CCDBG funding would develop their own health and safety standards, subject to approval of HHS. Tribal child care programs would have additional authority to use funds for construction and renovation.

VII. ''EQUITABLE ACCESS''

Many American Indians are—and will continue to be—served by state TANF programs. States will be required to consult with tribes within their borders on TANF state plans. Under current law, states are required to provide ''equitable access'' to services for Indians. State and tribal TANF plans would be required to describe how ''equitable access'' is provided to encourage better State-tribal co-operation. HHS would also be required to include in the annual TANF report to Congress state-specific information on the demographics and caseload characteristics of Indians served by state TANF programs.

In addition, HHS would be required to convene a new advisory committee on the status of non-reservation Indians. Too little is known about how these Indians are faring. The committee is to make recommendations for ensuring these Indians receive appropriate assistance. The committee would include federal, state, and tribal representatives as well as representatives of Indians not residing on reservations. A majority of those on the committee would be representatives of Indians not residing on reservations. GAO would also be required to conduct a study of the demographics of Indians not residing on reservations, including economic and health information, as well as reviewing their access to public benefits.

VIII. ''JOBLESSNESS''

As acknowledged by the 1996 welfare law, the federal time limit on assistance is not an appropriate policy on Indian reservations with severe unemployment. This provision

would be adjusted so that the time limit will not apply during months where the joblessness is above 20 percent, provided that TANF recipients are not in sanction status. In addition, in these areas of high joblessness, states would have flexibility to define work activities required for TANF participants, provided the recipient is participating in activities in accordance with an Individual Responsibility Plan and the state has included information in its state plan describing its policies in Indian Country areas of high joblessness, Tribal TANF programs already have flexibility in work activity definition.

IX. ALASKA PROVISIONS

The 1996 limits the ability of tribes in Alaska to design and operate programs. These provisions involving differential treatment for Alaskan Natives, such as those requiring tribal TANF programs to be ''comparable'' to the state program, would be removed.

X. TRIBAL FOSTER CARE PROGRAMS

Due to a long-standing oversight, tribes are not allowed to receive direct federal reimbursement when they operate foster care programs to take care of abused and neglected children. The provisions of S. 331, the Daschle-McCain legislation to rectify this oversight and allow tribes to receive direct federal funding to operate foster care programs, are included.

XI. FOOD STAMPS, MEDICAID, AND SCHIP

Up to 10 tribes operating TANF programs could receive waivers to perform eligibility determinations and/or operate Food Stamps, Medicaid, and the State Children's Health Insurance Program, SCHIP, as well. Matching requirements could be waived but not program integrity requirements. In addition, the programs would remain consistent with state rules. However, tribes would be able to demonstrate their ability to operate these programs and to serve low-income Indian families better.

XII. CHILD SUPPORT ENFORCEMENT

HHS would be required to promulgate final regulations concerning tribal child support programs within one year of enactment. In addition, HHS would be required to submit a report to Congress on the most appropriate ways of including tribal programs in the methodology of determining child support incentive payments.

XIII. ''BREAK THE CYCLE'' DEMONSTRATION PROGRAM

Inter-generational poverty is a frequent occurrence on Indian reservations. In an effort to reach the children of TANF recipients, a ''Break the Cycle'' demonstration program would be created. Up to 10 tribes would receive grants to develop programs aimed at ensuring children of TANF recipients complete high school or receive G.E.D.s. The tribes would submit proposals involving mentoring, tutoring, altering TANF rules, or teen pregnancy prevention towards this goal, and could collaborate with States. It would be authorized at $20 million per year for FY 2005–2008.

XIV. SOCIAL SERVICES BLOCK GRANT (SSBG)

SSBG is an important source of flexible funding to address the needs of the elderly, disabled, and low-income families. But tribes do not currently receive SSBG funds. Under this bill, when funding for SSBG exceeds $2.4 billion in a year, $10 million plus 2 percent of all funds beyond $2.4 billion is reserved for tribes. All tribes operating social service programs would be eligible for a share. HHS is required to develop a distribution formula through a consultation process with the tribes.

XV. RESEARCH

While there have been a handful of important initial studies of welfare reform in Indian Country, much remains unknown about how it has impacted Native Americans. Therefore, $2 million would be provided to HHS for research on tribal welfare programs and efforts to reduce poverty among American Indians in general. These funds could also be used to assist tribes in collecting data. To expend the funds, HHS would first have to issue a planned course of research and consultation with the tribes. Research funding applicants which propose to include tribal governments and tribal colleges in their work would have priority.

By Mr. BINGAMAN (for himself and Mrs. HUTCHISON):

S. 752. A bill to amend the Internal Revenue Code of 1986 to treat distributions from publicly traded partnerships as qualifying income of regulated investment companies, and for other purposes; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, I rise today with my colleague from Texas, Senator HUTCHISON to introduce legislation that will allow publicly traded partnerships to sell their stock to mutual funds so they can raise sufficient capital for new investments in pipelines and infrastructure. Because of current restrictions, publicly traded partnerships are hindered in their ability to sell their equity to mutual funds even though their equity is sold on public exchanges. The overwhelming majority of these partnerships are energy-related companies that need the ability to raise capital from mutual funds to build pipelines and other facilities. This legislation would be a strong shot in the arm for the economy as it encourages companies to begin new projects that are currently on hold for lack of capital. It also provides us with the ability to expand our pipeline network to meet our current demands for natural gas. I look forward to working with my colleagues to advance this important legislation.

Mrs. HUTCHISON. Mr. President, I am pleased to introduce a bill with Senator BINGAMAN that takes an important step toward modernizing the Internal Revenue Code.

Decades ago, investment companies which manage mutual funds were limited in the amount of income they could receive from investments in partnerships.

At the time, this restriction was established to address legitimate concerns and protect the interests of investors. Ownership interests in partnerships can be illiquid, so it is difficult to get one's money out of the investment. Partnerships are also not required to be transparent in their financial statements, so it could be difficult for investors to accurately assess a business

However, the world has changed. Some partnerships have been able to go public and offer shares on the stock markets, so the problem of liquidity is solved. By going public, they must meet much higher standards of financial transparency, including regularly publishing audited financial statements for investors. Currently, 50 publicly traded partnerships trade on major U.S. stock exchanges; 14 of these companies are headquartered in my home State, Texas.

Unfortunately, tax laws have not reflected this change in the business and financial worlds. Mutual funds are still restricted in how much they can invest in any partnership, including those that are publicly traded. This significantly impedes the ability of these companies to raise capital. It limits their ability to grow and create jobs.

Publicly traded partnerships play an important role in the economy. About half are in the energy sector, actively involved in building and operating infrastructure to gather, process and transport oil and natural gas. These partnerships also include timber and real estate companies. It is clear we need a healthy energy sector to ensure the availability of oil and gas at reasonable prices.

The bill Senator BINGAMAN and I introduce today will lead to a dramatic increase in the flow of capital to these companies. Mutual funds, which often purchase a majority of equity offerings, will be able to participate in stock offerings from publicly traded partnerships. This will expand the investor base and lower the cost of capital, ultimately helping to lower energy prices.

Our bill will also provide millions of investors an opportunity, through their mutual funds, to participate in another investment opportunity if their professional mutual fund managers believe it is an attractive investment.

It is wrong for the Federal Government to use the tax code to make decisions for investors. The bill we are introducing will modernize our tax laws so families can make their own financial planning decisions. This legislation will also provide an important source of capital for key areas of the economy. I hope my colleagues will support this long overdue improvement.

By Mr. HATCH (for himself, Mr. BREAUX, Mr. BAUCUS, and Mr. GRASSLEY):

S. 753. A bill to amend the internal Revenue Code of 1986 to provide for the modernization of the United States Tax Court, and for other purposes; to the Committee on Finance.

Mr. HATCH. Mr. President, I rise today to introduce the Tax Court Modernization Act. I am joined in this legislation by my colleague Senator BREAUX, and by the Chairman and Ranking Democrat of the Finance Committee, Senator GRASSLEY and Senator BAUCUS.

The United States Tax Court plays an important role in our tax system. However, it has been years since Congress has taken a good hard look at the Tax Court. This bipartisan piece of legislation will improve this Court in a number of ways, and I would like to take a moment to summarize some of its provisions.

First, the TCMA would make minor changes in the Tax Court's jurisdiction. These are small changes that will

have a big impact on the Court's efficiency. For example, the bill would allow the Tax Court to hire employees on its own, just as other courts do. Currently, the Tax Court is forced to hire through the Executive Branch's Office of Personnel Management, entangling the executive power with the judicial power. Restoring the constitutional separation of powers in the hiring process will increase the independence of the Tax Court.

Second, the TCMA would improve the way that Tax Court judges receive retirement benefits and other non-salary benefits. I believe that Tax Court judges should be treated the same way that bankruptcy, Court of Federal Claims, and Article III judges are treated when it comes to fringe benefits.

Tax Court judges are often not provided with the same benefits as similarly appointed Article I and Article III judges. For example, Congress allows Article III, bankruptcy, and Court of Federal Claims judges to participate in the Thrift Savings Plan in addition to the Civil Service Retirement System, while Tax Court judges are ineligible to participate in this program. These disparities in the treatment of our Tax Court judges affect the Court's ability to attract and retain seasoned judges, as well as talented employees.

I have spent many years observing the Federal judiciary. I have spent many years trying to improve the Judicial Branch of our government and to make it the very finest court system the world has ever known. I look forward to working with my colleagues on the Senate Finance Committee on this important piece of legislation. I urge my colleagues, both on the Finance Committee and in the Senate as a whole, to support this legislation.

Mr. BAUCUS. Mr. President, I rise today to support the Tax Court Modernization Act. I am pleased to be an original cosponsor of this important legislation.

In 1969, Congress elevated the U.S. Tax Court as a Federal court of record under Article I of the Constitution of the United States.

Congress created the Tax Court to provide a judicial forum in which affected persons could dispute tax deficiencies determined by the Commissioner of the Internal Revenue Service prior to payment of the disputed amounts. That means that the Tax Court's jurisdictional requirements are, in part, a recognition that lower and middle income taxpayers cannot necessarily pay the tax deficiency before taking their dispute to court.

Congress also closely linked the legislation governing the Tax Court with the laws governing the Article III District Courts. Unfortunately, the Congress did not include the Tax Court in the changes made for Article III courts.

This legislation is designed to restore parity between the Tax Court and Article III courts, and to modernize their personnel and pension systems.

I also want to thank Senators BREAUX and HATCH for their efforts in moving this legislation forward. The Finance Committee intends to markup the Tax Court Modernization Act tomorrow. It is my hope that the Committee favorably reports the legislation. I also hope that, soon after Committee action, Majority Leader FRIST and Minority Leader DASCHLE bring the Tax Court Modernization Act to the floor for swift passage.

By Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. HATCH, Mr. THOMAS, Mrs. LINCOLN, and Mr. ROCKFELLER):

S. 755. A bill to amend the Internal Revenue Code of 1986 to provide a uniform definition of child, and for other purposes; to the Committee on Finance.

Mr. BAUCUS. Mr. President, today Senator GRASSLEY and I are taking a significant step forward in our efforts to simplify the tax code. Today, we are introducing an important simplification legislation—the Uniform Definition of Child Act.

This legislation is based on the support of many for simplification in this area of the tax law. The President's FY 2004 budget, which was released on April 15, 2002, includes a simplification proposal to provide a uniform definition of a qualifying child. This is the first in a series of Department of Treasury ''white papers'' on simplification.

The concept of a uniform definition of qualifying child also enjoys support from the American Bar Association, the American Institute of CPAs, the Tax Executives Institute, the Internal Revenue Service's Taxpayer Advocate, and staff of the Joint Committee on Taxation.

Under current law, the complexity in this area is daunting. There are five commonly used provisions that provide benefits to taxpayers with children: the dependency exemption, the child credit, the earned income credit, the dependent care credit, and head of household filing status.

Each of the five provisions uses variations of four principal criteria to determine whether a taxpayer qualifies for applicable tax benefits with respect to a particular child: age of the child, relationship of the child to the taxpayer, residency of the child with the taxpayer, and the amount of financial support provided the child by the taxpayer.

Thus, a taxpayer is required to apply different definitions with respect to the same child when determining eligibility for these provisions. A taxpayer who qualifies with respect to a child for one provision does not necessarily qualify for another. As a result, publications, forms, instructions and schedules that are applicable to child related provisions number about 200 pages for the preparation of an individual income tax return.

A tremendous number of families are impacted by these Code provisions. For example, 44 million taxpayers claimed the dependency exemption in the 2001 tax year. The IRS also indicates that a significant portion of the issued math error notices are attributable to these five provisions of the Internal Revenue Code. In 1999, for example, 44 percent of the 7.6 million math error notices were attributable to these provisions—40 percent of the total math error notices were attributable the dependency exemption, the child tax credit and the earned income tax credit alone.

The legislation reduces complexity through reconciliation of the varying child definitions into a single definition for a ''qualifying child.'' The uniform child definition generally establishes eligibility for all five tax benefits if the child meets the age requirements described below, a relationship requirement, and a residency requirement—i.e., the child has the same principal place of abode as the taxpayer for more than one-half the taxable year.

The residency requirement is an important departure from current law in which the child tax benefits frequently rely upon financial support tests which impose significantly higher administrative burdens in the form of additional record-keeping not otherwise required under the tax law. The legislation also preserves the tax rights of children who provide more than half of their own support by excluding those children from the uniform definition of a qualifying child.

The underlying policy objectives of the present law provisions are retained. For example, the legislation retains underlying policy by not adjusting the ages of qualification—i.e., under age for the dependent care credit, under age 17 for the child tax credit, and under age 19—or age 24 if a full-time student for the dependency exemption, the earned income tax credit, and head of household filing status.

The legislation applies a single relationship test to the varying Code sections. Significantly, the proposal retains current law as an alternative to the extent that a person does not meet the revised uniform child definition—e.g., an elderly parent can still be claimed for purposes of the dependency exemption.

Under the Uniform Definition of Child Act, there will be instances in which multiple taxpayers qualify with respect to a given child. To address this issue, the proposal extends the present law earned income credit tie-breaker rule to the other benefits for multiple eligible claimants. That rule awards the tax benefit (i) to a parent over a non-parent, (ii) to the parent with longer residency or the highest AGI if residency is not determinative between parents, and (iii) to the taxpayer with the highest AGI if all claimants are non-parents. Finally, the legislation continues to allow divorced or separated spouses to assign the dependency exemption and the child tax credit to non-custodial parents provided that certain support and residency tests are met.

Simplification of the tax code should be more than just rhetoric. It is time for us to put legislation behind our words. We intend to continue to look at other areas of the tax code in need of simplification.

Senator GRASSLEY and I also want to thank our Finance Committee colleagues, Senators HATCH, THOMAS and LINCOLN, for their support of the Uniform Definition of Child Act of 2003. Simplification of the tax laws for the families of our nation is not partisan, it is not political, it is simply common sense.

Mr. President, I ask unanimous consent that the Uniform Definition of Child Act of 2003 be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 755

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 ''Uniform Definition of Child Act of 2003''.

SEC. 2. UNIFORM DEFINITION OF CHILD, ETC.

Section 152 of the Internal Revenue Code of 1986 is amended to read as follows:

''SEC. 152. DEPENDENT DEFINED.

''(a) IN GENERAL.—For purposes of this subtitle, the term 'dependent' means—

''(1) a qualifying child, or

''(2) a qualifying relative.

''(b) EXCEPTIONS.—For purposes of this section—

''(1) DEPENDENTS INELIGIBLE.—If an individual is a dependent of a taxpayer for any taxable year of such taxpayer beginning in a calendar year, such individual shall be treated as having no dependents for any taxable year of such individual beginning in such calendar year.

''(2) MARRIED DEPENDENTS.—An individual shall not be treated as a dependent of a taxpayer under subsection (a) if such individual has made a joint return with the individual's spouse under section 6013 for the taxable year beginning in the calendar year in which the taxable year of the taxpayer begins.

''(3) CITIZENS OR NATIONALS OF OTHER COUNTRIES.—

''(A) IN GENERAL.—The term 'dependent' does not include an individual who is not a citizen or national of the United States unless such individual is a resident of the United States or a country contiguous to the United States.

''(B) EXCEPTION FOR ADOPTED CHILD.—Subparagraph (A) shall not exclude any child of a taxpayer (within the meaning of subsection (f)(1)(B)) from the definition of 'dependent' if—

''(i) for the taxable year of the taxpayer, the child's principal place of abode is the home of the taxpayer, and

''(ii) the taxpayer is a citizen or national of the United States.

''(c) QUALIFYING CHILD.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualifying child' means, with respect to any taxpayer for any taxable year, an individual—

''(A) who bears a relationship to the taxpayer described in paragraph (2),

''(B) who has the same principal place of abode as the taxpayer for more than one-half of such taxable year,

''(C) who meets the age requirements of paragraph (3), and

''(D) who has not provided over one-half of such individual's own support for the calendar year in which the taxable year of the taxpayer begins.

''(2) RELATIONSHIP TEST.—For purposes of paragraph (1)(A), an individual bears a relationship to the taxpayer described in this paragraph if such individual is—

''(A) a child of the taxpayer or a descendant of such a child, or

''(B) a brother, sister, stepbrother, or stepsister of the taxpayer or a descendant of any such relative.

''(3) AGE REQUIREMENTS.—

''(A) IN GENERAL.—For purposes of paragraph (1)(C), an individual meets the requirements of this paragraph if such individual—

''(i) has not attained the age of 19 as of the close of the calendar year in which the taxable year of the taxpayer begins, or

''(ii) is a student who has not attained the age of 24 as of the close of such calendar year.

''(B) SPECIAL RULE FOR DISABLED.—In the case of an individual who is permanently and totally disabled (as defined in section 22(e)(3)) at any time during such calendar year, the requirements of subparagraph (A) shall be treated as met with respect to such individual.

''(4) SPECIAL RULE RELATING TO 2 OR MORE CLAIMING QUALIFYING CHILD.—

''(A) IN GENERAL.—Except as provided in subparagraph (B) and subsection (e), if (but for this paragraph) an individual may be claimed as a qualifying child by 2 or more taxpayers for a taxable year beginning in the same calendar year, such individual shall be treated as the qualifying child of the taxpayer who is—

''(i) a parent of the individual, or

''(ii) if clause (i) does not apply, the taxpayer with the highest adjusted gross income for such taxable year.

''(B) MORE THAN 1 PARENT CLAIMING QUALIFYING CHILD.—If the parents claiming any qualifying child do not file a joint return together, such child shall be treated as the qualifying child of—

''(i) the parent with whom the child resided for the longest period of time during the taxable year, or

''(ii) if the child resides with both parents for the same amount of time during such taxable year, the parent with the highest adjusted gross income.

''(d) QUALIFYING RELATIVE.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualifying relative' means, with respect to any taxpayer for any taxable year, an individual—

''(A) who bears a relationship to the taxpayer described in paragraph (2),

''(B) whose gross income for the calendar year in which such taxable year begins is less than the exemption amount (as defined in section 151(d)),

''(C) with respect to whom the taxpayer provides over one-half of the individual's support for the calendar year in which such taxable year begins, and

''(D) who is not a qualifying child of such taxpayer or of any other taxpayer for any taxable year beginning in the calendar year in which such taxable year begins.

''(2) RELATIONSHIP.—For purposes of paragraph (1)(A), an individual bears a relationship to the taxpayer described in this paragraph if the individual is any of the following with respect to the taxpayer:

''(A) A child or a descendant of a child.

''(B) A brother, sister, stepbrother, or stepsister.

''(C) The father or mother, or an ancestor of either.

''(D) A stepfather or stepmother.

''(E) A son or daughter of a brother or sister of the taxpayer.

''(F) A brother or sister of the father or mother of the taxpayer.

''(G) A son-in-law, daughter-in-law, father-in-law, mother-in-law, brother-in-law, or sister-in-law.

''(H) An individual (other than an individual who at any time during the taxable year was the spouse, determined without regard to section 7703, of the taxpayer) who, for the taxable year of the taxpayer, has as such individual's principal place of abode the home of the taxpayer and is a member of the taxpayer's household.

''(3) SPECIAL RULE RELATING TO MULTIPLE SUPPORT AGREEMENTS.—For purposes of paragraph (1)(C), over one-half of the support of an individual for a calendar year shall be treated as received from the taxpayer if—

''(A) no one person contributed over one-half of such support,

''(B) over one-half of such support was received from 2 or more persons each of whom, but for the fact that any such person alone did not contribute over one-half of such support, would have been entitled to claim such individual as a dependent for a taxable year beginning in such calendar year,

''(C) the taxpayer contributed over 10 percent of such support, and

''(D) each person described in subparagraph (B) (other than the taxpayer) who contributed over 10 percent of such support files a written declaration (in such manner and form as the Secretary may by regulations prescribe) that such person will not claim such individual as a dependent for any taxable year beginning in such calendar year.

''(4) SPECIAL RULE RELATING TO INCOME OF HANDICAPPED DEPENDENTS.—

''(A) IN GENERAL.—For purposes of paragraph (1)(B), the gross income of an individual who is permanently and totally disabled (as defined in section 22(e)(3)) at any time during the taxable year shall not include income attributable to services performed by the individual at a sheltered workshop if—

''(i) the availability of medical care at such workshop is the principal reason for the individual's presence there, and

''(ii) the income arises solely from activities at such workshop which are incident to such medical care.

''(B) SHELTERED WORKSHOP DEFINED.—For purposes of subparagraph (A), the term 'sheltered workshop' means a school—

''(i) which provides special instruction or training designed to alleviate the disability of the individual, and

''(ii) which is operated by an organization described in section 501(c)(3) and exempt from tax under section 501(a), or by a State, a possession of the United States, any political subdivision of any of the foregoing, the United States, or the District of Columbia.

''(5) SPECIAL SUPPORT TEST IN CASE OF STUDENTS.—For purposes of paragraph (1)(C), in the case of an individual who is—

''(A) a child of the taxpayer, and

''(B) a student,

amounts received as scholarships for study at an educational organization described in section 170(b)(1)(A)(ii) shall not be taken into account in determining whether such individual received more than one-half of such individual's support from the taxpayer.

''(6) SPECIAL RULES FOR SUPPORT.—For purposes of this subsection—

''(A) payments to a spouse which are includible in the gross income of such spouse under section 71 or 682 shall not be treated as a payment by the payor spouse for the support of any dependent,

''(B) amounts expended for the support of a child or children shall be treated as received from the noncustodial parent (as defined in subsection (e)(3)(B)) to the extent that such parent provided amounts for such support, and

''(C) in the case of the remarriage of a parent, support of a child received from the parent's spouse shall be treated as received from the parent.

''(e) SPECIAL RULE FOR DIVORCED PARENTS.—

''(1) IN GENERAL.—Notwithstanding subsection (c)(4) or (d)(1)(C), if—

''(A) a child receives over one-half of the child's support during the calendar year from the child's parents—

''(i) who are divorced or legally separated under a decree of divorce or separate maintenance,

''(ii) who are separated under a written separation agreement, or

''(iii) who live apart at all times during the last 6 months of the calendar year, and

''(B) such child is in the custody of 1 or both of the child's parents for more than ½ of the calendar year,

such child shall be treated as being the qualifying child or qualifying relative of the noncustodial parent for a calendar year if the requirements described in paragraph (2) are met.

''(2) REQUIREMENTS.—For purposes of paragraph (1), the requirements described in this paragraph are met if—

''(A) a decree of divorce or separate maintenance or written agreement between the parents applicable to the taxable year beginning in such calendar year provides that—

''(i) the noncustodial parent shall be entitled to any deduction allowable under section 151 for such child, or

''(ii) the custodial parent will sign a written declaration that such parent will not claim such child as a dependent for such taxable year, and

''(B) in the case of such an agreement executed before January 1, 1985, the noncustodial parent provides at least $600 for the support of such child during such calendar year.

''(3) CUSTODIAL PARENT AND NONCUSTODIAL PARENT.—For purposes of this subsection—

''(A) CUSTODIAL PARENT.—The term 'custodial parent' means the parent with whom a child shared the same principal place of abode for the greater portion of the calendar year.

''(B) NONCUSTODIAL PARENT.—The term 'noncustodial parent' means the parent who is not the custodial parent.

''(4) EXCEPTION FOR MULTIPLE-SUPPORT AGREEMENTS.—This subsection shall not apply in any case where over one-half of the support of the child is treated as having been received from a taxpayer under the provision of subsection (d)(3).

''(f) OTHER DEFINITIONS AND RULES.—For purposes of this section—

''(1) CHILD DEFINED.—

''(A) IN GENERAL.—The term 'child' means an individual who is—

''(i) a son, daughter, stepson, or stepdaughter of the taxpayer, or

''(ii) an eligible foster child of the taxpayer.

''(B) ADOPTED CHILD.—In determining whether any of the relationships specified in subparagraph (A)(i) or paragraph (4) exists, a legally adopted individual of the taxpayer, or an individual who is placed with the taxpayer by an authorized placement agency for adoption by the taxpayer, shall be treated as a child of such individual by blood.

''(C) ELIGIBLE FOSTER CHILD.—For purposes of subparagraph (A)(ii), the term 'eligible foster child' means an individual who is placed with the taxpayer by an authorized placement agency or by judgment, decree, or other order of any court of competent jurisdiction.

''(2) STUDENT DEFINED.—The term 'student' means an individual who during each of 5 calendar months during the calendar year in which the taxable year of the taxpayer begins—

''(A) is a full-time student at an educational organization described in section 170(b)(1)(A)(ii), or

''(B) is pursuing a full-time course of institutional on-farm training under the supervision of an accredited agent of an educational organization described in section 170(b)(1)(A)(ii) or of a State or political subdivision of a State.

''(3) PLACE OF ABODE.—An individual shall not be treated as having the same principal place of abode of the taxpayer if at any time during the taxable year of the taxpayer the relationship between the individual and the taxpayer is in violation of local law.

''(4) BROTHER AND SISTER.—The terms 'brother' and 'sister' include a brother or sister by the half blood.

''(5) TREATMENT OF MISSING CHILDREN.—

''(A) IN GENERAL.—Solely for the purposes referred to in subparagraph (B), a child of the taxpayer—

''(i) who is presumed by law enforcement authorities to have been kidnapped by someone who is not a member of the family of such child or the taxpayer, and

''(ii) who had, for the taxable year in which the kidnapping occurred, the same principal place of abode as the taxpayer for more than one-half of the portion of such year before the date of the kidnapping,

shall be treated as meeting the requirement of subsection (c)(1)(B) with respect to a taxpayer for all taxable years ending during the period that the individual is kidnapped.

''(B) PURPOSES.—Subparagraph (A) shall apply solely for purposes of determining—

''(i) the deduction under section 151(c),

''(ii) the credit under section 24 (relating to child tax credit),

''(iii) whether an individual is a surviving spouse or a head of a household (as such terms are defined in section 2), and

''(iv) the earned income credit under section 32.

''(C) COMPARABLE TREATMENT OF CERTAIN QUALIFYING RELATIVES.—For purposes of this section, a child of the taxpayer—

''(i) who is presumed by law enforcement authorities to have been kidnapped by someone who is not a member of the family of such child or the taxpayer, and

''(ii) who was (without regard to this paragraph) a qualifying relative of the taxpayer for the portion of the taxable year before the date of the kidnapping,

shall be treated as a qualifying relative of the taxpayer for all taxable years ending during the period that the child is kidnapped.

''(D) TERMINATION OF TREATMENT.—Subparagraphs (A) and (C) shall cease to apply as of the first taxable year of the taxpayer beginning after the calendar year in which there is a determination that the child is dead (or, if earlier, in which the child would have attained age 18).

''(6) CROSS REFERENCES.—

''For provision treating child as dependent of both parents for purposes of certain provisions, see sections 105(b), 132(h)(2)(B), and 213(d)(5).''.

SEC. 3. MODIFICATIONS OF DEFINITION OF HEAD OF HOUSEHOLD.

(a) HEAD OF HOUSEHOLD.—Clause (i) of section 2(b)(1)(A) of the Internal Revenue Code of 1986 is amended to read as follows:

''(i) a qualifying child of the individual (as defined in section 152(c), determined without regard to section 152(e)), but not if such child—

''(I) is married at the close of the taxpayer's taxable year, and

''(II) is not a dependent of such individual by reason of section 152(b)(2) or 152(b)3), or both, or''.

(b) CONFORMING AMENDMENTS.—

(1) Section 2(b)(2) of the Internal Revenue Code of 1986 is amended by striking subparagraph (A) and by redesignating subparagraphs (B), (C), and (D) as subparagraphs (A), (B), and (C), respectively.

(2) Clauses (i) and (ii) of section 2(b)(3)(B) of such Code are amended to read as follows:

''(i) subparagraph (H) of section 152(d)(2), or

''(ii) paragraph (3) of section 152(d).''.

SEC. 4. MODIFICATIONS OF DEPENDENT CARE CREDIT.

(a) IN GENERAL.—Section 21(a)(1) of the Internal Revenue Code of 1986 is amended by striking ''In the case of an individual who maintains a household which includes as a member one or more qualifying individuals (as defined in subsection (b)(1))'' and inserting ''In the case of an individual for which there are 1 or more qualifying individuals (as defined in subsection (b)(1)) with respect to such individual''.

(b) QUALIFYING INDIVIDUAL.—Paragraph (1) of section 21(b) of the Internal Revenue Code of 1986 is amended to read as follows:

''(1) QUALIFYING INDIVIDUAL.—The term 'qualifying individual' means—

''(A) a dependent of the taxpayer (as defined in section 152(a)(1)) who has not attained age 13,

''(B) a dependent of the taxpayer who is physically or mentally incapable of caring for himself or herself and who has the same principal place of abode as the taxpayer for more than one-half of such taxable year, or

''(C) the spouse of the taxpayer, if the spouse is physically or mentally incapable of caring for himself or herself and who has the same principal place of abode as the taxpayer for more than one-half of such taxable year.''.

(c) CONFORMING AMENDMENT.—Paragraph (1) of section 21(e) of the Internal Revenue Code of 1986 is amended to read as follows:

''(1) PLACE OF ABODE.—An individual shall not be treated as having the same principal place of abode of the taxpayer if at any time during the taxable year of the taxpayer the relationship between the individual and the taxpayer is in violation of local law.

SEC. 5. MODIFICATIONS OF CHILD TAX CREDIT.

(a) IN GENERAL.—Paragraph (1) of section 24(c) of the Internal Revenue Code of 1986 is amended to read as follows:

''(1) IN GENERAL.—The term 'qualifying child' means a qualifying child of the taxpayer (as defined in section 152(c)) who has not attained age 17.''.

(b) CONFORMING AMENDMENT.—Section 24(c)(2) of the Internal Revenue Code of 1986 is amended by striking ''the first sentence of section 152(b)(3)'' and inserting ''subparagraph (A) of section 152(b)(3)''.

SEC. 6. MODIFICATIONS OF EARNED INCOME CREDIT.

(a) QUALIFYING CHILD.—Paragraph (3) of section 32(c) of the Internal Revenue Code of 1986 is amended to read as follows:

''(3) QUALIFYING CHILD.—

''(A) IN GENERAL.—The term 'qualifying child' means a qualifying child of the taxpayer (as defined in section 152(c), determined without regard to paragraph (1)(D) thereof and section 152(e)).

''(B) MARRIED INDIVIDUAL.—The term 'qualifying child' shall not include an individual who is married as of the close of the taxpayer's taxable year unless the taxpayer is entitled to a deduction under section 151 for such taxable year with respect to such individual (or would be so entitled but for section 152(e)).

''(C) PLACE OF ABODE.—For purposes of subparagraph (A), the requirements of section 152(c)(1)(B) shall be met only if the principal place of abode is in the United States.

''(D) IDENTIFICATION REQUIREMENTS.—

''(i) IN GENERAL.—A qualifying child shall not be taken into account under subsection (b) unless the taxpayer includes the name, age, and TIN of the qualifying child on the return of tax for the taxable year.

''(ii) OTHER METHODS.—The Secretary may prescribe other methods for providing the information described in clause (i).''.

(b) CONFORMING AMENDMENTS.—

(1) Section 32(c)(1) of the Internal Revenue Code of 1986 is amended by striking subparagraph (C) and by redesignating subparagraphs (D), (E), (F), and (G) as subparagraphs (C), (D), (E), and (F), respectively.

(2) Section 32(c)(4) of such Code is amended by striking ''(3)(E)'' and inserting ''(3)(C)''.

(3) Section 32(m) of such Code is amended by striking ''subsections (c)(1)(F)'' and inserting ''subsections (c)(1)(E)''.

SEC. 7. MODIFICATIONS OF DEDUCTION FOR PERSONAL EXEMPTION FOR DEPENDENTS.

Subsection (c) of section 151 of the Internal Revenue Code of 1986 is amended to read as follows:

''(c) ADDITIONAL EXEMPTION FOR DEPENDENTS.—An exemption of the exemption amount for each individual who is a dependent (as defined in section 152) of the taxpayer for the taxable year.''

SEC. 8. TECHNICAL AND CONFORMING AMENDMENTS.

(1) Section 21(e)(5) of the Internal Revenue Code of 1986 is amended—

(A) by striking ''paragraph (2) or (4) of'' in subparagraph (A), and

(B) by striking ''within the meaning of section 152(e)(1)'' and inserting ''as defined in section 152(e)(3)(A)''.

(2) Section 21(e)(6)(B) of such Code is amended by striking ''section 151(c)(3)'' and inserting ''section 152(f)(1)''.

(3) Section 25B(c)(2)(B) of such Code is amended by striking ''151(c)(4)'' and inserting ''152(f)(2)''.

(4)(A) Subparagraphs (A) and (B) of section 51(i)(1) of such Code are each amended by striking ''paragraphs (1) through (8) of section 152(a)'' both places it appears and inserting ''subparagraphs (A) through (G) of section 152(d)(2)''.

(B) Section 51(i)(1)(C) of such Code is amended by striking ''152(a)(9)'' and inserting ''152(d)(2)(H)''.

(5) Section 72(t)(7)(A)(iii) of such Code is amended by striking ''151(c)(3)'' and inserting ''152(f)(1)''.

(6) Section 129(c)(2) of such Code is amended by striking ''151(c)(3)'' and inserting ''152(f)(1)''.

(7) The first sentence of section 132(h)(2)(B) of such Code is amended by striking ''151(c)(3)'' and inserting ''152(f)(1)''.

(8) Section 153 of such Code is amended by striking paragraph (1) and by redesignating paragraphs (2), (3), and (4) as paragraphs (1), (2), and (3), respectively.

(9) Section 170(g)(3) of such Code is amended by striking ''paragraphs (1) through (8) of section 152(a)'' and inserting ''subparagraphs (A) through (G) of section 152(d)(2)''.

(10) The second sentence of section 213(d)(11) of such Code is amended by striking ''paragraphs (1) through (8) of section 152(a)'' and inserting ''subparagraphs (A) through (G) of section 152(d)(2)''.

(11) Section 529(e)(2)(B) of such Code is amended by striking ''paragraphs (1) through (8) of section 152(a)'' and inserting ''subparagraphs (A) through (G) of section 152(d)(2)''.

(12) Section 2032A(c)(7)(D) of such Code is amended by striking ''section 151(c)(4)'' and inserting ''section 152(f)(2)''.

(13) Section 7701(a)(17) of such Code is amended by striking ''152(b)(4), 682,'' and inserting ''682''.

(14) Section 7702B(f)(2)(C)(iii) of such Code is amended by striking ''paragraphs (1) through (8) of section 152(a)'' and inserting ''subparagraphs (A) through (G) of section 152(d)(2)''.

(15) Section 7703(b)(1) of such Code is amended—

(A) by striking ''151(c)(3)'' and inserting ''152(f)(1)'', and

(B) by striking ''paragraph (2) or (4) of''.

SEC. 9. EFFECTIVE DATE.

The amendments made by this Act shall apply to taxable years beginning after December 31, 2003.

By Mr. THOMAS (for himself and Mr. GREGG):

S. 756. A bill to amend the Internal Revenue Code of 1986 to modify the qualified small issue bond provisions; to the Committee on Finance.

Mr. THOMAS: Mr. President, I am pleased to rise to introduce legislation with my distinguished colleague from New Hampshire, Mr. Gregg. Specifically, the bill we offer today would amend the Internal Revenue Code of 1986 to modify the qualified small issue bond provisions. Current restrictions built into the law decades ago prevent small manufacturers from realizing the full financial benefit from these bonds.

The manufacturing sector is a key component of the U.S. economy. It was particularly hard-hit in the most recent recession and continues to struggle. More than two million high-wage, quality jobs have been lost. These losses occurred in both large and small manufacturing facilities. Reversing the decline is critical for our Nation's economic well-being.

This bill targets a problem faced by many small manufacturers: the lack of investment capital. These manufacturers need access to financial resources to build, to grow, to employ new workers and to survive. One of the lowest-cost capital investment options currently available is tax-exempt Industrial Development Bonds or IDBs. These bonds are issued by state governments throughout the country and provide an excellent financial resource for companies looking to build or expand their manufacturing facilities.

The maximum IDB available for qualified projects was set in 1978 at $10 million. The purchasing power of that amount has declined by more than fifty percent over time, severely reducing the effectiveness of this financial tool. In addition, the ten million dollar ceiling is subject to a dollar reduction for other funding used in the project. These limits create a significant and unnecessary barrier. To help small manufacturers and acknowledge the technological advances made in the past 25 years, it is time to change the law.

This bill makes the necessary changes to ensure that the law reflects economic realities. It increases the bond cap and capital expenditure amounts from ten to twenty million dollars. An inflation adjuster is added to avoid a similar reduction in purchasing power in the future. Finally, we would expand the definition of manufacturing facilities to capture new technologies, namely biotech and software production.

Many factors are responsible for the current decline in the manufacturing sector. Our bill will not solve all the problems, but it does break down the capital investment barrier facing many small manufacturers. These businesses, and the communities in which they are located, need our help. This proposal will go a long way in achieving that objective and I urge all my colleagues to become a cosponsor.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 756

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

SECTION 1. MODIFICATIONS TO SMALL ISSUE BOND PROVISIONS.

(a) INCREASE IN AMOUNT OF QUALIFIED SMALL ISSUE BONDS PERMITTED FOR FACILITIES TO BE USED BY RELATED PRINCIPAL USERS.—

(1) IN GENERAL.—Clause (i) of section 144(a)(4)(A) (relating to $10,000,000 limit in certain cases) is amended by striking ''$10,000,000'' and inserting ''$20,000,000''.

(2) COST-OF-LIVING ADJUSTMENT.—Section 144(a)(4) is amended by adding at the end the following:

''(G) COST-OF-LIVING ADJUSTMENT.—In the case of a taxable year beginning in a calendar year after 2002, the $20,000,000 amount under subparagraph (A) shall be increased by an amount equal to—

''(i) such dollar amount, multiplied by

''(ii) the cost-of-living adjustment under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2001' for 'calendar year 1992' in subparagraph (B) thereof.''.

(3) CLERICAL AMENDMENT.—The heading of paragraph (4) of section 144(a) is amended by striking ''$10,000,000'' and inserting ''$20,000,000''.

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply to—

(A) obligations issued after the date of the enactment of this Act, and

(B) capital expenditures made after such date with respect to obligations issued on or before such date.

(b) DEFINITION OF MANUFACTURING FACILITY.—

(1) IN GENERAL.—Section 144(a)(12)(C) (relating to definition of manufacturing facility) is amended to read as follows:

''(C) MANUFACTURING FACILITY.—For purposes of this paragraph, the term 'manufacturing facility' means any facility which is used in—

''(i) the manufacturing or production of tangible personal property (including the processing resulting in a change in the condition of such property),

''(ii) the manufacturing, development, or production of specifically developed software products or processes if—

''(I) it takes more than 6 months to develop or produce such products,

''(II) the development or production could not with due diligence be reasonably expected to occur in less than 6 months, and

''(III) the software product or process comprises programs, routines, and attendant documentation developed and maintained for use in computer and telecommunications technology, or

''(iii) the manufacturing, development, or production of specially developed biobased or bioenergy products or processes if—

''(I) it takes more than 6 months to develop or produce,

''(II) the development or production could not with due diligence be reasonably expected to occur in less than 6 months, and

''(III) the biobased or bioenergy product or process comprises products, processes, programs, routines, and attendant documentation developed and maintained for the utilization of biological materials in commercial or industrial products, for the utilization of renewable domestic agricultural or forestry materials in commercial or industrial products, or for the utilization of biomass materials.

''(D) RELATED FACILITIES.—For purposes of subparagraph (C), the term 'manufacturing facility' includes a facility which is directly and functionally related to a manufacturing facility (determined without regard to subparagraph (C)) if—

''(i) such facility, including an office facility and a research and development facility, is located on the same site as the manufacturing facility, and

''(ii) not more than 40 percent of the net proceeds of the issue are used to provide such facility,

but shall not include a facility used solely for research and development activities.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to obligations issued after the date of the enactment of this Act.

By Mr. LIEBERMAN (for himself, Ms. SNOWE, Mr. DODD, Mr. ALLEN, Mrs. CLINTON, Mr. HARKIN, and Mr. AKAKA):

S. 758. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for certain energy-efficient property; to the Committee on Finance.

(At the request of Mr. DODD, the following statement was ordered to be printed in the RECORD.)

● Mr. LIEBERMAN. Mr. President, I rise today to introduce a bill, with Senator OLYMPIA SNOWE, to encourage the use of fuel cells, a clean and cutting-edge energy technology. Specifically, the bill would give consumers a tax credit for purchasing residential and commercial fuel cell systems to power their electricity. The tax credit would apply to stationary and portable fuel cell systems, and would be applicable for 5 years.

First used for space missions in the 1960s, fuel cells use an electrochemical reaction to convert energy from hydrogen-rich fuel sources into electricity. Because no combustion is involved, fuel cells produce virtually no air pollution and significantly reduce carbon dioxide emissions. Fuel cell units in operation today are capable of running 24 hours a day, 7 days a week, with only routine maintenance. They are installed around the world in power plants, hospitals, schools, banks, military installations, and manufacturing facilities. Smaller units for homeowners and small businesses will enter the commercial market shortly.

Fuel cell technology offers a clean, secure, and dependable source of energy that should be part of our national energy strategy. With oil and gas prices now reaching record highs, fuel cells are one excellent answer to our heightened energy demand and dependence on foreign oil. This legislation will power fuel cell technology by speeding its market introduction and by increasing its uses in our everyday lives.

Mr. President, I ask that the bill be printed in the RECORD.●

S. 758

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

SECTION 1. CREDIT FOR CERTAIN ENERGY-EFFICIENT PROPERTY.

(a) BUSINESS PROPERTY.—

(1) IN GENERAL.—Subparagraph (A) of section 48(a)(3) of the Internal Revenue Code of 1986 (defining energy property) is amended by striking ''or'' at the end of clause (i), by adding ''or'' at the end of clause (ii), and by inserting after clause (ii) the following new clause:

''(iii) energy-efficient building property,''.

(2) ENERGY-EFFICIENT BUILDING PROPERTY.—Subsection (a) of section 48 of such Code is amended by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively, and by inserting after paragraph (3) the following new paragraph:

''(4) ENERGY-EFFICIENT BUILDING PROPERTY.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'energy-efficient building property' means a fuel cell power plant that—

''(i) generates electricity using an electrochemical process,

''(ii) has an electricity-only generation efficiency greater than 30 percent, and

''(iii) generates at least 0.5 kilowatt of electricity using an electrochemical process.

''(B) LIMITATION.—In the case of energy-efficient building property placed in service during the taxable year, the credit determined under paragraph (1) for such year with respect to such property shall not exceed an amount equal to the lesser of—

''(i) 30 percent of the basis of such property, including expenditures for labor costs properly allocable to the onsite preparation, assembly, or original installation of the property and for piping or wiring to interconnect such property, or

''(ii) $1,000 for each kilowatt of capacity of such property.

''(C) SPECIAL RULES.—For purposes of subparagraph (A)(ii)—

''(i) ELECTRICITY-ONLY GENERATION EFFICIENCY.—The electricity-only generation efficiency percentage of a fuel cell power plant is the fraction—

''(I) the numerator of which is the total useful electrical power produced by such plant at normal operating rates, and expected to be consumed in its normal application, and

''(II) the denominator of which is the lower heating value of the fuel source for such plant.

''(ii) DETERMINATIONS MADE ON BTU BASIS.—The electricity-only generation efficiency percentage shall be determined on a Btu basis.

''(D) FUEL CELL POWER PLANT.—The term 'fuel cell power plant' means an integrated system comprised of a fuel cell stack assembly and associated balance of plant components that converts a fuel into electricity using electrochemical means.

''(E) TERMINATION.—Such term shall not include any property placed in service after December 31, 2008.''.

(3) LIMITATION.—Section 48(a)(2)(A) of such Code (relating to energy percentage) is amended to read as follows:

''(A) IN GENERAL.—The energy percentage is—

''(i) in the case of energy-efficient building property, 30 percent, and

''(ii) in the case of any other energy property, 10 percent.''.

(4) CONFORMING AMENDMENTS.—

(A) Section 29(b)(3)(A)(i)(III) of such Code is amended by striking ''section 48(a)(4)(C)'' and inserting ''section 48(a)(5)(C)''.

(B) Section 48(a)(1) of such Code is amended by inserting ''except as provided in paragraph (4)(B),'' before ''the energy''.

(5) EFFECTIVE DATE.—The amendments made by this subsection shall apply to property placed in service after December 31, 2003, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

(b) NONBUSINESS PROPERTY.—

(1) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to nonrefundable personal credits) is amended by inserting after section 25B the following new section:

''SEC. 25C. NONBUSINESS ENERGY-EFFICIENT BUILDING PROPERTY.

''(a) CREDIT ALLOWED.—

''(1) IN GENERAL.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the nonbusiness energy-efficient building property expenditures which are paid or incurred during such year.

''(2) LIMITATION.—The credit allowed under paragraph (1) with respect to property placed in service by the taxpayer during the taxable year shall not exceed an amount equal to the lesser of—

''(A) 30 percent of the basis of such property, or

''(B) $1,000 for each kilowatt of capacity of such property.

''(b) NONBUSINESS ENERGY-EFFICIENT BUILDING PROPERTY EXPENDITURES.—For purposes of this section—

''(1) IN GENERAL.—The term 'nonbusiness energy-efficient building property expenditures' means expenditures made by the taxpayer for nonbusiness energy-efficient building property installed on or in connection with a dwelling unit—

''(A) which is located in the United States, and

''(B) which is used by the taxpayer as a residence.

Such term includes expenditures for labor costs properly allocable to the onsite preparation, assembly, or original installation of the property.

''(2) NONBUSINESS ENERGY-EFFICIENT BUILDING PROPERTY.—The term 'nonbusiness energy-efficient building property' means energy-efficient building property (as defined in section 48(a)(4)) if—

''(A) the original use of such property commences with the taxpayer, and

''(B) such property meets the standards (if any) applicable to such property under section 48(a)(3).

''(c) SPECIAL RULES.—For purposes of this section—

''(1) DOLLAR AMOUNTS IN CASE OF JOINT OCCUPANCY.—In the case of any dwelling unit which is jointly occupied and used during any calendar year as a residence by 2 or more individuals the following shall apply:

''(A) The amount of the credit allowable, under subsection (a) by reason of expenditures (as the case may be) made during such

calendar year by any of such individuals with respect to such dwelling unit shall be determined by treating all of such individuals as 1 taxpayer whose taxable year is such calendar year.

''(B) There shall be allowable, with respect to such expenditures to each of such individuals, a credit under subsection (a) for the taxable year in which such calendar year ends in an amount which bears the same ratio to the amount determined under subparagraph (A) as the amount of such expenditures made by such individual during such calendar year bears to the aggregate of such expenditures made by all of such individuals during such calendar year.

''(2) TENANT-STOCKHOLDER IN COOPERATIVE HOUSING CORPORATION.—In the case of an individual who is a tenant-stockholder (as defined in section 216) in a cooperative housing corporation (as defined in such section), such individual shall be treated as having made his tenant-stockholder's proportionate share (as defined in section 216(b)(3)) of any expenditures of such corporation.

''(3) CONDOMINIUMS.—

''(A) IN GENERAL.—In the case of an individual who is a member of a condominium management association with respect to a condominium which the individual owns, such individual shall be treated as having made his proportionate share of any expenditures of such association.

''(B) CONDOMINIUM MANAGEMENT ASSOCIATION.—For purposes of this paragraph, the term 'condominium management association' means an organization which meets the requirements of paragraph (1) of section 528(c) (other than subparagraph (E) thereof) with respect to a condominium project substantially all of the units of which are used as residences.

''(4) ALLOCATION IN CERTAIN CASES.—If less than 80 percent of the use of an item is for nonbusiness purposes, only that portion of the expenditures for such item which is properly allocable to use for nonbusiness purposes shall be taken into account.

''(5) WHEN EXPENDITURE MADE; AMOUNT OF EXPENDITURE.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), an expenditure with respect to an item shall be treated as made when the original installation of the item is completed.

''(B) EXPENDITURES PART OF BUILDING CONSTRUCTION.—In the case of an expenditure in connection with the construction or reconstruction of a structure, such expenditure shall be treated as made when the original use of the constructed or reconstructed structure by the taxpayer begins.

''(C) AMOUNT.—The amount of any expenditure shall be the cost thereof.

''(6) PROPERTY FINANCED BY SUBSIDIZED ENERGY FINANCING.—For purposes of determining the amount of nonbusiness energy-efficient building property expenditures made by any individual with respect to any dwelling unit, there shall not be taken into account expenditures which are made from subsidized energy financing (as defined in section 48(a)(5)(C)).

''(d) BASIS ADJUSTMENTS.—For purposes of this subtitle, if a credit is allowed under this section for any expenditure with respect to any property, the increase in the basis of such property which would (but for this subsection) result from such expenditure shall be reduced by the amount of the credit so allowed.

''(e) TERMINATION.—This section shall not apply to any expenditure made after December 31, 2008.''.

(2) CONFORMING AMENDMENTS.—

(A) Subsection (a) of section 1016 of such Code is amended by striking ''and'' at the end of paragraph (27), by striking the period at the end of paragraph (28) and inserting ''; and'', and by adding at the end the following new paragraph:

''(29) to the extent provided in section 25C(d), in the case of amounts with respect to which a credit has been allowed under section 25C.''.

(B) The table of sections for subpart A of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 25B the following new item:

''Sec. 25C. Nonbusiness energy-efficient building property.''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to expenditures made after December 31, 2003.

Ms. SNOWE. Mr. President, I rise today with my colleague from Connecticut, Senator LIEBERMAN, to introduce a bill that will promote the expanded use of an environmentally sound and efficient energy technology—fuel cell power.

The United States has had a long, inseparable relationship with energy. The Americans of the 19th century would not have populated the West as they did without the railroad and its steam engines. New York's Pearl Street Station, designed by Thomas Edison in 1882, demonstrated the immense possibilities of large-scale electricity generation that would revolutionize our Nation and the world. And, of course, the 20th century is posted with landmark American innovations an inventions in oil use and production, nuclear power, and solar energy.

As we begin our journey into the 21st century, we must begin a new chapter for energy use through fuel cell power. Fuel cells are not a futuristic dream, as every manned U.S. space mission has relied upon fuel cells for electricity and drinking water. From a New York City police station to a postal facility in Alaska to hospitals, schools, banks, military installations and manufacturing facilities around the world, fuel cell units are efficiently generating dependable power 24 hours a day, 7 days a week for upwards of 2 years with only routine maintenance.

Fuel cell technology offers a clean, secure, efficient, and dependable source of energy that should be part of our national energy strategy. Not only do fuel cells deliver the high quality, reliable power that is considered an absolute necessity for many portions of our society, they reduce grid demand while improving grid flexibility. Fuel cells are an ideal energy source to address the Nation's pressing energy needs.

Using electro-chemical reaction to convert energy from hydrogen-rich fuel cell sources into electricity, fuel cells reduce the need for fossil fuel consumption. And, since no combustion is involved, fuel cells produce virtually no air pollution and significantly reduce carbon dioxide emissions, the major greenhouse gas thought to be responsible for climate change variability. In fact, a 200 kilowatt fuel power plant produces less than one ounce of pollutants for every 1,000 kilowatt hours of electricity it yields. In comparison, the average fossil fuel plans produces nearly 25 pounds of pollutants to generate the same 1,000 kilowatt hours of electricity. That is 400 times the amount of a fuel cell power plant.

The current problem is that it is difficult for the consumer to take advantage of fuel cells because, as with any new technology, the introductory price is high. To create the market incentives necessary to speed the commercialization of this technology, the Lieberman-Snow legislation provides a property owner a five year, $1,000 per kilowatt stationary fuel cell tax credit, including labor and installation costs, for business and non business power plants—stationary and portable—that have an electrical generation efficiency greater than 30 percent and generate at least 0.5 kilowatts of electricity using an electrochemical process. To put this electrical generation in perspective, a home uses approximately 1 to 2 kilowatts of power, on average.

By lowering the initial price for consumers, market introduction and production volume of fuel cells will be accelerated with the end result being a significant reduction in manufacturing costs. The decrease in price would enable even more consumers to use one of the cleanest, most reliable and most efficient means to generate electricity. This tailored fuel cell tax credit for a stationary and portable fuel cells is designed to benefit the widest range of potential fuel cell customers and manufacturers with a meaningful incentive for the purchase of fuel cells for residential and commercial use.

As summer approaches, power shortages and interruptions can be expected throughout the country. We must increase our investment and commitment to non-traditional energy sources such as fuel cells. This reliable, combustion-free power provided by fuel cells in a sensible alternative that is available today. I urge my colleagues to support us for a sensible fuel cell power tax credit.

By Mr. DURBIN (for himself, Mr. ALLARD, Mr. CONRAD, Mr. HARKIN, Mr. JOHNSON, Mr. LEAHY, Mr. DORGAN, and Mr. JEFFORDS):

S. 759. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for individuals and businesses for the installation of certain wind energy property; to the Committee on Finance.

Mr. DURBIN. Mr. President, I rise today to introduce the Residential, Farm, Ranch and Small Business Energy Systems Act of 2003, also known as the Small Wind Energy Systems Act. I am honored to be joined by Senators ALLARD, CONRAD, HARKIN, JOHNSON, LEAHY and DORGAN in introducing this legislation.

In order to foster a forward-looking energy policy, the United States needs to broaden its energy portfolio beyond fossil fuels, which are a finite energy source. Any serious attempt to create a

national energy policy must include innovative proposals for exploring and developing the use of alternative and renewable energy sources. The legislation I am introducing today would help spur the production of electricity from a limitless source—wind.

This bill, similar to legislation I introduced last year, offers a tax credit to help defray the cost of installing a small wind energy system to generate electricity for individual homes, farms, ranches and businesses. The credit can be applied only to systems up to 75 kW, and is equal to 30 percent of the cost of installation, up to $1,000 per kilowatt. I am offering this legislation in the hope that this tax credit will help make it economical for people to invest in small wind systems, thereby reducing pressures on the national power grid and increasing America's energy independence one family and business at a time.

Small wind systems are the most cost-competitive home-sized renewable energy technology, but the high upfront cost has been a barrier. A typical small, rural wind system rated at 10 kW costs $30,000–$35,000 to install. A 30 percent business investment credit would make wind energy more viable for rural America. In addition, farmers and ranchers can utilize a small wind energy system while simultaneously continuing to use their land for crop growing or grazing. Facilitating the production of renewable energy on land that is already being worked for other purposes would be a boon to our economy, environment, and national security. Finally, the tax credit would help us promote a healthier environment. A typical small system can offset seven tons of carbon dioxide per year; carbon dioxide is the most significant contributor to climate change.

I am pleased to see that others in the Senate are working to promote renewable energy. In the context of our deliberations on energy policy, I hope to work with Senators GRASSLEY and BAUCUS, and others, in order to build on these efforts. In particular, I hope we can expand the residential credit provided for wind energy systems in the Energy Tax Incentives Act of 2003, S. 597, so that the cap is raised to $1,000 per kilowatt. In addition, I hope to add wind to the business investment credit section of the tax code. Although there is currently in law a business investment credit for solar and geothermal power, there is currently no Federal program to support small wind systems being installed by farmers and ranchers. The Energy Tax Incentives Act of 2003 would add fuel cells to this section of the code. I hope I can work with my colleagues to also add wind to this section, because we need to encourage investments in this source of energy.

Last year, a portion of this legislation was included in the Senate energy bill by unanimous consent. I hope to build on this success this year, by securing passage of the full measure.

For the good of our rural economy, homeowners and business owners, the environment and energy security, I encourage my colleagues to support this legislation. I ask unanimous consent that the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 759

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 ''Residential, Farm, Ranch, and Small Business Wind Energy Systems Act of 2003'' or the ''Small Wind Energy Systems Act of 2003''.

SEC. 2. CREDIT FOR RESIDENTIAL WIND ENERGY PROPERTY.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to nonrefundable personal credits) is amended by inserting after section 25B the following new section:

''SEC. 25C. RESIDENTIAL SMALL WIND ENERGY SYSTEMS.

''(a) ALLOWANCE OF CREDIT.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 30 percent of the qualified wind energy property expenditures made by the taxpayer during such year.

''(b) LIMITATIONS.—

''(1) MAXIMUM CREDIT.—The credit allowed under subsection (a) shall not exceed $1,000 for each kilowatt of capacity.

''(2) SAFETY CERTIFICATIONS.—No credit shall be allowed under this section for an item of property unless such property meets appropriate fire and electric code requirements.

''(c) CARRYFORWARD OF UNUSED CREDIT.—If the credit allowable under subsection (a) exceeds the limitation imposed by section 26(a) for such taxable year reduced by the sum of the credits allowable under this subpart (other than this section), such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such succeeding taxable year.

''(d) QUALIFIED WIND ENERGY PROPERTY EXPENDITURE.—For purposes of this section—

''(1) QUALIFIED WIND ENERGY PROPERTY EXPENDITURE DEFINED.—

''(A) IN GENERAL.—The term 'qualified wind energy property expenditure' means an expenditure for qualified wind energy property installed on or in connection with a dwelling unit located in the United States and used as a residence by the taxpayer, including all necessary installation fees and charges.

''(B) QUALIFIED WIND ENERGY PROPERTY.—The term 'qualified wind energy property' means a qualifying wind turbine—

''(i) the original use of which commences with the taxpayer, and

''(ii) which carries at least a 5-year limited warranty covering defects in design, material, or workmanship, and, for any qualifying wind turbine that is not installed by the taxpayer, at least a 5-year limited warranty covering defects in installation.

''(C) QUALIFYING WIND TURBINE.—The term 'qualifying wind turbine' means a wind turbine of 75 kilowatts of rated capacity or less which at the time of manufacture and not more than one year from the date of purchase meets the latest performance rating standards published by the American Wind Energy Association or the International Electrotechnical Commission and which is used to generate electricity.

''(2) LABOR COSTS.—Expenditures for labor costs properly allocable to the onsite preparation, assembly, or original installation of qualified wind energy property and for piping or wiring to interconnect such property to the dwelling unit or to the local energy grid shall be taken into account for purposes of this section.

''(3) SWIMMING POOLS, ETC., USED AS STORAGE MEDIUM.—Expenditures which are properly allocable to a swimming pool, hot tub, or any other energy storage medium which has a function other than the function of storage shall not be taken into account for purposes of this section.

''(e) SPECIAL RULES.—For purposes of this section—

''(1) DOLLAR AMOUNTS IN CASE OF JOINT OCCUPANCY.—In the case of any dwelling unit which is jointly occupied and used during any calendar year as a residence by 2 or more individuals the following shall apply:

''(A) The amount of the credit allowable, under subsection (a) by reason of expenditures (as the case may be) made during such calendar year by any of such individuals with respect to such dwelling unit shall be determined by treating all of such individuals as 1 taxpayer whose taxable year is such calendar year.

''(B) There shall be allowable, with respect to such expenditures to each of such individuals, a credit under subsection (a) for the taxable year in which such calendar year ends in an amount which bears the same ratio to the amount determined under subparagraph (A) as the amount of such expenditures made by such individual during such calendar year bears to the aggregate of such expenditures made by all of such individuals during such calendar year.

''(2) TENANT-STOCKHOLDER IN COOPERATIVE HOUSING CORPORATION.—In the case of an individual who is a tenant-stockholder (as defined in section 216) in a cooperative housing corporation (as defined in such section), such individual shall be treated as having made his tenant-stockholder's proportionate share (as defined in section 216(b)(3)) of any expenditures of such corporation.

''(3) CONDOMINIUMS.—

''(A) IN GENERAL.—In the case of an individual who is a member of a condominium management association with respect to a condominium which the individual owns, such individual shall be treated as having made the individual's proportionate share of any expenditures of such association.

''(B) CONDOMINIUM MANAGEMENT ASSOCIATION.—For purposes of this paragraph, the term 'condominium management association' means an organization which meets the requirements of paragraph (1) of section 528(c) (other than subparagraph (E) thereof) with respect to a condominium project substantially all of the units of which are used as residences.

''(4) ALLOCATION IN CERTAIN CASES.—If less than 80 percent of the use of a qualified wind energy property is for nonbusiness purposes and for generation of energy to be sold to others, only that portion of the expenditures for such property which is properly allocable to use for nonbusiness purposes and for generation of energy to be sold to others shall be taken into account.

''(5) WHEN EXPENDITURE MADE; AMOUNT OF EXPENDITURE.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), an expenditure with respect to any qualified wind energy property shall be treated as made when the original installation of such property is completed and the property has begun to be used to generate energy.

''(B) EXPENDITURES PART OF BUILDING CONSTRUCTION.—In the case of an expenditure in connection with the construction or reconstruction of a structure, such expenditure shall be treated as made when the original

use of the constructed or reconstructed structure by the taxpayer begins.

''(C) AMOUNT.—The amount of any expenditure shall be the cost thereof.

''(6) PROPERTY FINANCED BY SUBSIDIZED ENERGY FINANCING.—For purposes of determining the amount of expenditures made by any individual with respect to any dwelling unit, there shall not be taken in to account expenditures which are made from subsidized energy financing (as defined in section 48(a)(5)(C)).

''(f) BASIS ADJUSTMENTS.—For purposes of this subtitle, if a credit is allowed under this section for any expenditure with respect to any qualified wind energy property, the increase in the basis of such property which would (but for this subsection) result from such expenditure shall be reduced by the amount of the credit so allowed.

''(g) TERMINATION.—This section shall not apply to property installed in taxable years beginning after December 31, 2008.''.

(b) CREDIT ALLOWED AGAINST REGULAR TAX AND ALTERNATIVE MINIMUM TAX.—

(1) IN GENERAL.—Section 25C(b) of the Internal Revenue Code of 1986, as added by subsection (a), is amended by adding at the end the following new paragraph:

''(3) LIMITATION BASED ON AMOUNT OF TAX.—The credit allowed under subsection (a) for the taxable year shall not exceed the excess of—

''(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

''(B) the sum of the credits allowable under this subpart (other than this section) and section 27 for the taxable year.''.

(2) CONFORMING AMENDMENTS.—

(A) Section 25C(c) of such Code, as added by subsection (a), is amended by striking ''section 26(a) for such taxable year reduced by the sum of the credits allowable under this subpart (other than this section)'' and inserting ''subsection (b)(3)''.

(B) Section 23(b)(4)(B) of such Code is amended by inserting ''and section 25C'' after ''this section''.

(C) Section 24(b)(3)(B) of such Code is amended by striking ''23 and 25B'' and inserting ''23, 25B, and 25C''.

(D) Section 25(e)(1)(C) of such Code is amended by inserting ''25C,'' after ''25B,''.

(E) Section 25B(g)(2) of such Code is amended by striking ''section 23'' and inserting ''sections 23 and 25C''.

(F) Section 26(a)(1) of such Code is amended by striking ''and 25B'' and inserting ''25B, and 25C''.

(G) Section 904(h) of such Code is amended by striking ''and 25B'' and inserting ''25B, and 25C''.

(H) Section 1400C(d) of such Code is amended by striking ''and 25B'' and inserting ''25B, and 25C''.

(c) ADDITIONAL CONFORMING AMENDMENTS.—

(1) Section 23(c) of the Internal Revenue Code of 1986, as in effect for taxable years beginning before January 1, 2004, is amended by striking ''section 1400C'' and inserting ''sections 25C and 1400C''.

(2) Section 25(e)(1)(C) of such Code, as in effect for taxable years beginning before January 1, 2004, is amended by inserting '', 25C,'' after ''sections 23''.

(3) Subsection (a) of section 1016 of such Code is amended by striking ''and'' at the end of paragraph (27), by striking the period at the end of paragraph (28) and inserting '', and'', and by adding at the end the following new paragraph:

''(29) to the extent provided in section 25C(f), in the case of amounts with respect to which a credit has been allowed under section 25C.''.

(4) Section 1400C(d) of such Code, as in effect for taxable years beginning before January 1, 2004, is amended by inserting ''and section 25C'' after ''this section''.

(5) The table of sections for subpart A of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 25B the following new item:

''Sec. 25C. Residential wind energy property.''.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided by paragraph (2), the amendments made by this section shall apply to expenditures after December 31, 2002, in taxable years ending after such date.

(2) SUBSECTION (b).—The amendments made by subsection (b) shall apply to taxable years beginning after December 31, 2003.

SEC. 3. CREDIT FOR BUSINESS INSTALLATION OF SMALL WIND ENERGY PROPERTY.

(a) IN GENERAL.—Subparagraph (A) of section 48(a)(3) of the Internal Revenue Code of 1986 (defining energy property) is amended by striking ''or'' at the end of clause (i), by adding ''or'' at the end of clause (ii), and by inserting after clause (ii) the following new clause:

''(iii) qualified wind energy property installed before January 1, 2009,''.

(b) QUALIFIED WIND ENERGY PROPERTY.—Subsection (a) of section 48 is amended by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively, and by inserting after paragraph (3) the following new paragraph:

''(4) QUALIFIED WIND ENERGY PROPERTY.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'qualified wind energy property' means a qualifying wind turbine—

''(i) installed on or in connection with a farm (as defined in section 6420(c)), a ranch, or an establishment of an eligible small business (as defined in section 44(b)) which is located in the United States and which is owned and used by the taxpayer,

''(ii) the original use of which commences with the taxpayer, and

''(iii) which carries at least a 5-year limited warranty covering defects in design, material, or workmanship, and, for any qualifying wind turbine that is not installed by the taxpayer, at least a 5-year limited warranty covering defects in installation.

''(B) LIMITATION.—In the case of any qualified wind energy property placed in service during the taxable year, the credit determined under paragraph (1) for such year with respect to such property shall not exceed an amount equal to the lesser of—

''(i) 30 percent of the basis of such property, including all necessary installation fees and charges, or

''(ii) $1,000 for each kilowatt of capacity of such property.

''(C) QUALIFYING WIND TURBINE.—For purposes of this paragraph the term 'qualifying wind turbine' means a wind turbine of 75 kilowatts of rated capacity or less which at the time of manufacture and not more than one year from the date of purchase meets the latest performance rating standards published by the American Wind Energy Association or the International Electrotechnical Commission and which is used to generate electricity.

''(D) SAFETY CERTIFICATIONS.—No credit shall be allowed under this section for any qualified wind energy property unless such property meets appropriate fire and electric code requirements.''.

(c) LIMITATION.—Section 48(a)(2)(A) of the Internal Revenue Code of 1986 (relating to energy percentage) is amended to read as follows:

''(A) IN GENERAL.—The energy percentage is—

''(i) in the case of qualified wind energy property, 30 percent, and

''(ii) in the case of any other energy property, 10 percent.''.

(d) CONFORMING AMENDMENT.—Section 29(b)(3)(A)(i)(III) of the Internal Revenue Code of 1986 is amended by striking ''section 48(a)(4)(C)'' and inserting ''section 48(a)(5)(C)''.

(e) EFFECTIVE DATE.—The amendments made by this subsection shall apply to property placed in service after December 31, 2003, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

By Mr. GRASSLEY (for himself, Mr. BAUCUS, Mr. DEWINE, Mr. DURBIN, Mr. GREGG, Mr. BINGAMAN, Mr. FEINGOLD, Ms. SNOWE, Mr. ROCKFELLER, Mr. SANTORUM, and Mr. LEAHY):

S. 780. A bill to implement effective measures to stop trade in conflict diamonds, and for other purposes; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, I rise today to introduce the Clean Diamond Trade Act. Technically, this act will implement a certification process for imports of rough diamonds. But, as many of you know, this bill goes far beyond technicalities. This bill will help put an end to trade in conflict diamonds. As many of you know, conflict diamonds are diamonds mined and used by rebel movements in many African nations as a source of revenue to fuel armed conflict and the activities of rebel movements aimed at undermining or overthrowing legitimate governments in African countries. Millions of people have been driven from their homes by wars that have been fought for control of these diamonds. Families and entire countries have been torn apart.

That is why it is vitally important that we pass this legislation. Passage of this legislation would be a true bipartisan success and a significant step forward in stopping trade in conflict diamonds. And I would like to thank my colleagues for helping to develop the compromise legislation in this Act. I would especially like to recognize the hard work of Senators GREGG, DEWINE, DURBIN, BINGAMAN, and FEINGOLD, whose devotion and dedication to stopping trade in conflict diamonds is unsurpassed.

Prior attempts to move similar bills have stalled in both the House and the Senate. As Chairman of the Finance Committee, I took great care to try and achieve the right balance so that we might implement a certification process that meets our international responsibilities, that can pass the House and the Senate, and most importantly, that works.

The Clean Diamond Trade Act will implement the Kimberley Process Certification Scheme. This is an international agreement establishing minimal acceptable international standards

for national certification schemes relating to cross-border trade in rough diamonds. It represents over two years of negotiations among more than 50 countries, human rights advocacy groups, the diamond industry and non-government organizations.

The next plenary session of the Kimberley Process is scheduled to convene in Johannesburg, South Africa, from April 28 to the 30, 2003. The U.S. played a leadership role in crafting the Kimberley Process Certification Scheme, and it is critical that we implement the certification process before April 28 if we are to retain this leadership. We also need to do this to ensure that the flow of legitimate diamonds into and out of the United States will continue without interruption. Most important, we need to do everything we can to stop trade in conflict diamonds as soon as possible.

Mr. President, we plan to mark-up this legislation in the Finance Committee tomorrow morning. I am confident the bill will receive strong bipartisan support in committee and am hopeful we can pass this bill by unanimous consent in the full Senate before we adjourn for the April recess. The people and countries in Africa affected by the damage of conflict diamonds deserve our support. Passing this bill is the right thing to do.

Mr. DEWINE. Today, Mr. President, violent conflicts and other global threats and humanitarian concerns extend across many parts of our world. We are at war with Iraq. North Korea possesses nuclear weapons. HIV/AIDS is pandemic. And, terrorism threatens our daily lives.

Our world is, indeed, a very dangerous and unstable place. We know this. And, while we are well aware of the many global ''hotspots''—the conflicts and the violence and the human suffering—there are parts of the world, which I believe, we have neglected. There are parts of the world, where human tragedy is the order of the day—where children are killed, where women are raped and beaten, and where people are routinely tortured—their bodies maimed and mutilated.

One area of the world where such atrocities are occurring on a daily basis is in Sierra Leone, Africa. For at least a decade, Sierra Leone, one of the world's poorest nations, has been embroiled in civil war. Rebel groups—most notably, the Revolutionary United Front (RUF)—have been fighting for years to overthrow the recognized government. In the process, violence has erupted as the rebels have fought to seize control of the country's profitable diamond fields, which in turn, helps finance their terrorist regime.

Once in control of a diamond field, the rebels confiscate the diamonds and then launder them onto the legitimate market through other nearby nations, like Liberia. Known as ''conflict'' or ''blood'' diamonds, these gems are a very lucrative business for the rebel groups. In fact, over the past decade, the rebels have smuggled out of Africa approximately $10 billion dollars in these diamonds.

It is nearly impossible to distinguish the illegally gathered diamonds from legitimate or ''clean'' stones. And so, regrettably and unwittingly, the United States—as the world's biggest buyer of diamonds—has contributed to the violence. Our nation accounted for more than half of the $57.5 billion in global retail diamond trade last year, and some estimates suggest that illegal diamonds from Africa account for as much as 15 percent of the overall diamond trade.

Since the start of the rebel's quest for control of Sierra Leone's diamond supply, half of the nation's population of 4.5 million have left their homes, and at least a half-million have left the country. But, it is the children of Sierra Leone who are bearing the biggest brunt of the rebel insurgency. For over eight years, the RUF has conscripted children—children often as young as 7 or 8 years old—to be soldiers in their make-shift army. They have ripped at least 12,000 children from their families.

As a result of deliberate and systematic brutalization, child soldiers have become some of the most vicious—and effective—fighters within the rebel factions. The rebel army—child-soldiers included—has terrorized Sierra Leone's population, killing, abducting, raping, and hacking off the limbs of victims with their machetes. This chopping off of limbs is the RUF's trademark strategy. In Freetown, the surgeons are frantic. Scores of men, women, and children—their hands partly chopped off—have flooded the main hospital. Amputating as quickly as they can, doctors toss severed hands into a communal bucket.

The RUF frequently and forcibly injects the children with cocaine in preparation for battle. In many cases, the rebels force the child-soldiers at gunpoint to kill their own family members or neighbors and friends. Not only are these children traumatized by what they are forced to do, they also are afraid to be reunited with their families because of the possibility of retribution.

Mr. President, I cannot understate nor can I fully describe the horrific abuses these children are suffering. The most vivid accounts come from the child-soldiers themselves. I'd like to read a few of their stories, taken from Amnesty International's 1998 report, ''Sierra Leone—A Year of Atrocities against Civilians.'' According to one child's recollection:

> Civilians were rounded up, in groups or in lines, and then taken individually to a pounding block in the village where their hands, arms, or legs were cut with a machete. In some villages, after the civilians were rounded up, they were stripped naked. Men were then ordered to rape members of their own family. If they refused, their arms were cut off and the women were raped by rebel forces, often in front of their husbands . . . victims of these atrocities also reported women and children being rounded up and locked into houses which were then set [on fire].

A young man from Lunsar, describing a rebel attack, said this:

> Ten people were captured by the rebels and they asked us to form a [line]. My brother was removed from the [line], and they killed him with a rifle, and they cut his head with a knife. After this, they killed his pregnant wife. There was an argument among the rebels about the sex of the baby she was carrying, so they decided to open her stomach to see the baby.

According to Komba, a teenager:

> My legs were cut with blades and cocaine was rubbed in the wounds. Afterwards, I felt like a big person. I saw the other people like chickens and rats. I wanted to kill them.

Rape, sexual slavery and other forms of sexual abuse of girls and women have been systematic, organized, and widespread. Many of those abducted have been forced to become the ''wives'' of combatants.

According to Isatu, an abducted teenage girl:

> I did not want to go; I was forced to go. They killed a lot of women who refused to go with them.

She was forced to become the sexual partner of the combatant who captured her and is now the mother of their three-month-old baby:

> When they capture young girls, you belong to the soldier who captured you. I was 'married' to him.

We are losing these children—an entire generation of children. If the situation does not improve, these kids have no future. But, as long as the rebel's diamond trade remains unchallenged, nothing will change.

That is why I have been working with Senators DURBIN, FEINGOLD, and GREGG for over two years to pass legislation that would help stem this illegal trade in conflict diamonds. Together, we have worked extensively with our House colleagues, including my good friend and former colleague from Ohio, Tony Hall, and FRANK WOLF from Virginia, to develop much needed legislation to help remove the rebel's market incentive.

And, while we have not yet been successful in getting this legislation signed into law, I credit my colleagues' continued commitment to this often forgotten issue. I know our countless congressional hearings, meetings, letters and legislative initiatives have encouraged the Administration and the international community to keep this issue alive. We have kept the pressure on, and we are beginning to see some positive results.

Mr. President, just this past January 1st, an international agreement called the Kimberley Process Certification Scheme was launched. Specifically, this is a voluntary, international diamond certification system among over 50 participant countries, including all of the major diamond producing and trading countries. This is a positive step in the right direction, and I commend the tireless work of human rights

advocates and the diamond industry for making this certification system a reality.

Because of their success, Mr. President, today we are faced with the urgent need of providing legislative measures to enable effective U.S. implementation of the certification scheme. We need to provide the Administration with the authorization necessary to ensure U.S. compliance with this global, regulatory framework. That is why I am here today to introduce legislation that commits the United States to mandatory implementation of the Kimberley Process Certification Scheme.

I join my distinguished colleagues, Senators GRASSLEY, DURBIN, FEINGOLD, BINGAMAN, TALENT, and SNOWE, to introduce the ''Clean Diamond Trade Act.'' This legislation is very similar to a measure introduced in the House last week, H.R. 1415. Our bill is very simple. The whole idea behind it is to commit the United States to a system of controls on the export and import of diamonds, so that buyers can be certain that their purchases are not fueling the rebel campaign.

Specifically, our legislation would prohibit the import of any rough diamond that has not been controlled through the Kimberley Process Certification Scheme. Put simply, this means that every diamond brought into the United States would require a certificate of origin and authenticity, indicating that a rebel or terrorist group has not laundered it onto the legitimate market.

Additionally, the bill calls on the President to report annually to Congress on the control system's effectiveness and also requires the General Accounting Office to report on the law's effectiveness within two years of enactment.

Finally, Mr. President, our bill emphasizes that the Kimberley Process Certification Scheme is an ongoing process and that our government should continue to work with the international community to strengthen the effectiveness of this global regulatory framework. As the world's biggest diamond customer—purchasing well over half of the world's diamonds—our nation has a moral responsibility to show continued leadership on this issue.

Quite candidly, there are a lot of things in this world—a lot of terrible, tragic things—that we don't have the power to change or to fix. But today, we can change something. We can make a difference. We have the power to help put an end to the indescribable suffering and violence caused by diamond-related conflicts. We have that power, and we must use it. And so, I urge my colleagues to join me in support of this much-needed legislation.

We have an obligation—a moral responsibility—to help stop the violence, the brutality, the needless killing and maiming. No other child should kill or be killed in diamond-related conflicts. I believe that it is absolutely imperative that we pass the bill we have introduced quickly and help end these atrocities once and for all.

It is the humane thing to do. It is the right thing to do. It is the only thing to do.

I thank the Chair and yield the Floor.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 102—RECOGNIZING THE 40TH ANNIVERSARY OF THE SINKING OF THE USS THRESHER (SSN 593)

Mr. SUNUNU (for himself, Mr. GREGG, Ms. SNOWE, and Ms. COLLINS) submitted the following resolution; which was considered and agreed to:

S. RES. 102

Whereas the USS Thresher was first launched at Portsmouth Naval Shipyard on July 9, 1960;

Whereas the USS Thresher departed Portsmouth Naval Shipyard for her final voyage on April 9, 1963, with a crew of 16 officers, 96 sailors, and 17 civilians;

Whereas the mix of that crew reflects the unity of the naval submarine service, military and civilian, in the protection of the Nation;

Whereas at approximately 7:47 a.m. on April 10, 1963, while in communication with the surface ship USS Skylark, and approximately 300 miles off the coast of New England, the USS Thresher began her final descent;

Whereas the USS Thresher was declared lost with all hands on April 10, 1963;

Whereas from the loss of the USS Thresher, there arose the SUBSAFE program, which has kept United States' submariners safe at sea ever since as the strongest, safest submarine force in history;

Whereas from the loss of the USS Thresher, there arose in our Nation's universities the ocean engineering curricula that enables the United States' preeminence in submarine warfare; and

Whereas the crew of the USS Thresher demonstrated the ''last full measure of devotion'' in service to this Nation, and this devotion characterizes the sacrifices of all submariners, past and present: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 40th Anniversary of the sinking of the USS Thresher;

(2) remembers with profound sorrow the loss of the USS Thresher and her gallant crew of sailors and civilians on April 10, 1963; and

(3) expresses its deepest gratitude to all submariners on ''eternal patrol'', who are forever bound together by their dedicated and honorable service to the United States of America.

SEC. 2. TRANSMISSION OF RESOLUTION.

The Secretary of the Senate shall transmit a copy of this resolution to the Chief of Naval Operations and to the Commanding Officer of the Portsmouth Naval Shipyard to be accepted on behalf of the families and shipmates of the crew of the USS Thresher.

AMENDMENTS SUBMITTED & PROPOSED

SA 434. Mr. MCCAIN (for himself, Mr. ALLEN, Mr. GRAHAM, of South Carolina, Mr. CHAMBLISS, Mr. CRAIG, and Mr. MILLER) proposed an amendment to the bill S. 718, to provide a monthly allotment of free telephone calling time to members of the United States armed forces stationed outside the United States who are directly supporting military operations in Iraq or Afghanistan.

TEXT OF AMENDMENTS

SA 434. Mr. MCCAIN (for himself, Mr. ALLEN, Mr. GRAHAM of South Carolina, Mr. CHAMBLISS, Mr. CRAIG, and Mr. MILLER) proposed an amendment to the bill S. 718, to provide a monthly allotment of free telephone calling time to members of the United States armed forces stationed outside the United States who are directly supporting military operations in Iraq or Afghanistan; as follows:

Strike out all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Troops Phone Home Free Act of 2003''.

SEC. 2. PURPOSE.

It is the purpose of this Act to support the morale of the brave men and women of the United States armed services stationed outside the United States who are directly supporting military operations in Iraq or Afghanistan (as determined by the Secretary of Defense) by giving them the ability to place calls to their loved ones without expense to them.

SEC. 3. FINDINGS.

The Congress finds the following:

(1) The armed forces of the United States are the finest in the world.

(2) The members of the armed services are bravely placing their lives in danger to protect the security of the people of the United States and to advance the cause of freedom in Iraq.

(3) Their families and loved ones are making sacrifices at home in support of the members of the armed services abroad.

(4) Telephone contact with family and friends provides significant emotional and psychological support to them and helps to sustain and improve morale.

SEC. 4. DEPARTMENT OF DEFENSE TELECOMMUNICATIONS BENEFIT.

(a) IN GENERAL.—As soon as possible after the date of enactment of this Act, the Secretary of Defense shall provide, wherever practicable, prepaid phone cards, or an equivalent telecommunications benefit which includes access to telephone service, to members of the armed forces stationed outside the United States who are directly supporting military operations in Iraq or Afghanistan (as determined by the Secretary) to enable them to make telephone calls to family and friends in the United States without cost to the member.

(b) MONTHLY AMOUNT.—The value of the benefit provided by subsection (a) shall not exceed $40 per month per person.

(c) END OF PROGRAM.—The program established by subsection (a) shall terminate on the date that is 60 days after the date on which the Secretary determines that Operation Iraqi Freedom has ended.

(d) FUNDING.—

(1) USE OF EXISTING RESOURCES.—In carrying out this section, the Secretary shall maximize the use of existing Department of Defense telecommunications programs and capabilities, private support organizations, private entities offering free or reduced-cost services, and programs to enhance morale and welfare.

(2) USE OF APPROPRIATED FUNDS.—In addition to resources described in paragraph (1)

and notwithstanding any limitation on the expenditure or obligation of appropriated amounts, the Secretary may use available funds appropriated to or for the use of the Department of Defense that are not otherwise obligated or expended to carry out this section.

SEC. 5. DEPLOYMENT OF ADDITIONAL TELEPHONE EQUIPMENT.

The Secretary of Defense shall work with telecommunications providers to facilitate the deployment of additional telephones for use in calling the United States under this Act as quickly as practicable, consistent with the availability of resources. Consistent with the timely provision of telecommunications benefits under this Act, the Secretary should carry out this section and section 4 in a manner that allows for competition in the provision of such benefits.

SEC. 6. NO COMPROMISE OF MILITARY MISSION.

The Secretary of Defense shall not take any action under this Act that would compromise the military objectives or mission of the Department of Defense.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, April 2, 2003, at 10 a.m. in Room 485 of the Hart Senate Office Building to conduct a hearing on S. 556, a bill to Reauthorize the Indian Health Care Improvement Act.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, April 9, 2003, at 10 a.m. in Room 485 of the Hart Senate Office Building to conduct a hearing on S. 285, to authorize the integration and consolidation of alcohol and substance abuse programs and services provided by Indian tribal governments, and for other purposes; S. 558, a bill to Elevate the Director of the Indian Health Service to be Assistant Secretary for Indian Health, and for other purposes; and S. 555, to establish the Native American Health and Wellness Foundation, and for other purposes.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet on Tuesday, April 1 at 9:30 a.m. to conduct a hearing to consider the nominations of: Ricky Dale James to be a Member of the Mississippi River Commission; Rear Admiral Nicholas A. Prahl, NOAA, to be a Member of the Mississippi River Commission; and from Richard W. Moore, nominated to be Inspector General of the Tennessee Valley Authority; and other pending nominations.

The meeting will be held in SD 406.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Tuesday, April 1, 2003, at 10 a.m., to hear testimony on Taxpayer Alert: Choosing a Paid Preparer and the Pitfalls of Charitable Car Donations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Tuesday, April 1, 2003, at 12 p.m., to hear testimony on the Nominations of Mark Van Dyke Holmes, to be Judge of the United States Tax Court; Diane L. Kroupa, to be Judge of the United States Tax Court; Robert Allen Wherry, Jr., to be Judge of the United States Tax Court; and Harry A. Haines to be Judge of the U.S. Tax Court.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, April 1, 2003, at 9:30 a.m., to hold a hearing on NATO.

Witnesses

Panel 1: ''A View From Brussels.'' The Honorable Nicholas R. Burns, U.S. Permanent Representative to North Atlantic Treaty Organization, Brussels, Belgium.

9:45: Business Meeting to ratify the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management.

Panel 2: ''New Members & A Changing Alliance.'' Dr. Ronald D. Asmus, Senior Transatlantic Fellow, German Marshall Fund, Washington, DC;

Mr. Bruce Jackson, President, Project on Transitional Democracies, Washington, DC.

Full committee open: Senator LUGAR will preside, March 31, 2003.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, April 1, 2003, at 9:45 a.m., to hold a business meeting to ratify the ''Joint Convention on the Safety of Spent Fuel Management'' and on the ''Safety of Radioactive Waste Management,'' T. Doc. 106–48.

The Committee will consider and vote on the following agenda item:

Treaty: Joint Convention on the Safety of Spent Fuel Management, and on the Safety of Radioactive Waste Management, T. Doc. 106–48.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a judicial nominations hearing on Tuesday, April 1, 2003, at 10 a.m., in the Dirksen Senate Office Building Room 226.

Panel I: The Honorable Bob Graham;

The Honorable Bill Nelson;

The Honorable Mary Landrieu;

The Honorable Bill Frist.

Panel II: Carolyn B. Kuhl, to be U.S. Circuit Judge for the Ninth Circuit.

Panel III: Cecilia M. Altonaga, to be U.S. District Judge for the Southern District of Florida;

Patricia Head Minaldi, to be U.S. District Judge for the Western District of Louisiana.

The PRESIDING OFFICER. Without objection it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. CRAIG. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, April 1, 2003 at 2:30 p.m. to hold a hearing on Intelligence Matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON READINESS AND MANAGEMENT SUPPORT

Mr. CRAIG. Mr. President, I ask unanimous consent that the Subcommittee on Readiness and Management Support of the Armed Services Committee be authorized to meet during the session of the Senate on Tuesday, April 1, 2003, at 9:00 a.m., in open session to continue to receive testimony on the impacts of environmental laws on readiness and the related administration legislative proposal in review of the defense authorization request for fiscal year 2004.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SEAPOWER

Mr. CRAIG. Mr. President, I ask unanimous consent that the Subcommittee on Seapower of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, April 1, 2003, at 2:30 p.m., in open session to receive testimony on Navy and Marine Corps development priorities, procurement priorities, and Navy shipbuilding programs, in review of the defense authorization request for fiscal year 2004 and the future years defense program.

Witnesses

Panel I: Admiral Vernon E. Clark, USN, Chief of Naval Operations; General Michael W. Hagee, USMC, Commandant of the Marine Corps.

Panel II: The Honorable John J. Young, Jr., Assistant Secretary of the Navy for Research, Development, and Acquisition; Vice Admiral Michael G.

Mullen, USN, Deputy Chief of Naval Operations for Resources, Requirements, and Assessments.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. ALLARD. Mr. President, I ask unanimous consent to allow my judicial nomination staffer, Cory Gardner, to be allowed to sit next to me on the floor along with a member of Senator HATCH's Judiciary staff, Ryan Higginboth.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CALENDAR

Mr. TALENT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of the following calendar items en bloc: Calendar No. 54 and Calendar No. 55.

The PRESIDING OFFICER. The clerk will report the bills by title.

The legislative clerk read as follows:

A bill (S. 711) to amend title 37, United States Code, to alleviate delay in the payment of the Selected Reserve reenlistment bonus to members of Selected Reserve who are mobilized.

A bill (S. 712) to amend title 10, United States Code, to provide Survivor Benefit Plan annuities for surviving spouses of Reserves not eligible for retirement who die from a cause incurred or aggravated while on inactive-duty training.

There being no objection, the Senate proceeded to consider the bills.

Mr. MCCAIN. Mr. President, I rise to talk about two bills—S. 711 and S. 712. I am honored to cosponsor these bills with Senators LINDSEY GRAHAM, CHAMBLISS, and ALLEN. There may be others that also wish to cosponsor these bills to support our service men and women.

S. 711 simply authorizes a Selective Re-enlistment Bonus, SRB, for National Guard and Reserve service members who would be eligible for SRB if they were in a nonmobilized or drilling status. However, when they are mobilized under a Presidential select Reserve callup and they re-enlist during that period, National guardsmen and reservists are prohibited from receiving SRB payments until after they get off active duty or mobilization status sometimes 1 to 2 years later.

S. 712 authorizes Survivor Benefit Plan, SBP, benefits to survivors of National Guard and Reserve service members who die while performing inactive duty training or weekend drills.

This legislation provides equity with active duty service members and is consistent with Defense Department regulations when National guardsmen and reservists are mobilized under a Presidential select Reserve callup.

However, since January there have been 13 Reserve Component deaths during weekend military training while their units were preparing for Operations Enduring Freedom and Iraqi Freedom where families of National guardsmen and reservists did not receive the survivor benefit payments.

Furthermore, this legislation would cover those Reserve Component personnel who were serving in a drill status in the Pentagon during the attacks on the United States on 9/11.

This bill has the support of the Military Coalition, a consortium of nationally prominent uniformed services and veterans organizations representing more than 5.5 million members, the National Guard, and the Senate Armed Services Committee.

The roles and missions of the Reserve components has changed over the past several years, as the active duty force has evolved from the downsizing of our military forces during the last decade. I suspect that more changes will come as our national military strategy continues to evolve.

Instead, we have a military force that continues to rely more on the Reserve Components—men and women in the National Guard and Reserves—to go to war and to perform other critical military tasks abroad and at home. Many combat, combat support and other support missions are being carried on the backs of our active and Reserve Component forces—soldiers, sailors, airmen and marines.

For example, in March 2001, the Army National Guard 29th Infantry Division took command of the American peacekeeping mission in Bosnia. The significance of this deployment was enormous, considering that more than 75 percent of the 4,000 U.S. Army soldiers on the ground were Army Reserve and Guard soldiers from 17 states—not just headquarters' staff, but operational units as well.

More recently, in October 2002, Fighter/Attack Squadron 201's commanding officer received the call to mobilize that many Reserve Component commanding officers have recently received. With few exceptions over 100 Navy reservists mobilized with their 12 F/A–18 Hornet A-plus jets, and began work-ups with Carrier Air Wing 8 in Nevada and full day and night carrier qualifications at sea. The impact of this accomplishment cannot be overstated. It was the first time since the Korean War that an entire Naval Air Reserve Squadron has deployed aboard an aircraft carrier, and this time VFA–201's base was not Fort Worth, Texas but the flight deck of the USS Theodore Roosevelt, CVN–71.

The reports from the field are outstanding. VFA–201, like hundreds of other aviators during the first night of ''shock and awe,'' flew their Hornets downtown to Baghdad. The pilots and their maintenance crews hailed from Texas, Arizona, California, New Mexico, Georgia, Florida, Nevada, Utah and Colorado. They are citizen soldiers. Thirteen of eighteen VFA–201 pilots are airline pilots who took a temporary leave of absence from their airline jobs.

They were similar to active duty sailors, yet they were different. Because they were reservists, every aviator has cruise experience, over 1,000 flight hours, and many have over 1,000 or 2,000 hours in the F/A–18. VFA–201's squadron aviators provided leadership to the air wing in strike planning, flight execution and carrier operations. Their day and night time boarding rates and landing grades have exceeded all other Carrier Air Wing 8's squadrons.

While these are only two of the deployments that have taken place in recent years, they highlight the ever-increasing role of reservists in defending America's security interests around the world, and mark a radical departure from the past.

The figures are quite staggering when considered in total.

Today, nearly 60,000 reservists and National Guardsmen, including volunteers, are deployed under three Presidential callup orders for Bosnia, Kosovo, and Southwest Asia. For Operations Noble Eagle, Enduring Freedom and Iraqi Freedom over 275,000 men and women from the National Guard and the Reserves have been mobilized.

During each of the past 5 years, Reserve and National Guard service members have performed between 12 and 13.5 million duty days in support of the active force. These numbers are a direct contrast to 1990, when 1 million duty days were performed at a time when there were 25 percent more reservists.

Reservists also currently make up more than half of the airlift crews and 85 percent of the sealift personnel that are needed to move troops and equipment in either wartime or peacetime operations. In addition, reserve medical and construction battalions and other specialists are critical to a wide range of operations.

National Guard and Reserve service members are performing many vital tasks: from direct involvement in military operations to liberate Iraq in the air, on the ground, and on the sea; to guarding nuclear power plants in the United States; to providing support to the War on Terrorism through guarding, interrogating, and providing medical service to al-Qaida detainees; to rebuilding schools in hurricane-stricken Honduras and fighting fires in our western states; from overseeing civil affairs in Bosnia, to augmenting aircraft carriers short on active duty sailors with critical skilled enlisted ratings during at-sea exercises as well as periods of deployment.

I believe that the civilian and uniformed leadership of our Armed Forces and the Congress must recognize this involvement, and at a minimum provide equality in benefits for Reserve Component service members when they put on the uniform and perform their weekend drills or other critical training evolutions. Reservists, on duty, who resemble their active duty counterparts during training evolutions and are deployed at times around the world, should be treated equally when the administration and Congress provide for quality of life benefits.

I hope that all my colleagues will support these bills as a small expression of support and willingness to provide not just equality in quality of life benefits for our National guardsmen and reservists but support to all our men and women—our treasure—who are sacrificing so much for our nation, our freedoms and the freedom of the Iraqi people.

Mr. TALENT. Mr. President, I ask unanimous consent that the bills be read a third time and passed, en bloc; that the motions to reconsider be laid upon the table, en bloc; and that any statements relating to the bills be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bills (S. 711 and S. 712) were read the third time and passed, as follows:

S. 711

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

SECTION 1. PAYMENT OF SELECTED RESERVE REENLISTMENT BONUS TO MEMBERS OF SELECTED RESERVE WHO ARE MOBILIZED.

Section 308b of title 37, United States Code, is amended—

(1) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g), respectively; and

(2) by inserting after subsection (c) the following new subsection (d):

''(d) PAYMENT TO MOBILIZED MEMBERS.—In the case of a member entitled to a bonus under this section who is called or ordered to active duty, any amount of such bonus that is payable to the member during the period of active duty of the member shall be paid the member during that period of active duty, notwithstanding the service of the member on active duty pursuant to such call or order to active duty.''.

S. 712

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

SECTION 1. SURVIVOR BENEFIT PLAN ANNUITIES FOR SURVIVING SPOUSES OF RESERVES NOT ELIGIBLE FOR RETIREMENT WHO DIE FROM A CAUSE INCURRED OR AGGRAVATED WHILE ON INACTIVE-DUTY TRAINING.

(a) SURVIVING SPOUSE ANNUITY.—Paragraph (1) of section 1448(f) of title 10, United States Code, is amended to read as follows:

''(1) SURVIVING SPOUSE ANNUITY.—The Secretary concerned shall pay an annuity under this subchapter to the surviving spouse of—

''(A) a person who is eligible to provide a reserve-component annuity and who dies—

''(i) before being notified under section 12731(d) of this title that he has completed the years of service required for eligibility for reserve-component retired pay; or

''(ii) during the 90-day period beginning on the date he receives notification under section 12731(d) of this title that he has completed the years of service required for eligibility for reserve-component retired pay if he had not made an election under subsection (a)(2)(B) to participate in the Plan; or

''(B) a member of a reserve component not described in subparagraph (A) who dies from an injury or illness incurred or aggravated in line of duty during inactive-duty training.''.

(b) CONFORMING AMENDMENT.—The heading for subsection (f) of section 1448 of such title is amended by inserting ''OR BEFORE'' after ''DYING WHEN''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as of September 10, 2001, and shall apply with respect to performance of inactive-duty training (as defined in section 101(d) of title 10, United States Code) on or after that date.

TO INCREASE THE AMOUNT OF DEATH GRATUITY TO ARMED FORCES MEMBERS

Mr. TALENT. Mr. President, I ask unanimous consent that the Armed Services Committee be discharged from further consideration of S. 704 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 704) to amend title 10, United States Code, to increase the amount of the death gratuity payable with respect to deceased members of the Armed Forces.

There being no objection, the Senate proceeded to consider the bill.

Mr. TALENT. Mr. President, I ask unanimous consent that the bill be read a third time and passed; that the motion to reconsider be laid upon the table; and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 704) was read the third time and passed, as follows:

S. 704

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

SECTION 1. INCREASE IN DEATH GRATUITY PAYABLE WITH RESPECT TO DECEASED MEMBERS OF THE ARMED FORCES.

(a) INCREASE IN DEATH GRATUITY.—Section 1478(a) of title 10, United States Code, is amended by striking ''$6,000'' and inserting ''$12,000''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on September 11, 2001, and shall apply with respect to deaths occurring on or after that date.

RECOGNIZING 40TH ANNIVERSARY OF SINKING OF USS ''THRESHER''

Mr. TALENT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 102, which was submitted earlier today by Senator SUNUNU.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 102) recognizing the 40th anniversary of the sinking of the USS *Thresher*.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SUNUNU. Mr. President, this legislation pays tribute to the 129 officers, sailors, and civilians who lost their lives aboard the USS *Thresher* 40 years ago next week.

The loss of these brave individuals was a tragedy for the U.S. submarine service, for the Navy, and the Nation. Yet out of this tragedy, the Navy was able to learn important lessons about submarine safety and acted to correct design and construction concerns that existed on other subs, and prevent engineering and design flaws on future submarines. These measures have served to benefit our Navy ever since.

Built at the Portsmouth Naval Shipyard and commissioned in August of 1961, the USS *Thresher* was the lead ship in a new class of nuclear-powered attack submarines.

In the fall of 1961 and throughout 1962, the *Thresher* was put through its paces along the eastern seaboard to test its new technological and weapons advancements. Once these tests were completed, the *Thresher* returned to New England for an overhaul where she remained until the spring of 1963.

On April 9, 1963, the *Thresher* departed the Portsmouth Naval Shipyard to conduct deep sea diving exercises some 200 miles off the coast of New England. In the morning hours of April 10, 1963, after reaching her assigned depth, the USS *Thresher*, signaled her companion surface ship, the USS *Skylark*, that it was experiencing difficulties. Shortly thereafter, the crew of the *Skylark* realized that something had gone very wrong as they heard the sound of the *Thresher* breaking apart.

In the investigation that followed this terrible accident, the conclusion was reached that the *Thresher* in all likelihood had sunk due to a failure in its piping, a subsequent loss of power, and an inability to blow the ballast tanks which would have allowed the sub to rise. To this day, the remains of the *Thresher* rest some 8,500 feet below the ocean's surface.

As a result of the *Thresher* incident, the Navy initiated two significant changes to enhance submarine safety. The first of these was the SUBSAFE program, which ensured that every submarine in the fleet and every future submarine built had to pass a rigorous testing program on hull integrity systems as well as pressure-related parts. No sub would go into service without a 100-percent certification.

Second, this tragedy inspired the Navy to encourage a new ocean engineering discipline within a handful of prestigious educational institutions. Today, engineers in this discipline are trained to design and implement systems that can withstand the rigors of a lifetime's use in ocean waters.

Today, I join with Senators GREGG, SNOWE and COLLINS to submit this resolution to honor the naval and civilian crew of the USS *Thresher*.

This resolution will provide Senate recognition of the 40th anniversary of the *Thresher* incident—April 10—and pay tribute to her valiant crew. The resolution also calls on the Senate to express its deep gratitude to all American submariners who are on ''eternal patrol.''

Next week, on the 40th anniversary of the *Thresher* accident, Senators GREGG, SNOWE, COLLINS and I will submit another resolution that will call on the Secretary of the Army to erect a modest memorial at Arlington National

Cemetery to honor the men and women who were lost on the *Thresher* as well as other nuclear submariners lost at sea.

The memorial would be designed not to detract in any way from the solemn nature of Arlington. In fact, I believe it would provide visitors a place of reflection where they can pay their respects to all of these brave individuals.

Our Nation's submarine force is often referred to as the ''silent service.'' They are the original stealth fighters, and, as such, submarines and their crews have proven to be a critical component of our Nation's defense. It is only fitting that we pay tribute to those who risk their lives for us as well as those who have paid the ultimate sacrifice.

I encourage my colleagues to join Senators GREGG, SNOWE, COLLINS and me in honoring these individuals by supporting both of these measures. And I ask for their speedy consideration by the Senate.

The 129 men of the USS *Thresher* who lost their lives deserve our recognition and our gratitude. Therefore, I ask unanimous consent that the names of these men—the 16 officers, 96 crew and 17 civilian technicians aboard the *Thresher* be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

UNITED STATES SHIP ''THRESHER'' (SSN 593)

IN MEMORIAM, APRIL 10, 1963

OFFICERS

Allen, Philip Harcourt, Lieutenant Commander
Babcock, Ronald Clare, Lieutenant Junior Grade
Biederman, Robert Donald, Lieutenant
Billings, John Hilary, Lieutenant Commander
Collier, Merrill Francis, Lieutenant
DiNola, Michael John, Lieutenant Commander
Garner, Pat Mehaffy, Lieutenant Commander
Grafton, John Gilbert, Lieutenant Junior Grade
Harvey, John Wesley, Lieutenant Commander
Henry, James John, Jr., Lieutenant Junior Grade
Krag, Robert Lee, Lieutenant Commander
Lyman, John Sheldon, Jr., Lieutenant Commander
Malinski, Frank John, Lieutenant Junior Grade
Parsons, Guy Carrington, Jr., Lieutenant Junior Grade
Smarz, John, Jr., Lieutenant
Wiley, John Joseph, Lieutenant Junior Grade

SHIPS CREW

Arsenault, Tilmon J., Chief Engineman
Bain, Ronald Eugene, Engineman Second Class
Bell, John Edward, Machinist's Mate First Class
Bobbitt, Edgar Solon, Electrician's Mate Second Class
Boster, Gerald Charles, Electrician's Mate Third Class
Bracey, George, Steward Third Class
Brann, Richard Paul, Engineman Second Class
Carkoski, Richard James, Engineman First Class
Carmody, Patrick Wayne, Storekeeper Second Class
Cayey, Steven George, Torpedoman's Mate Second Class
Christiansen, Edward, Seaman
Claussen, Larry William, Electrician's Mate Second Class
Clements, Thomas Edward, Electronics Technician Third Class
Cummings, Francis Michael, Sonarman Second Class
Dabruzzi, Samuel Joseph, Electronics Technician Second Class
Davison, Clyde Elcott, III, Electronics Technician Third Class
Day, Donald Clifford, Engineman Third Class
Denny, Roy Overton, Jr., Electrician's Mate First Class
Dibella, Peter Joseph, Seaman
Dundas, Don Roy, Electronics Technician Second Class
Dyer, Troy Earl, Electronics Technician First Class
Forni, Ellwood Henry, Chief Sonarman
Foti, Raymond Peter, Electronics Technician First Class
Freeman, Larry Wayne, Fire Control Technician Second Class
Fusco, Gregory Joseph, Electrician's Mate Second Class
Gallant, Joseph Andrew, Chief Hospitalman
Garcia, Napoleon Tomas, Chief Steward
Garner, John Edmond, Yeoman Seaman
Gaynor, Robert William, Engineman Second Class
Gosnell, Robert Howard, Seaman
Graham, William Edward, Chief Sonarman
Gunter, Aaron Jackie, Chief Quartermaster
Hall, Richard Charles, Electronics Technician Second Class
Hayes, Norman Theodore, Electronics Mate First Class
Heiser, Laird Glenn, Machinist's Mate First Class
Helsius, Marvin Theodore, Machinist's Mate Second Class
Hewitt, Leonard Hogentogler, Chief Electrician's Mate
Hoague, Joseph Hartshorne, Torpedo-man's Mate First Class
Hodge, James Porter, Electrician's Mate Second Class
Hudson, John Francis, Engineman First Class
Inglis, John Penfield, Seaman
Johnson, Brawner Garth, Fire Control Technician First Class
Johnson, Edward Albert, Chief Engineman
Johnson, Richard Lee, Radioman Seaman
Johnson, Robert Eugene, Chief Torpedoman's Mate
Johnson, Thomas Benjamin, Electronics Technician First Class
Jones, Richard William, Electrician's Mate Second Class
Kaluza, Edmund Joseph, Sonarman Second Class
Kantz, Thomas Charles, Electronics Technician Second Class
Kearney, Robert Dennis, Machinist's Mate Third Class
Keiler, Ronald Dean, Interior Communications Electrician Second Class
Kiesecker, George John, Machinist's Mate Second Class
Klier, Billy Max, Engineman First Class
Kroner, George Ronald, Commissaryman Third Class
Lanouette, Norman Gilbert, Quartermaster First Class
Lavoie, Wayne Wilfred, Yeoman First Class
Mabry, Templeman Norwood, Jr., Engineman Second Class
Mann, Richard Herman, Jr., Interior Communications Electrician Second Class
Marullo, Julius Francis, Jr., Quartermaster First Class
McClelland, Douglas Ray, Electrician's Mate Second Class
McCord, Donald James, Machinist's Mate First Class
McDonough, Karl Paul, Torpedoman's Mate Third Class
Middleton, Sidney Lynn, Machinist's Mate First Class
Muise, Ronald Arthur, Commissaryman Second Class
Musselwhite, James Alton, Electronics Technician Second Class
Nault, Donald Emery, Commissaryman First Class
Noonis, Walter Jack, Chief Radioman
Norris, John Daniel, Electronics Technician First Class
Oetting, Chesley Charles, Electrician's Mate Second Class
Pennington, Roscoe Cleveland, Chief Electrician's Mate
Peters, James Glen, Senior Chief Electrician's Mate
Phillippi, James Frank, Sonarman Second Class
Philput, Dan Andrew, Engineman Second Class
Podwell, Richard, Machinist's Mate Second Class
Regan, John Sage, Machinist's Mate First Class
Richie, James Patrick, Radioman Second Class
Robison, Pervis, Seaman
Rountree, Glenn Alva, Quartermaster Second Class
Rushetski, Anthony Alexander, Electronics Technician Second Class
Schiewe, James Michael, Electrician's Mate First Class
Shafer, Benjamin Nathan, Master Chief Electrician's Mate
Shafer, John Davis, Senior Chief Electrician's Mate
Shimko, Joseph Thomas, Machinist's Mate First Class
Shotwell, Burnett Michael, Electronics Technician Seaman
Sinnett, Alan Dennison, Fire Control Technician Second Class
Smith, William Harry, Jr., Boilerman First Class
Snider, James Leonard, Machinist's Mate First Class
Solomon, Ronald Hal, Chief Electrician's Mate
Steinel, Robert Edwin, Sonarman First Class
Van Pelt, Roger Edwin, Interior Communications Electrician First Class
Walski, Joseph Alfred, Radioman First Class
Wasel, David Allan, Radioman Seaman
Wiggins, Charles Louis, Fire Control Technician First Class
Wise, Donald Edward, Chief Machinist's Mate
Wolfe, Ronald Eugene, Quartermaster Seaman
Zweifel, Jay Henry, Electrician's Mate Second Class

CIVILIANS

Abrams, Fred Philip, Inspector, Portsmouth Naval Shipyard
Beal, Daniel W., Jr., Electronic Engineer, Portsmouth Naval Shipyard
Charron, Robert E., Electronic Technician, Portsmouth Naval Shipyard
Corcoran, Kenneth James, Progressman, Portsmouth Naval Shipyard
Critchley, Kenneth James, Progressman, Portsmouth Naval Shipyard
Currier, Paul Chevalier, Progressman, Portsmouth Naval Shipyard
DesJardins, Richard Roy, Mechanical Engineer, Portsmouth Naval Shipyard
Dineen, George J., Electrician, Portsmouth Naval Shipyard
Fisher, Richard Kaye, Mechanical Engineer, Portsmouth Naval Shipyard
Guerette, Paul Alfred, Engineering Technician, Portsmouth Naval Shipyard
Jaquay, Maurice Frank, Sonar Field Engineer, Raytheon Company
Kuester, Donald William, Electronics Engineer, Naval Ordnance Laboratory
Moreau, Henry Charles, Leadingman, Portsmouth Naval Shipyard
Palmer, Franklin James, Leadingman, Portsmouth Naval Shipyard

Prescott, Robert Dan, Marine Engineer, Portsmouth Naval Shipyard
Stadtmuller, Donald T., Field Engineer, Sperry Gyroscope Company
Whitten, Lawrence Eugene, Electronic Engineer, Portsmouth Naval Shipyard

Mr. GREGG. Mr. President, today I wish to honor the brave Americans who served on the USS *Thresher*. The nuclear submarine USS *Thresher*, named after a shark, was built with extreme pride by yankee craftsmen working at the Portsmouth Naval Shipyard, Portsmouth, NH. After operations in the Atlantic and Caribbean, she returned to the Portsmouth Naval Shipyard for overhaul, and then on April 10, 1963 she went back to sea for post-overhaul trials. Sadly, during those deep-diving trials, the *Thresher* was lost off the coast of New England, along with all 96 sailors, 16 officers, and 17 civilians on board, falling more than 8,000 feet below the sea.

The sailors, officers and civilians aboard the USS *Thresher* made the ultimate sacrifice in support of our Nation. They are remembered daily throughout New Hampshire, and Maine, and certainly within the U.S. Navy. This measure we introduced recognizes the courage and bravery these men demonstrated in risking their lives in the development of the United States Navy's submarine program, a program which has proven invaluable to the American military. The tragedy of the USS *Thresher* demonstrates the inherent danger of submarine service.

On this the 40th anniversary of the tragedy, it is fitting that the Senate remembers with profound sorrow the loss of the USS *Thresher* and her gallant crew of sailors and civilians; and expresses its deepest gratitude to all submariners on eternal patrol, who are forever bound together by their dedicated and honorable service to the United States of America. May our country never forget those who gave their last full measure on the USS *Thresher*.

Mr. TALENT. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 102) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 102

Whereas the U.S.S. Thresher was first launched at Portsmouth Naval Shipyard on July 9, 1960;

Whereas the U.S.S. Thresher departed Portsmouth Naval Shipyard for her final voyage on April 9, 1963, with a crew of 16 officers, 96 sailors, and 17 civilians;

Whereas the mix of that crew reflects the unity of the naval submarine service, military and civilian, in the protection of the Nation;

Whereas at approximately 7:47 a.m. on April 10, 1963, while in communication with the surface ship U.S.S. Skylark, and approximately 300 miles off the coast of New England, the U.S.S. Thresher began her final descent;

Whereas the U.S.S. Thresher was declared lost with all hands on April 10, 1963;

Whereas from the loss of the U.S.S. Thresher, there arose the SUBSAFE program, which has kept United States' submariners safe at sea ever since as the strongest, safest submarine force in history;

Whereas from the loss of the U.S.S. Thresher, there arose in our Nation's universities the ocean engineering curricula that enables the United States' preeminence in submarine warfare; and

Whereas the crew of the U.S.S. Thresher demonstrated the ''last full measure of devotion'' in service to this Nation, and this devotion characterizes the sacrifices of all submariners, past and present: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 40th Anniversary of the sinking of the U.S.S. Thresher;

(2) remembers with profound sorrow the loss of the U.S.S. Thresher and her gallant crew of sailors and civilians on April 10, 1963; and

(3) expresses its deepest gratitude to all submariners on ''eternal patrol'', who are forever bound together by their dedicated and honorable service to the United States of America.

SEC. 2. TRANSMISSION OF RESOLUTION.

The Secretary of the Senate shall transmit a copy of this resolution to the Chief of Naval Operations and to the Commanding Officer of the Portsmouth Naval Shipyard to be accepted on behalf of the families and shipmates of the crew of the U.S.S. Thresher.

ORDERS FOR WEDNESDAY, APRIL 2, 2003

Mr. TALENT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 a.m., Wednesday, April 2. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period for morning business until 11 a.m., with the time equally divided between Senator HUTCHISON and the minority leader or their designees.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Reserving the right to object, before the unanimous consent request is completed, I will state that we had a very successful appropriations meeting today. It was completed in less than 2 hours. There were a number of amendments that the chairman and ranking member, Senator BYRD, agreed to, and the committee accepted their recommendations. We were able to resolve what we thought would be the more contentious matter relating to the airline industry. We are well down the road to complete this legislation in the time set forth by Senator BYRD and Senator STEVENS, which will be sometime on Thursday.

Senator DASCHLE has asked the Democratic Senators to do what they could to expedite this matter. We have a limited number of amendments, most of which deal with homeland security. Senator STEVENS is aware of the general nature of our amendments and we will be ready to offer those starting tomorrow morning, as soon as they complete their opening statements.

As I indicated, the Democratic leader has indicated he wants us to work as quickly, as expeditiously, and as completely as possible, making sure we have the number of amendments we feel strongly about but not overload this bill with extraneous amendments. We look forward to having this matter completed sometime Thursday.

I have no objection to the initial request.

Mr. TALENT. Mr. President, I further ask unanimous consent that at 11 a.m., the Senate proceed to the consideration of the supplemental appropriations bill as reported by the Appropriations Committee. I further ask consent that at 1:30 p.m., the Senate then proceed to executive session and there then be 30 minutes of debate equally divided in the usual form prior to the cloture vote on the nomination of Miguel Estrada to be a circuit judge for the DC Circuit; provided further that if cloture is not invoked, the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. TALENT. Mr. President, for the information of all Senators, the Senate will be in a period for morning business tomorrow morning until 11 a.m. to allow Members to continue to make statements in support of our troops. This is, of course, according to the majority leader. At 11 a.m., the Senate will begin consideration of the supplemental appropriations bill. Amendments are anticipated on that measure. The majority leader would encourage Members to notify the managers if they intend to offer any amendments. At 2, the Senate will conduct the fourth cloture vote in relation to the Estrada nomination. Following that cloture vote, the Senate will resume consideration of the supplemental appropriations bill. The Senate will complete action on the supplemental this week so we can get the necessary funds flowing to our brave men and women who are serving in Iraq. Therefore, the leader would inform all Senators to expect a busy day tomorrow with rollcall votes throughout.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. TALENT. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:13 p.m, adjourned until Wednesday, April 2, 2003, at 10 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate April 1, 2003:

THE JUDICIARY

TIMOTHY M. TYMKOVICH, OF COLORADO, TO BE UNITED STATES CIRCUIT JUDGE FOR THE TENTH CIRCUIT.

EXTENSIONS OF REMARKS

RESTORING FIRST AMENDMENT PROTECTIONS OF RELIGION AND RELIGIOUS SPEECH

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 2003

Mr. PAUL. Mr. Speaker, I rise to introduce legislation restoring First amendment protections of religion and religious speech. For fifty years, the personal religious freedom of this nation's citizens has been infringed upon by courts that misread and distort the First amendment. The framers of the Constitution never in their worst nightmares imagined that the words, ''Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; or abridging the freedom of speech. . . .'' would be used to ban children from praying in school, prohibit courthouses from displaying the Ten Commandments, or prevent citizens from praying before football games. The original meaning of the First amendment was clear on these two points: The federal government cannot enact laws establishing one religious denomination over another, and the federal government cannot forbid mention of religion, including the Ten Commandments and references to God.

In case after case, the Supreme Court has used the infamous ''separation of church and state'' metaphor to uphold court decisions that allow the federal government to intrude upon and deprive citizens of their religious liberty. This ''separation'' doctrine is based upon a phrase taken out of context from a letter written by Thomas Jefferson to the Danbury Baptists on January 1, 1802. In the letter, Jefferson simply reassures the Baptists that the First amendment would preclude an intrusion by the federal government into religious matters between denominations. It is ironic and sad that a letter defending the principle that the federal government must stay out of religious affairs. Should be used two hundred years later to justify the Supreme Court telling a child that he cannot pray in school!

The Court completely disregards the original meaning and intent of the First amendment. It has interpreted the establishment clause to preclude prayer and other religious speech in a public place, thereby violating the free exercise clause of the very same First amendment. Therefore, it is incumbent upon Congress to correct this error, and to perform its duty to support and defend the Constitution. My legislation would restore First amendment protections of religion and speech by removing all religious freedom-related cases from federal district court jurisdiction, as well as from federal claims court jurisdiction. The federal government has no constitutional authority to reach its hands in the religious affairs of its citizens or of the several states.

As James Madison said, ''There are more instances of the abridgement of the freedom of the people by the gradual and silent encroachment of those in power, than by violent and sudden usurpation.'' I sincerely hope that my colleagues will fight against the ''gradual and silent encroachment'' of the courts upon our nation's religious liberties by supporting this bill.

HONORING CHARLOTTE EDMUNDSON FOR HER 47 YEARS OF SERVICE TO THE CHILLICOTHE STATE BANK IN CHILLICOTHE, MISSOURI

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 2003

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Charlotte Edmundson, vice-president and head of customer service for the Chillicothe State Bank in Chillicothe, Missouri. Charlotte has exemplified the finest qualities of leadership and service and is being honored for her 47 year commitment to the bank and the citizens of Chillicothe.

Charlotte is well known among staff and patrons of the bank for going above and beyond customer service standards, when dealing with both banking and non-banking issues. She interacts on many levels with everyone she comes in contact with and maintains the highest degree of professionalism and honesty. She prides herself on getting her job done right and getting it done on time.

During her years with the bank, Charlotte attained knowledge of the customer service department and the bank's operations that made her an exemplary employee heavily relied upon by management and fellow bank staff. Her coworkers have described her as honest, reliable, helpful, trustworthy and professional.

Mr. Speaker, I proudly ask you to join me in commending the career of Charlotte Edmundson, who exemplifies the qualities of dedication and service as both an employee and citizen of Chillicothe, MIssouri.

HONORING THE JENKINTOWN LIBRARY ON ITS 200TH ANNIVERSARY

HON. JOSEPH M. HOEFFEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 2003

Mr. HOEFFEL. Mr. Speaker, I rise today to recognize and honor the Jenkintown Library on its 200th anniversary.

Established in 1803, the Jenkintown Library is now the third oldest library in Montgomery County, Pennsylvania. For two centuries it has been a center for community learning and is still satisfying the changing needs of the area. The library's vast collection contains books, periodicals, DVD's, and other forms of multimedia. The library also offers programs that reflect the diverse interests of the community it serves.

It is fitting that the Jenkintown Library is celebrating its bicentennial next week, as it corresponds with National Library week. National Library week is a time to recognize and highlight the contributions of both libraries and librarians for connecting people with the resources that they need to live and to learn. It also recognizes libraries as a place for education, self-help, and opportunity, something that the Jenkintown Library exemplifies.

Two hundred years after its founding, the Jenkintown Library still retains its architectural beauty and has been on the National Register of Historic Places since 1979. Throughout its long history, the library has been able to keep up with the needs of the community, and I am confident that the library will continue to contribute for many years to come. I am grateful for the service that the library has provided to not only the citizens of Jenkintown but to all Montgomery Countians.

HONORING JULIE INMAN OF ORANGE COUNTY FOR RECEIVING THE CLARA BARTON SPECTRUM AWARD

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 2003

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to honor Julie Inman of Orange County for receiving the Clara Barton Spectrum Award.

The Clara Barton Spectrum Award, given by the Red Cross, was awarded to eight outstanding women in Orange County.

Julie was honored for founding SupportAbility, a non-profit organization that raised $11,000 for scholarship that went to 14 students who have overcome great adversity.

Julie herself is not unfamiliar with overcoming adversity. When she was 15 years old, Julie suffered a massive stroke. Doctors told her she would never speak again. Three years later, she graduated from Mater Dei High School.

Julie has dedicated herself to helping others beat the odds. Her courage has served as inspiration for many.

Let this young lady's accomplishments serve as an example of the wonderful things our young people are capable of achieving.

I wish her the best of luck in the future.

TRIBUTE TO LIEUTENANT COLONEL JOHN STEIN

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 2003

Mr. EVANS. Mr. Speaker, last week the United States Air Force lost six servicemen

and women in Afghanistan when their helicopter crashed while on a humanitarian mission to evacuate two injured children. Lieutenant Colonel John Stein of western Illinois was among those killed. I would like to take this opportunity to celebrate his life, commend his remarkable bravery, and extend my sincerest condolences to his family, friends, and loved ones. He will be missed.

A Bardolph native, John Stein began dating his wife, Barbara (Nelson) Stein, while the two were students at Macomb High School. He graduated in 1981, she in 1980. Macomb High School principal Michael Sartore remembers Stein as a quiet, hard-working, dedicated student. A career military officer, Lt. Col. Stein resided with his family at Moody Air Force Base in Valdosta, Georgia. The couple has three children: Doug, 17, Erin, 13, and Timothy, 11. His mother, Hazel Henry, still lives in Macomb.

Lieutenant Colonel Stein was a helicopter pilot with the 41st Rescue Squadron at Moody Air Force Base, a part of the 347th Operations Group specializing in rescuing downed pilots behind enemy lines. Kelly Friday, a childhood friend, said that even in high school Lt. Col. Stein wanted to be a helicopter pilot. ''Any goal he set out to achieve, he mastered it,'' he recalled. ''He was very intelligent; anything he touched he mastered.''

On behalf of the communities in western and central Illinois, I would like to extend my thoughts and prayers to the Stein family at this difficult time. Lieutenant Colonel John Stein's courage in serving his country will not soon be forgotten.

RECOGNIZING DUSTIN WRIGHT FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 2003

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Dustin John Wright, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 261, and in earning the most prestigious award of Eagle Scout.

Dustin has been very active with his troop, participating in such scout activities as the H. Roe Bartle Summer Camp for five years, and the BSA snorkeling and ranger programs. Over the 10 years he has been involved in scouting, Dustin has earned 35 merit badges. Additionally, he has held numerous leadership positions, serving as patrol leader, assistant patrol leader, and troop's chaplain aide. Dustin also has been honored for his numerous scouting achievements with such awards as the Parvuli Dei Catholic Religious Award, the Ad Altare Dei Catholic Religious Medal, the Arrow of Light Award, the World Conservation Award, and the Warrior in the Tribe of Mic-O-Say Award.

For his Eagle Scout project, Dustin constructed and installed a handrail for a bridge, and improved 150 feet of trail with gravel at the Heartland Presbyterian Center in Parkville, MO.

Mr. Speaker, I proudly ask you to join me in commending Dustin John Wright for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

INTRODUCTION OF PRO-LIFE LEGISLATION

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 2003

Mr. PAUL. Mr. Speaker, I rise today to introduce three bills relating to abortion.

First, the Freedom of Conscience Act of 2003 prohibits any federal official from expending any federal funds for any population control or population planning program or any family planning activity. It is immoral to force the American taxpayers to subsidize programs and practices they find morally abhorrent.

Second, I rise to introduce the Partial-birth Abortion Funding Ban Act of 2003. This bill prohibits federal officials from paying any federal funds to any individual or entity that performs partial-birth abortions. The taxpayer must not be forced to fund this barbaric procedure.

Finally, my Life-Protecting Judicial Limitation Act of 2003 provides that the inferior courts of the United States do not have jurisdiction to hear abortion-related cases. Congress must use the authority granted to it in Article 3, Section 1 of the Constitution. The district courts of the United States, as well as the United States Court of Federal Claims, should not have the authority to hear these types of cases.

Mr. Speaker, it is my hope that my colleagues will join me in support of these three bills. By following the Constitution and using the power granted to the Congress by this document, we can restore freedom of conscience and the sanctity of human life.

HONORING ROCKLEDGE VOLUNTEER FIRE COMPANY

HON. JOSEPH M. HOEFFEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 2003

Mr. HOEFFEL. Mr. Speaker, I rise today to recognize and honor the Rockledge Volunteer Fire Company on its one hundred years of service to that community.

Many things have changed for the company since its founding in 1903. It has grown from a single wagon pulled by the firefighters themselves to a small fleet of trucks capable of meeting all fire fighting needs. While it was once reliant on others to help put out its fires, the Rockledge Volunteer Fire Company is now large enough to lend its services beyond the town borders of Rockledge.

The fire company has become a staple in Rockledge, and its members have always been active in the community that they served. The late Jules Ceigelkowski served in the company for seventy years, and Robert Snyder, a former police and fire chief in Rockledge just celebrated sixty years of service in 2002. In addition, the fire company offers junior memberships to those under the age of 18.

Since its beginning, the Rockledge Fire company has been based on volunteerism, community, and caring for others. I firmly believe that it is those three principles that will continue to carry the company and its members for many years to come, and I am grateful for the service the company continues to provide to the citizens of Rockledge. Again, I congratulate the Rockledge Volunteer Fire Company on its 100th anniversary.

APPLAUDING THE FUNDRAISING EFFORTS OF THE TEACHERS AND FACULTY AT THE ORANGE COUNTY HIGH SCHOOL OF THE ARTS, IN SANTA ANA, CALIFORNIA

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 2003

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to applaud the fundraising efforts of the teachers and faculty at the Orange County High School of the Arts, in Santa Ana, California.

Like many schools across the nation, the Orange County High School of the Arts is facing serious budget concerns. Forecasting $600,000 in cuts, a number of janitors, clerical and cafeteria workers were laid off. School officials announced that many more teachers could be laid off during the school's second semester.

In spite of these dire outlooks, teachers are leading a fund-raising effort that has raised $73,000 so far to prevent more layoffs and increases in class sizes.

In a band called ''Will Play for Food,'' teachers are selling out concerts to raise money. Some have even donated back their raises.

These teachers are going above and beyond their duties to maintain a high quality education at their schools. Our teachers should be using their energy to improve the performance of their students, instead of performing to keep their jobs.

The bottom line is that we are leaving our children and our teachers behind. If we want to stimulate the economy and improve our country's future, the best investment we can make is the education of our youth.

TRIBUTE TO CORPORAL EVAN JAMES

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 2003

Mr. EVANS. Mr. Speaker, last week western Illinois lost one of its sons in the war against Iraq, and I would like to take this opportunity to celebrate his life, commend his bravery, and extend my condolences to his family, friends, and loved ones. Corporal Evan James, a member of the Marine Corps Reserves Unit based in Peoria, Illinois, made the ultimate sacrifice for his country. While his unwavering commitment to this nation and its ideals are an inspiration, it is a tragedy that this young, promising life was cut so short. He will be missed.

Corporal Evan James, 20 years old, was born to Mike and Donna James of LaHarpe, Illinois. A 2000 graduate of LaHarpe High

School, he played basketball while there and was a guard and outside linebacker on the Thunder football team. After graduation, Cpl. James joined Company C of the 6th Engineer Support Battalion to help pay for college. He was studying to be a physical fitness trainer at Southern Illinois University at Edwardsville. James' unit was fully mobilized on January 14, 2003 and he was deployed to the Persian Gulf in February. According to Gunnery Sergeant James Howard of the Naval and Marine Corps Reserve Center in Peoria, Evan James achieved his corporal's rank faster than most Marines, and was very professional with leadership abilities beyond his age. Captain John Bruzza called James a model Marine and a good leader who performed well above his pay grade. James' aunt Diane Kornegay said this about her nephew: ''They wanted a few good men and in Evan they got the best . . . . If you met him you would love him. He was that kind of person and we're just very proud of him for the person he was.''

On behalf of the communities in western and central Illinois, I would like to extend my thoughts and prayers to the James family at this difficult time. Corporal Evan James' courage in serving his country will not soon be forgotten.

RECOGNIZING CHRISTOPHER KENNALEY FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 2003

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Christopher Robert Kennaley, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 261, and in earning the most prestigious award of Eagle Scout.

Christopher has been very active with his troop, participating in such scout activities as the H. Roe Bartle Summer Camp for 7 years, the Philmont High Adventure and the Packard High Adventure. Over the nine years he has been involved in scouting, Christopher has earned 33 merit badges. Additionally, he has held numerous leadership positions, serving as three time patrol leader and assistant senior patrol leader. Christopher also has been honored for his numerous scouting achievements with such awards as the member of the Order of the Arrow, the Parvuli Dei Catholic Religious Award, the Ad Altars Dei Catholic Religious Medal, the Firebuilder in the Tribe of Mic-O-Say Award and the World Conservation Award.

For his eagle scout project, Christopher designed and constructed a fence on the side of a storage shed at St. Therese Catholic Church in Parkville, MO.

Mr. Speaker, I proudly ask you to join me in commending Christopher Robert Kennaley for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

FLOYD SPENCE POST OFFICE BUILDING

SPEECH OF

HON. HENRY E. BROWN, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 26, 2003

Mr. BROWN of South Carolina. Mr. Speaker, I rise today to honor the memory of the late Congressman Floyd Spence and to commend his extraordinary career as a servant to the nation and to the people of South Carolina. Floyd was a true leader dedicated to preserving the American way of life, and he did so for over forty years in both the South Carolina state delegation and the United States House of Representatives. Serving as the chairman for the House National Security Committee from 1995–1999 and for the Armed Services Committee from 1991–2001, he was an advocate for heightened national security and for increased military funding. He drew his passion for the military from his own personal experiences of serving in the navy reserves for more than forty years. It was no secret that defending the nation was his top political priority. Congressman Spence was also an ardent voice against big government, which kept his platform focused on the needs of his fellow South Carolinians and away from that of sweeping federal legislation.

It is well fitting that the facility of the United States Post Office in Lexington, SC, honors Congressman Spence's memory by bearing his name. He was deeply committed to public service, a leader of our nation, and a passionate supporter of national defense. We all mourned his loss when he passed away and can still feel his absence during this time of national crisis. I am proud to say that his diligent efforts as Chairman of the Armed Services Committee have helped prepare the nation for the present war and we all owe Congressman Spence a debt of gratitude for his work in shaping the military into what it is today. Seldom will you ever find a truer American than Floyd Spence, and I am proud to have served with him in Congress and to call myself a fellow South Carolinian.

TRIBUTE TO DR. AND MRS. FRANK LIGHT

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 2003

Mr. PAYNE. Mr. Speaker, it is with great pride that I rise today to recognize Dr. and Mrs. Frank Light for their many contributions to health care in my district and around the world.

As a member of Rahway Hospital's Medical/Dental staff since 1973 and long-time trustee of the Rahway Hospital Foundation, Dr. Light is a very active member within his hospital community. Dr. Light is also an active member of the American Society of Anesthesiologists as well as former board member and president of the John E. Runnels County Hospital and the Family and Children's Society, Counseling, Testing and Adoption Center.

In addition to their contributions within the hospital community, Dr. and Mrs. Light have dedicated their time to helping provide free health care to needy children around the world through Healing the Children Midlantic, Inc. As a member of the International Relations Committee, I am very aware of the need for quality medical care for children around the world, and am extremely appreciative of Dr. Light's efforts over the past twenty-five years as part of a medical team that has traveled to many countries to provide such medical services.

Dr. and Mrs. Light have also provided a home to many children while they undergo medical treatment and surgery in this country. They are able to give love to these children while they are far away from their loved ones as well as support while they undergo medical procedures. Dr. and Mrs. Light have dedicated their lives to bettering the lives of children around the world.

Mr. Speaker, I know that my colleagues here in the U.S. House of Representative join me today as I recognize Dr. and Mrs. Light and their innumerable contributions to the medical community and to the health and future of children around the world. It is selfless acts such as these that set an example for the rest of the world.

NORTHERN IRELAND PEACE AND RECONCILIATION SUPPORT ACT OF 2003

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 2003

Mr. EMANUEL. Mr. Speaker, on behalf of more than 25,000 of my constituents who are of Irish descent, I rise in strong support of H.R. 1208, which recognizes the importance of funding the peace process in Northern Ireland.

The people of Ireland, the people of Great Britain are long-standing friends and allies of the United States and the American people. In these difficult times, we are deeply grateful for their partnership in the coalition against terror and their invaluable contributions in the war in Iraq.

Our investment in the International Fund for Ireland contributes to strengthening relations and creating thousands of new jobs and businesses for Catholics and Protestants in Northern Ireland. Importantly, more than 80 percent of the Fund's contributions have targeted disadvantaged areas by offering job training programs for unemployed youth and through the economic, social, and physical regeneration of deprived areas.

We should continue to support the Fund's community-building programs promoting greater dialogue and understanding between Catholics and Protestants. We should also help advance the Fund's role in the development of a new generation of leaders in Northern Ireland in order to bring about a more peaceful and prosperous future in the region.

The Good Friday Agreement of 1998, which called for basic human rights and marked the first meaningful step toward reconciliation in Northern Ireland was suspended last year. Elections in May will determine the future prospects of the agreement, which makes this resolution especially relevant and timely.

Mr. Speaker, our shared goal with Ireland is for all Catholic and Protestant families to live

in peace, free from discrimination, terrorism, and intolerance. That is why I strongly support fully funding the International Fund for Ireland and encourage my colleagues to vote for this legislation.

PERSONAL EXPLANATION

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 2003

Mr. HYDE. Mr. Speaker, between March 11, 2003 and March 31, 2003, I was intermittently absent for several rollcall votes having undergone corrective back surgery.

Had I been present, I would have voted:

Rollcall Vote No., Description, Vote

50, Observer status for Taiwan—''yea.''
51, 60th Anniversary—Rescue of Bulgarian Jews—''yea.''
52, Armey Room—''yea.''
53, Approving the Journal—''yea.''
54, Bicentennial Admission of Ohio into the Union—''yea.''
55, Need for improved fire safety in nonresidential buildings—''yea.''
56, Hospital Mortgage Insurance Act of 2003—''yea.''
57, Automatic Defibrillation in Adam's Memory Act—''yea.''
58, Mosquito Abatement for Safety and Health Act—''yea.''
59, Organ Donation Improvement Act—''yea.''
60, Patient Safety and Quality Improvement Act—''yea.''
61, On Ordering the Previous Question (H.R. 5)—''yea.''
62, On Agreeing to the Resolution on H.R. 5—(Rule)—''yea.''
63, On motion to Recommit—''no.''
64, On Passage of H.R. 5 (HEALTH Act)—''yea.''
65, Condemning the punishment of execution by stoning—''yea.''
66, Nicaragua Property Dispute Settlement Act—''yea.''
67, Addressing human rights abuses in North Korea—''yea.''
68, Mortgage Servicing Clarification Act—''yea.''
69, Cibola National Wildlife Refuge, California—''yea.''
70, Rathdrum Prairie/Spokane Valley Aquifer—''yea.''
71, Sherman Amendment to H.R. 975—''no.''
72, Nadler Amendment to H.R. 975—''no.''
73, Motion to Recommit H.R. 975—''no.''
74, On Passage of H.R. 975, the Bankruptcy Act—''yea.''
75, Approving the Journal—''yea.''
76, Armed Forces Tax Fairness Act—''yea.''
77, Ruling in Newdow v. United States Congress—''yea.''
78, Hill Amendment to H. Con. Res. 95—''no.''
79, Toomey Amendment to H. Con. Res. 95—''no.''
80, Cummings Amendment to H. Con. Res. 95—''no.''
81, Spratt Amendment to H. Con. Res. 95—''No.''
84, Glen Canyon National Recreation Area—''yea.''
85, Upper Mississippi River Basin—''yea.''
86, On ordering previous question (H.R. 1104)—''yea.''
87, Feeney Amendment—''yea.''
88, Smith Amendment—''yea.''
89, On passage of HR 1104—Child Abduction Prevention Act—''yea.''
90, Recognizing need for fasting and prayer—''yea.''
91, U.S. Armed Forces as POWs in Iraq—''yea.''
92, Injuries resulting from smallpox vaccine—''yea.''
93, Honoring Fayettville, NC for the Festival of Flight—''yea.''
94, Amend the Small Business Act—''yea.''

RECOGNIZING PHILLIP SHINN FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 2003

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Phillip George Shinn, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 261, and in earning the most prestigious award of Eagle Scout.

Phillip has been very active with his troop, participating in such scout activities as the H. Roe Bartle Summer Camp for three years, and the Brownsea Junior leadership training in July of 2003. Over the seven years he has been involved in scouting, Phillip has earned 37 merit badges. Additionally, he has held numerous leadership positions, serving as two-time patrol leader, den chief, scribe, instructor, and librarian. Phillip also has been honored for his numerous scouting achievements with such awards as the Member of the Order of the Arrow, The Light of Christ Award, the Parvuli Dei Catholic religious award, the Ad Altare Dei Catholic religious medal, and the Deutsch (a German interpreter).

For his Eagle Scout project, Phillip constructed and installed 30 road signs at Heartland Presbyterian Center in Parkville, Missouri.

Mr. Speaker, I proudly ask you to join me in commending Phillip George Shinn for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING GENCO FEDERAL CREDIT UNION'S FIFTY YEARS OF SERVICE TO THE PEOPLE OF CENTRAL TEXAS

HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 2003

Mr. EDWARDS. Mr. Speaker, in April 1953, a half century ago, the GENCO Federal Credit Union was created by a group of employees of the General Tire and Rubber Company plant in Waco, Texas to meet the financial needs of their fellow employees.

A credit union is ''Democracy in Action''; a not-for-profit financial cooperative organized by people who share a common bond. All the members pool their assets to provide funds for loans to those in need within the membership. The members own the credit union, electing directors from among the membership. Credit Unions are regulated either by Federal or State law, depending upon the source from which the group receives its charter. The principal function of credit unions is to encourage savings and thrift and provide consumers credit at favorable interest rates. GENCO FCU is federally chartered and regulated by the National Credit Union Administration (NCUA).

In 1985, General Tire and Rubber Company's Waco plant shut down. But GENCO has continued to thrive and prosper. The board enlarged the credit union's field of membership to include employees of Musician's Association Local No. 306, Veterans of Foreign Wars, Waco Post No. 2148, AmVets Post No. 35, American Income Life Insurance Company, Mercury Tool, Hornet Manufacturing, Walker's Paint & Repair and Lockridge Priest.

In 1992, GENCO opened yet another chapter of its life when it purchased Lufkin Regional Federal Credit Union. Operating under a community charter, the organization is now able to serve anyone who lives or works in McLennan County in Central Texas or Angelina County in East Texas.

For five decades, the theme of loyalty has run consistently throughout GENCO's work, along with adherence to the principles of encouraging savings and thrift and providing working men and women credit at favorable interest rates. That fifty years of service and commitment to its community make the celebration of GENCO Federal Credit Union's 50th anniversary all the more special.

Mr. Speaker, I ask my colleagues in the House of Representatives to join me in honoring and celebrating GENCO Federal Credit Union's 50 years of service to the people of Central Texas.

INTRODUCTION OF THE HOSPITAL INVESTMENT ACT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 2003

Mr. STARK. Mr. Speaker, Representative JERRY KLECZKA (who represents Milwaukee, WI and serves with me on the Ways and Means Health Subcommittee) and I share a strong concern about the growth of so-called ''boutique'' or ''specialty'' hospitals. These entities are springing up across the country, including across California and in Milwaukee, Wisconsin. They are licensed under state law as hospitals, but instead of providing the wide array of services that traditional hospitals provide, they focus on a particular procedure or medical specialty. The medical specialties that are being chosen aren't the vital day-to-day hospital services on which communities depend like emergency rooms and burn units. Instead, they are the highly profitable segments of care—cardiac care and orthopedic surgery being two of the most common types of specialty hospitals.

Today, we are reintroducing a bill we first authored in the 107th Congress, the Hospital Investment Act. This bill addresses our concern that these specialty hospitals are skirting the spirit of the physician self referral laws, often called the Stark laws. Those laws allow physicians to invest in ''whole hospitals'' because the services provided in such a facility

are so broad that concerns about self referral conflicts are greatly minimized. But that is not the case for specialty hospitals.

Most specialty hospitals are jointly owned by the hospitals and groups of physicians who are referring patients to that hospital. Typically, these joint ventures are marketed only to physicians in a position to refer patients to the facility. In these situations, there is great potential for conflicts-of-interest for physicians who refer patients to facilities in which they have an ownership interest. These joint ventures may induce investor physicians to base their treatment decisions on profits generated by the facility rather than on the clinical needs of their patients. This is exactly the type of behavior the Stark laws were written to prevent.

The development of specialty hospitals is of great concern to our health care system and to communities across our nation because they deprive full-scale hospitals of their most profitable business, leaving those existing hospitals much worse off financially. The investors in these joint ventures and specialty hospitals skim the profits off full-scale hospitals, leaving them to struggle financially. Then the hospitals must look to Medicare and to their local communities to help them financially.

One of the biggest chains of heart hospitals in this country is a company called the MedCath Corporation. One needs only look at their financial statement to see that they recognize the level of concern felt around the nation about their line of business. Their 2002 10–K report highlights nervousness that regulators and legislators are catching onto their scheme. As the report states:

''Many states in which we operate also have adopted, or are considering adopting physician self-referral laws which may prohibit certain physician referrals or require certain disclosures.'' They also highlight specific concerns about our bill from the last Congress and go on to say that, ''Possible amendments to the Stark law could require us to change the manner in which we establish relationships with physicians to develop a heart hospital.''

MedCath is right to be nervous. Their business model not only harms hospitals and communities, it violates the spirit of Medicare self referral laws intended to prohibit such conflicted behavior that drives up costs and may produce unnecessary care. Lawyers for MedCath and many others have found a loophole in the self-referral laws, and physicians are taking advantage of it.

The bill we are introducing today would close that loophole. Our bill would continue to permit physician ownership in these joint ventures and specialty hospitals. But, that allowance is contingent on a new requirement that the ownership or investment interest is purchased on terms that are generally available to the public at the time. This change would not prohibit physicians from purchasing shares of stock. However, it would make sure that such stock purchases are not the result of a sweetheart deal available only to physicians and set up in a way to skirt the law.

If this bill is enacted, it will make it harder for specialty hospitals and physicians to skim profits from full-scale hospitals leaving it up to Medicare and local communities to foot the bill to assure that access to needed patient care isn't jeopardized.

Mr. Speaker, it is time to close this loophole in the Medicare physician self-referral laws, and I urge my colleagues to support it.

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 2003

Mr. BECERRA. Mr. Speaker, on Thursday, March 27, 2003, 1 was unable to cast my floor vote on rollcall numbers 90 and 91. The votes I missed include rollcall vote 90 on Suspending the Rules and Agreeing to H. Res. 153, Recognizing the public need for fasting and prayer; and rollcall vote 91 on Suspending the Rules and Agreeing to H. Con. Res. 118, Concerning the treatment of members of the Armed Forces held as prisoner of war.

Had I been present for the votes, I would have voted ''present'' on rollcall vote 90 and ''aye'' on rollcall vote 91.

RECOGNIZING ROBERT PETCOFF FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 2003

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Matthew Robert Petcoff, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 261, and in earning the most prestigious award of Eagle Scout.

Matthew has been very active with his troop, participating in such scout activities as the H. Roe Bartle Summer Camp for six years, the Philmont High Adventure and Troop Camping. Over the 12 years he has been involved in scouting, Matthew has earned 36 merit badges. Additionally, he has held numerous leadership positions, serving as troop scribe, chaplain's aide, assistant patrol leader, troop guide, and troop trainer. Matthew also has been honored for his numerous scouting achievements with such awards as the Parvuli Dei Catholic Religious Award, the Ad Altare Dei Catholic Religious Medal, and the Warrior in the tribe of Mic-O-Say Award.

For his eagle scout project, Matthew created a landscaped flagpole area with a cement walkway for the Hills of Walden Neighborhood Clubhouse in Kansas City, Missouri.

Mr. Speaker, I proudly ask you to join me in commending Matthew Robert Petcoff for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

CLOSE THE LOOPHOLE IN MEDICARE PHYSICIAN SELF-REFERRAL LAWS

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 2003

Mr. KLECZKA. Mr. Speaker, today Congressman STARK and I are reintroducing legislation, the Hospital Investment Act, sponsored initially in the 107th Congress, to address serious concerns about conflicts-of-interest raised by specialty or so-called ''boutique'' hospitals with physician-investor ownership arrangements.

Across the nation, there is a tremendous growth of boutique hospital construction. In the Milwaukee-area alone, there are three boutique heart hospitals under development. These facilities are not typical, general hospitals, which are prepared to meet the wide variety of health needs within a community. Instead, these entities specialize in one area of procedures, such as cardiac care or orthopedic surgery, that is high-volume and high-profit to these investor-owned facilities.

One major consideration with the proliferation of these boutique hospitals is the issue of self-referral, in which doctors send their patients to facilities where they have a preferential financial ownership stake. Current federal law forbids a physician from referring patients to health facilities—such as clinical laboratories, physical therapy groups, and radiology centers—in which he or she stands to financially benefit.

These Stark I and Stark II laws did provide one exception that allows physicians to self-refer patients to hospitals, as long as it is a ''whole hospital'' and not just a particular department or clinic within the facility. Since whole hospitals provide such a wide array of health services, there was minimal risk of conflict-of-interest. Unfortunately, this exception has become a loophole by which physicians can legally refer patients to freestanding boutique hospitals where they have a direct personal financial interest.

Typically, stakes in these boutique hospital ventures are marketed exclusively to doctors in a position to refer patients to the facility. This preferential interest creates an inducement for investor-physicians to overutilize services and base treatment decisions on profits rather than the medical needs of the patient. As we have seen in the past, these arrangements invariably lead to increased health care spending without necessarily increased quality of patient care. This is exactly the scenario that the Stark laws were designed to prevent.

Boutique hospitals also rob full-service community hospitals of their most profitable lines of business, leaving them to struggle to stay afloat financially. Without the high-profit surgical units to cross-subsidize the other less-profitable—but equally important—services like emergency and burn care, these hospitals will have to turn increasingly to the federal government as well as their local communities for financial assistance. Medicare, Medicaid, and other important programs, which are already stretched thin, should not be forced to take on this additional burden because these joint ventures are skimming off large profits for their investors.

The Hospital Investment Act of 2003 would close this loophole by prohibiting preferential hospital ownership terms for physicians. Under this legislation, physicians could continue to refer patients to joint ventures and specialty hospitals, but only if their ownership or investment interest is purchased on terms also available to the general public at the time. This would ensure that stock purchases are not a result of a special deal available only to physicians that gives them a preferential share of the profits.

Physicians and facilities found in violation of this act would be subject to a civil monetary

penalty of up to $15,000 per prohibited referral plus twice the amount billed for the referred service. In cases where there was an arrangement or scheme to refer patients to facilities owned by the physician, penalties could be as high as $100,000 and twice the amount billed for referred services. Also, the physician and specialty hospital would be denied participation in the Medicare program.

Mr. Speaker, we must close the loophole in the Medicare physician self-referral laws and halt this trend that threatens the sustainability of our local community hospitals. I urge my colleagues to cosponsor and support this important legislation.

PERSONAL EXPLANATION

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 2003

Mr. ANDREWS. Mr. Speaker, I was unavoidably detained for the three votes on March 31, 2003. I was attending a rally for the safe return of Sgt. James Riley of Pennsauken, NJ, a mechanic in the Army's 507th Maintenance Company who was among five soldiers captured in southern Iraq on March 23.

Had I been present, I would have voted in favor of H.R. 1166 and H. Con. Res. 58, and I would have voted against H.R. 1463.

CELEBRATING THE 125TH ANNIVERSARY OF BETHEL AME CHURCH

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 2003

Mr. GERLACH. Mr. Speaker, I rise today to honor the Bethel African Methodist Episcopal Church of Bryn Mawr, Pennsylvania during its 125th anniversary celebration. Bethel AME is the oldest black church on the original Main Line, a suburb of Philadelphia.

Local minister John Hooper began Bethel AME in his home on Conestoga Road in 1878. He was joined by Mr. George Barrick, who continued the mission after Hooper died in 1880.

During the 1880s, Bethel AME petitioned the Philadelphia AME Conference for a pastor. The first permanent pastor, Reverend J.B. Hill, came to the congregation in 1888.

Although the Church now had a full-time pastor, it lacked a fixed place of worship. Too poor to purchase land for a church, congregants moved from place to place, worshipping wherever they could. Eventually Mr. Barrick and Mr. Samuel Curtis purchased a lot on Merion Avenue in Bryn Mawr. Residents of Bryn Mawr, both white and African-American, raised four thousand dollars to construct the church, which was finished in 1889. A parsonage and parish house were added later. They have since been converted to a fellowship hall for use by the entire Church community.

Currently under the leadership of Rev. Dr. Isiah H. Woods, Bethel AME Church is an important part of the Main Line community. The founding and development of the Church illustrate for us all what can be accomplished when people work together for a higher purpose. I encourage my colleagues to join me in saluting Bethel AME on reaching this milestone.

PERSONAL EXPLANATION

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 2003

Mr. GALLEGLY. Mr. Speaker, on March 31, 2003, I was unable to vote on H.R. 1463 (rollcall vote 92), H. Con. Res. 58 (rollcall 93), and H.R. 1166 (rollcall vote 94). Had I been present, I would have voted ''yea'' on all three measures.

EXPRESSING SUPPORT AND APPRECIATION FOR THE PRESIDENT AND MEMBERS OF THE ARMED FORCES PARTICIPATING IN OPERATION IRAQI FREEDOM

SPEECH OF

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 2003

Mr. CAMP. Mr. Speaker, as America moves forward with resolve to disarm Saddam Hussein, I rise in support of President Bush for his leadership and to honor our U.S. troops and their families for their dedication and sacrifice.

The time has come when the United States must again lead the world against those who threaten the freedom and stability of the free world. As our troops labor in military encampments at home and abroad, let us labor in prayer on their behalf and on behalf of all freedom loving people around the world.

After twelve years of Iraqi deception and non-compliance, an international coalition of over thirty countries is engaging in a military campaign to forcibly disarm Saddam Hussein. The Iraqi dictator has been given every possible opportunity to cooperate, to reveal his weapons of mass destruction programs, and to provide relief to the Iraqi people. He has failed to take advantage of multiple offers for a peaceful resolution. We do not enter into this campaign cheerfully, but with a somber resolve.

Our goal of liberating the Iraqi people from a tyrannical dictator will not be accomplished without the steely resolve and contributions of all Americans. Whether you are a soldier on the front line or a 'soldier' in America's economy, each person can contribute to our objective of achieving total disarmament and establishing peace.

This resolution expresses the unequivocal support of the President as Commander-in-Chief for his firm leadership and decisive action, the members of the United States Armed Forces serving in Operation Iraqi Freedom for their patriotism and bravery, and the families of the United States military personnel serving in Operation Iraqi Freedom. Together, with our allies around the globe and our Armed Forces overseas, we will stay focused on our mission and never waver from our objective—total disarmament, the end of Saddam Hussein, freedom for the Iraqi people, and peace in the region.

TRIBUTE TO SPC. GREG SANDERS

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 2003

Mr. VISCLOSKY. Mr. Speaker, it is with great pride and honor that I pay tribute to an outstanding American, a true patriot, and a hero to his country, Spc. Greg Sanders. Spc. Sanders was killed in action on Monday, March 24, 2003 while serving in Operation Iraqi Freedom for the 3rd Infantry Division of the United States Army. He bravely sacrificed his life to ensure the safety of his fellow soldiers, the Iraqi people, and the very idea of freedom throughout the world. He will be remembered at a candlelight vigil in his hometown of Hobart, Indiana on Wednesday, April 2, 2003.

Greg Sanders was a native of Hobart and graduated from Hobart High School in May 2001, where he thrived both as a student and as an athlete. An honor roll student and member of the Hobart High School track team, Greg was also named co-captain of his high school cross country team, which advanced to the regional finals in each of his last two seasons. Greg's outstanding motivational skills and unmatched charisma helped mold him into a natural leader. His work ethic propelled him to great accomplishments, both academically and athletically. It was this same work ethic, coupled with his dedication to the United States, which led Greg to commit to the United States Army during his junior year at Hobart High School.

Mr. Speaker, after completing his high school career, Greg was sent to Fort Knox, Kentucky for a grueling basic training. Although the physical and mental demands were extremely difficult, Greg remained undeterred in his lifelong desire to serve in the military. The son of a Naval veteran, Greg understood the hardships of military life and accepted them with the courage and fortitude befitting a soldier dedicated to the defense of his country. After completing basic training, Greg moved with his wife, Ruthann, to Fort Stewart, Georgia, where she later gave birth to their daughter, Gwendolyn. It was from here that Greg Sanders's journey to Iraq began.

Spc. Sanders deployed for Kuwait on January 23, 2003 as part of the 3rd Battalion of the 69th Armored Regiment. His duty was to load the 120 mm cannon on the M–1 Abrams tank as the armored caravan stormed through southern Iraq, a duty he carried out bravely and successfully until a sniper prematurely took his life. Greg dreamed of dedicating his life to the military, and he honored that unit on March 24, 2003 by sacrificing himself to preserve the values he treasured.

Although it was his lifelong dream to serve his nation as a career soldier, nothing was more important to Greg Sanders than his family. He is survived by his wife and daughter, his mother, Leslie, and his three siblings, Dean, Clare, and Lauryn, as well as a nation and a community who will never forget the sacrifice that he made to protect our freedom. His father, Rich Sanders, was a Navy veteran who died of a heart attack at the young age

of 37, and Greg looked to him for guidance and advice while contemplating a career in the military. Greg remained close to his family until his death, and he will never be forgotten by those he left behind.

Mr. Speaker, at this time I ask that you and my other distinguished colleagues join me in honoring the memory of Spc. Greg Sanders, and in sending our heartfelt condolences to his family. Greg is a hero, not only to his family and friends, but also to Northwest Indiana and to the United States of America. He fought bravely for the ideals of freedom, truth, and liberty, and as our nation mourns his loss, let us honor his life and his dedication to the service of his country.

RECOGNIZING JOSEPH MYERS FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 2003

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Joseph Michael Myers, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 261, and in earning the most prestigious award of Eagle Scout.

Joseph has been very active with his troop, participating in such scout activities as the H. Roe Bartle Summer Camp for 8 years, H. Roe Bartle Summer Camp Staff Member, Seabase High Adventure and Snaws. Over the 13 years he has been involved in scouting, Joseph has earned 30 merit badges. Additionally, he has held numerous leadership positions, serving as Senior Patrol Leader, Assistant Senior Patrol Leader, Patrol Leader, Librarian, Historian, Instructor and Quartermaster. Joseph also has been honored for his numerous scouting achievements with such awards as the Member of the Order of The Arrow, The Parvuli Dei Catholic Religious Award, the Ad Altare Dei Catholic Religious Medal, and the Tom-Tom Beater in the Tribe of Mic-O-Say Award.

For his Eagle Scout project, Joseph imbedded water bars and spread gravel over a section of trail at the Parkville Nature Sanctuary in Parkville, Missouri.

Mr. Speaker, I proudly ask you to join me in commending Joseph Michael Myers for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

PERSONAL EXPLANATION

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 2003

Mr. EHLERS. Mr. Speaker, on rollcall Nos. 92, 93, and 94 I missed the votes due to a delay in my airplane flight. Had I been present, I would have voted ''yea'' on all.

REINTRODUCTION OF SAMPLING LEGISLATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 2003

Mrs. MALONEY. Mr. Speaker, today, I introduce legislation that will ensure that future Censuses truly reflect the demograph makeup of this nation. This bill would clarify Section 195 of Title 13 U.S.C. to allow the most accurate numbers to be used for apportionment and all other purposes.

INTRODUCTION OF THE CRACKDOWN ON DEADBEAT GUN DEALERS ACT

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 2003

Mr. LANGEVIN. Mr. Speaker, today I am joined by 22 of my colleagues in introducing the ''Crackdown on Deadbeat Gun Dealers Act'' to hold licensed gun dealers accountable when they knowingly sell guns illegally.

Last year's tragic Washington, D.C., area sniper shootings provide a dramatic illustration of what many consider a lack of regulatory authority over the nation's estimated 104,000 licensed firearms dealers, which are overseen by just 600 Bureau of Alcohol, Tobacco and Firearms (ATF) inspectors who must also oversee breweries and tobacco plants among their other responsibilities.

Federal agents, who searched Bull's Eye Shooter Supply of Tacoma, Washington, last December, indicated in a court affidavit that 78 firearms listed in the store's inventory were missing and could not be traced through required sales records and other documents. Among the missing weapons was the rifle allegedly used by the two D.C. sniper suspects, John Allen Muhammad and John Lee Malvo. During the past few years, many weapons had simply vanished from the shop without an adequate paper trail—some of them possibly bound for people barred from owning firearms.

Unfortunately, the Bull's Eye case is not an isolated one. Statistics provided by the ATF in 1998 show that over 50 percent of the firearms used in crimes nationwide were traced to just 1.2 percent of the nation's gun dealers. By conducting crime gun traces, the ATF can analyze why such a large number of firearms from this small proportion of dealers are used illegally and develop investigative strategies to address this problem.

Currently, the ATF may inspect a licensed dealer's inventory and records without a warrant to ensure record-keeping compliance. The accuracy of a dealer's inventory is critical to the ATF's ability to trace crime guns. However; since 1986, criminal penalties for most dealer recordkeeping violations have been reduced from felonies to misdemeanors. In addition, current law restricts ATF to one compliance inspection of licensed dealers every 12 months. With the exception of violations committed by dealers in transferring firearms to prohibited individuals after national instant criminal background checks, the current law also generally limits ATF's administrative actions against dealers to revocation of the license.

The Crackdown on Deadbeat Gun Dealers Act will increase compliance and keep guns out of the hands of criminals by increasing the permitted number of annual compliance inspections by federal law enforcement inspectors of licensed firearms dealers; raising the maximum criminal penalty for dealers who knowingly violate the law by committing serious record-keeping offenses that can hinder tracing guns used in crimes; and authorizing $320 million in grants for 5 years to hire 500 additional ATF inspectors.

Now more than ever, Americans are demanding protection and security, and some are purchasing guns in an effort to protect themselves and their families. But we must remember that others with more sinister motives can just as easily do the same. Real protection means providing authorities with the strongest possible mechanisms to prevent unlawful purchases.

I urge my colleagues to join me and the 22 original co-sponsors of this bill in holding licensed gun dealers accountable when they knowingly sell guns illegally. Please co-sponsor this responsible law enforcement measure, and help keep guns out of the hands of criminals.

HONORING ROBERT WILLIAM SAUNDERS, SR.

HON. JIM DAVIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 2003

Mr. DAVIS of Florida. Mr. Speaker, I rise in honor of Robert William Saunders, Sr. Last week, Bob lost his life to injuries from an automobile accident that occurred last month, and Florida lost a fearless champion for equal rights.

Bob was best known for his tireless efforts as field director of Florida's National Association for the Advancement of Colored People from 1952 to 1966. Bob took over after his predecessor, Harry T. Moore and Moore's wife, Harriette, were assassinated in a Christmas night bombing of their home—a crime which remains unsolved.

Undaunted, Bob gave Florida's NAACP his all, traveling throughout the state to organize local chapters and battling discrimination at every level. Bob helped organize bus boycotts, sit-ins, voter registration drives and protests, including the 1963 March on Tallahassee, staged just five months prior to the famous March on Washington. He fought for affirmative action and school integration and fought against police brutality and segregation at public beaches and housing.

Bob went on to serve for a decade as the U.S. Office of Economic Opportunity's chief of civil rights for the Southeast, and to work as director of Hillsborough County's Office of Equal Opportunity. His unfailing and selfless dedication to the pursuit of equal rights, despite public rebuke and personal threats, earned Bob enormous respect throughout Florida, as well as an honorary doctorate in public service from the University of Tampa.

On behalf of the Tampa Bay community, I would like to extend my deepest sympathies to Bob's family. His groundbreaking efforts will not be forgotten.

KEEP OUR CHILDREN SAFE

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 2003

Ms. SCHAKOWSKY. Mr. Speaker, I rise today to talk about a silent killer lurking among us and our children. That killer comes in the form of food-borne illnesses and affects 76 million people each year. Of those individuals, approximately 325,000 will be hospitalized and more than 5,000 will die. While many adults will be fortunate to avoid the devastating, lasting effects of food-borne illness, our children are especially vulnerable and comprise nearly 40 percent of the victims.

Each day, more than 27 million children eat lunches provided through the National School Lunch Act. Despite increased attention in recent years to the safety of those meals provided to our school children, there is evidence of serious problems with our school lunch system. Between 1990 and 2000, there were nearly 100 reported outbreaks of food-borne illness in schools affecting thousands of children, many of them resulting in significant health consequences.

I attended a hearing last year examining food safety standards in our schools and found significant gaps in how we protect our children from these dangerous illnesses. Only 17 percent of the food served in our schools is subject to stringent United States Department of Agriculture (USDA) safety guidelines for dangerous pathogens. Safety histories of the companies that supply food to our schools are not being shared with the school officials who purchase the food. If the USDA or FDA quickly announce that a manufacturer has produced tainted food, states often have no way to determine if they have that food in their schools' kitchens due to a complex web of food manufacturers, distributors and brokers. The federal government has no authority to mandate the recall of contaminated foods sold to schools.

Today, along with Congresswoman ROSA DELAURO, I am introducing a bill that will address these concerns. The Safe School Food Act incorporates USDA safety guidelines into school procurement contracts to the maximum extent possible, giving the Secretary of Agriculture authority to require pathogen testing of foods purchased by schools, providing state education agencies with current vendor information, developing effective methods to share supplier safety information with schools, allowing for mandatory recall of any tainted food, and providing districts with tools and information on how to more safely prepare food served to our children.

Our food supply has been identified as a possible target of terrorists and we need to protect it and protect our children. This is a very serious issue and we must do all we can to ensure the safety of our children.

I urge my colleagues to support the Safe School Food Act and support the well-being of our children.

PERSONAL EXPLANATION

HON. MAC THORNBERRY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 2003

Mr. THORNBERRY. Mr. Speaker, on the legislative day of Thursday, March 20, 2003, I missed rollcall votes 78–83. Had I been present, I would have voted as follows: Roll no. 78, on agreeing to the Hill amendment to H. Con. Res. 95, ''no''; roll no. 79, on agreeing to the Toomey amendment to H. Con. Res. 95, ''aye''; roll no. 80, on agreeing to the Cummings amendment to H. Con. Res. 95, ''no''; roll no. 81, on agreeing to the Spratt amendment to H. Con. Res. 95, ''no''; roll no. 82, on agreeing to H. Con. Res. 95, ''aye''; roll no. 83, on agreeing to H. Con. Res. 104, ''aye.''

PERSONAL EXPLANATION

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 2003

Ms. ROYBAL-ALLARD Mr. Speaker, I was not present for rollcall votes 92 through 94 on Monday, March 31. Had I been present, I would have voted ''no'' on rollcall vote 92 and ''yea'' on rollcall votes 93 and 94.

CONGRATULATING DANNY WALLACE, FORMER TENNESSEE STATE SENATOR

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 2003

Mr. DUNCAN. Mr. Speaker, sometimes we lose sight of what is really important in life. That is why I want to congratulate a former Tennessee State Senator, Danny Wallace, for the balance he is achieving in his life.

He has successfully operated the Halls Cinema in Knox County for the past 20 years. Small businesses are the backbone of our entire economy, and yet a very high percentage fail within the first five years.

Mr. Wallace has succeeded in an industry where it is very difficult for an independent operator to survive.

More importantly, he is putting his family first, foregoing opportunities in politics to spend more time with those who are most important to him.

I want to congratulate Danny Wallace on the 20th anniversary of the Halls Cinema and urge all my colleagues and other readers of the RECORD to read the fine article about him, his family, and business that was published in the Halls Shopper newspaper.

[FROM THE HALLS SHOPPER NEWS, MAR. 31, 2003]

20 YEARS FOR HALLS CINEMA SEVEN

(By Sandra Clark)

Sometimes life gets in the way of politics.

Danny Wallace, a state senator at age 33, was a fund-raiser for Phil Bredesen in last year's election. You might have expected him to land a job in Nashville—perhaps even become a commissioner like his dad, J.D., in the Blanton Administration. But Danny works the ticket booth at Halls Cinema Seven and goes to ballgames with his 12-year-old son, J.D. III.

''I'm having a ball,'' he said.

Wallace is doing what hundreds of moms and dads do every day in Halls and surrounding areas. He's watching his kid grow up and trying to earn a living.

The Halls Cinema Seven is celebrating its 20th anniversary this month. Danny wanted a commercial—tell 'em we'll have $4 tickets ($2 for kids) through April and half-price concessions. (Offer good Sunday through Thursday and not good on certain movies.)

The theater opened in April 1983. Danny has been the manager since ''day one.''

He laughs: ''I had just graduated from college (UT with a degree in business) and was planning to go to law school. But Dad and a buddy had opened a four-plex in Halls and they asked me to run it.''

Twenty years ago the Knoxville market was dominated by local theaters. The Wallaces put a four-plex in Johnson City and built the first theater in Sevierville. They continue to operate a four-plex in Rogersville.

Danny said it's harder now to make money than when Halls Cinema opened. Last weekend we were competing with ''two wars and 64 basketball games.''

''There's not many guys like me any more,'' he said. Ironically, Halls Cinema operates just blocks from the headquarters of Regal Entertainment—the largest theater chain in the world.

Danny said he'll match his seats and sound with anybody. ''We invest our money back and we give people a good experience.''

Danny's wife, Lisa, is a theater at Union County High School. J.D. III often helps his dad clean up the theater, making him a third-generation movie-man.

Some politicians run on ''family values.'' Danny Wallace just lives them.

SMALLPOX EMERGENCY PERSONNEL ACT OF 2003

SPEECH OF

HON. JIM DAVIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 2003

Mr. DAVIS of Florida. Mr. Speaker, unfortunately, I must rise in opposition to H.R. 1463, the Smallpox Emergency Personnel Protection Act, because the House Republican Leadership has chosen to schedule this bill through Suspension of the Rules, a process normally used for non-controversial legislation. In addition, they further violated the legislative process by not allowing this bill to go through the normal committee process.

By doing so, the leadership has ignored the legitimate and important issues raised by a considerable number of members of Congress and unions representing ''First Responders,'' the very group of people this legislation seeks to protect. Because of the lack of input from all parties involved, this legislation will fail to accomplish its central goal, the inoculation of ''First Responders.''

If the Leadership had allowed fair and open debate on this legislation through the normal legislative process, I would seriously consider supporting this legislation rather than opposing it. Because we have prohibited amendments and debate on some important issues, I must vote against this legislation.

Through the normal legislative process, amendments could have been offered to address some deficiencies in this bill. I know that our colleagues, Representatives CAPPS and WAXMAN, worked hard to try to address many of my concerns. I'd like to take a moment to outline some of my misgivings with this legislation.

My deepest concern about this bill, as we are considering it today, is that we are mandating that states develop a vaccine compensation program; however, we are not providing any funds to our states to fund this mandate. Mr. Chairman, we all know that most of our states are facing as serious financial problems as is the federal government. To pass this bill without any commitment to a funding level is wrong and a slap in the face to our valued ''First Responders.''

I am also opposed to the coercive nature of this bill that forces ''First Responders'' to receive vaccinations within 180 days to remain eligible for compensation. The bill provides no exceptions in any event, including if the public health department is unable to meet the deadline or if a worker has a temporary illness that prevents him or her from receiving the vaccination.

In addition, we should have openly debated an amendment that increases the onetime lump sum payment of $262,100 to families of individuals who die or develop total permanent disability as a result of vaccination. This amount is only equivalent to 5-to-6 years of salary for the average nurse or firefighter—hardly adequate compensation for a family of dependents forced to live the rest of their lives without a working breadwinner. Likewise, this legislation caps the lifetime payout for partial or temporary disability at $262,100 instead providing compensation for the duration of the disability.

A thorough education and pre-screening process could significantly reduce the number of individuals adversely affected by inoculation. This is the recommendation of the Centers for Disease Control (CDC) in response to recent deaths surrounding smallpox vaccinations. This bill, as written, fails to adequately address the CDC's concerns.

I applaud our colleague, Mr. BURR, for taking the lead on bringing this issue to the Floor of the House. I also commend Mr. WAXMAN and Ms. CAPPS who were actively working to address the deficiencies I've just highlighted. I regret that we as a body are unable to debate the solutions they propose. I look forward to working with these distinguished members in the future to find better ways to protect ''First Responders'' from the threat of smallpox.

TRIBUTE TO SERGEANT ORLANDO MORALES

HON. ANÍBAL ACEVEDO-VILÁ

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 2003

Mr. ACEVEDO-VILÁ. Mr. Speaker, I want to pay tribute to Sergeant Orlando Morales, a soldier who served in Special Operations in Afghanistan, and who died after being wounded in an ambush on Saturday in Geresk, Afghanistan, as part of Operation Enduring Freedom. Sergeant Morales' Special Operations Battalion took on hostile fire during a reconnaissance mission. The United States and Puerto Rico lost a true patriot in Sergeant Orlando Morales. While I did not personally know this man, there are thousands of dedicated soldiers like him active in the armed services from Puerto Rico. My thoughts and prayers are with his family and loved ones, and with our troops in the Middle East. I am here today to recognize Sergeant Morales and his ultimate sacrifice to the United States and to Puerto Rico. I want to also take this opportunity to let my colleagues know that Puerto Ricans today, as throughout our history with the U.S., remain in steadfast commitment to our armed services.

I ask all my colleagues to respect the commitment of the Puerto Rican soldier. We must forever recognize the tens of thousands like Sergeant Morales who have died or have been wounded in combat. During the Korean War, General Douglass MacArthur said of the forces of the much-heralded 65th Infantry, the fighting Borinqueneers from Puerto Rico, ''They are writing a brilliant record of achievement in battle and I am proud indeed to have them in this command. I wish that we might have many more like them.'' There are thousands more like them today, as Puerto Rico has undergone the greatest mobilization of reservists and National Guardsmen since Korea.

I ask my colleagues to honor the soldiers like Sergeant Morales and to recognize the ongoing Puerto Rican commitment to the United States Military.

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2004

SPEECH OF

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the concurrent resolution (H. Con. Res. 95) establishing the congressional budget for the United States Government for fiscal year 2004 and setting forth appropriate budgetary levels for fiscal years 2003 and 2005 through 2013:

Mr. ROSS. Mr. Chairman, I rise today in objection to the treatment of our veterans in the House-passed budget. Last October, we authorized President Bush to send our men and women in uniform into battle. Is this how we show our support for the brave soldiers who are risking their lives to fulfill their missions, by slashing funding that will take care of them after they have served time taking care of us?

Last week the House managed to pass a budget that cuts veterans' benefits by $28.3 billion over the next ten years. This includes cuts to disability payments and pensions, the Montgomery GI Bill, the VA Health Care System, and other veterans programs.

I reject the notion that we need to cut funding for veterans and retirees in order to pay for a multi-billion dollar tax cut package. During this time of military conflict, we have no business supporting tax cuts for the wealthiest Americans over benefits to provide for the needs of our veterans.

As the conference committee meets to resolve the House and Senate budget differences, I urge them, on behalf of those who have served our country and those who are serving our country right now, to restore funding to the veterans programs that protect those who protect us.

TRIBUTE TO DAVID LASH

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 2003

Mr. WAXMAN. Mr. Speaker, I rise today to thank and pay tribute to David Lash, the outgoing Executive Director of Bet Tzedek, The House of Justice in Los Angeles. David has made tremendous contributions to this vital organization and has been an extraordinary Executive Director these past nine years.

Bet Tzedek is a non-profit organization which offers free legal services to the poor, elderly, consumers, tenants, employees, veterans and disabled residents of Los Angeles County. It has become a true beacon of light for thousands of individuals whose rights may have been violated but who can not otherwise afford the assistance of an attorney.

Under David's superb supervision, Bet Tzedek has served over 10,000 clients each year, and the results of his leadership and his commitment to justice are inspiring. Bet Tzedek worked with attorneys from the City of Los Angeles and a large law firm to sue a landlord reputed to be one of Los Angeles' worst slumlords. The suit settled last year with the landlord pledging to maintain safe living conditions at more than 20 properties.

David has also maintained Bet Tzedek's role as a leader in helping Holocaust survivors and their heirs sue European insurance carriers for unpaid insurance claims dating back to World War II. In addition, Bet Tzedek has partnered with Public Counsel in creating a new kinship care legal program. This program facilitates the adoption of children by their grandparents when the parents are unable to provide care.

David significantly strengthened Bet Tzedek by expanding its 54-person staff, increasing fundraising revenue by over 60 percent and helping Bet Tzedek reach a more diverse group of volunteers and staff. David introduced and expanded a number of innovative programs during his tenure, including the Caregiver Advocacy Project, the Nursing Home Advocacy Project and the Employment Rights Project.

David has been a voice for the under-represented, the unrepresented and the unheard in Los Angeles. He has ably forged alliances within the public interest community and coordinated his efforts with talented staff at many of Los Angeles' large private law firms. Under his direction, thousands of individual rights have been restored and preserved.

I ask my colleagues to join me in thanking David Lash for his remarkable contributions and distinguished record of accomplishments. Please also join in wishing him all the best in his new position at O'Melveny and Myers, where he will resume his career as a full-time litigator and serve as the firm's Managing Counsel for pro-bono activities for the State of California.

LIBERATING IRAQ

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 2003

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, as I speak, our brave men and women in uniform are risking their lives in order to remove decades of oppression from the backs of the Iraqi people. Our coalition partners—49 nations in total—join America in our fight to liberate the people of Iraq.

As this battle continues, we are reminded of the importance of a coalition of countries that are dedicated to the liberation of an oppressed population. This coalition not only represents the impressive effort of multiple military forces, but also highlights a global commitment to removing the dictatorship of Saddam Hussein and his weapons of mass destruction.

The nations involved in this coalition are led by men and women that are dedicated to peace and freedom and understand the threats posed by Saddam Hussein and his weapons of terror. At the same time, they support the principals articulated in UN Resolution 1441, which called for disarming Saddam and removing his weapons of mass destruction.

While I come to the floor to praise the members of this coalition for their commitment to the Iraqi people and the security of the world community, I must also express my concerns about the actions of some nations that have created challenges, obstacles and roadblocks in the path towards Iraq's liberation.

Nations like France—who America liberated twice—are now questioning the actions of the coalition while we fight to liberate another population from oppression and dictatorship. Like the French, the Iraqi people deserve to be free. They deserve to walk the streets of Baghdad without fear. They deserve to voice opposition to their government without consequence. These freedoms that the people of France enjoy each day are soon to be a reality to the Iraqi people because of coalition actions.

Fifty nine years ago, 58,000 men lost their lives while liberating the French from the tyranny of Adolf Hitler. On the 40th Anniversary of that liberation, Ronald Reagan went to Normandy and proclaimed, ''there is a profound moral difference between the use of force for liberation and the use of force for conquest.''

While the battles in Iraq are taking place thousands of miles from the battlegrounds of Normandy, the soldiers share a similar desire to liberate a people from an evil regime. They share a similar commitment to fighting for a cause that will end years of brutal oppression and will lead to the freedom of an entire population. While the battleground has changed, the outcomes have not.

Those that have criticized the coalition that currently fights in Iraq remind me of the criticism received by Winston Churchill and the Allied Forces before taking military action against Adolf Hitler. People labeled them as war mongers and protested their policy to deal with Hitler militarily. Today, as history remembers, we thank those brave leaders and troops for taking that action so that nations like France can stand in freedom without the rule of a harsh regime.

As American troops work to liberate the nation of Iraq, we stand side by side with nations that stood with us over half a century ago in France. On the wall in my office stands a picture my brother took of a field of grave stones—American soldiers that died during the liberation of Europe. It serves as a reminder of the sacrifices this nation is willing to make for our freedom and the freedom of others. While others may, let us never forget the principles we as a nation, a coalition and a free people share. These principles will lead to liberation and these principles will prevail.

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2004

SPEECH OF

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the concurrent resolution (H. Con. Res. 95) establishing the congressional budget for the United States Government for fiscal year 2004 and setting forth appropriate budgetary levels for fiscal years 2003 and 2005 through 2013:

Mr. Chairman, today, our nation is united behind one goal and one purpose: to support our men and women in uniform who are fighting in Iraq and Afghanistan. Their bravery and courage is unmatched and we pray for their swift and safe return.

Our support for our troops must continue even after those battles are won. And for those who have answered the call of duty in the past, now is not the time to renege on our commitment to them. We need to support our troops of the past in the same way we support our troops of the present.

That's why I rise today to call attention to the terrible cuts to veterans benefits that narrowly passed the House of Representatives as part of the Budget Resolution last week. It is unconscionable that at the same time our military men and women are fighting overseas, Congress passes legislation to pull the rug out from under them when they return.

That's why I speak again today in opposition to the Budget Resolution that passed narrowly last week. It doesn't reflect the priorities of this Congress and it doesn't reflect the values of Americans.

How can we support a budget that includes $28.8 billion in cuts to veterans programs over 10 years? How can we turn our backs on the men and women that fight to protect and defend our homeland? The answer is: we can't.

The Disabled American Veterans, American Legion, Paralyzed Veterans of America and the bipartisan leadership of the Veterans Affairs Committee all have publicly opposed these cuts in veterans' funding and I stand with them. I support a budget alternative that provides $30.8 billion in higher funding for veterans programs over 10 years.

In my district, I gather with hundreds of veterans each November at McCambridge Park near my house in Burbank to honor men and women who have fought for our country—both those who have survived injuries received in battle and those who lost their lives while serving their country so proudly.

I hear scores of first-hand stories about the importance of veterans programs and I cannot sit idly by while billions of dollars are cut from their healthcare and disability benefits. Let's honor our troops overseas and let's honor them when they get home.

A BILL TO AMEND THE INTERNAL REVENUE CODE OF 1986 TO TREAT DISTRIBUTIONS FROM PUBLICLY TRADED PARTNERSHIPS AS QUALIFYING INCOME OF REGULATED INVESTMENT COMPANIES

HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 2003

Mr. HERGER. Mr. Speaker, today I am introducing a bill to allow mutual funds to invest without restriction in publicly traded partnerships, or PTPs. PTPs, which are also known as MLPs, are limited partnerships, which are traded on public securities exchanges in shares known as ''units.'' Because interests in PTPs are liquid and can be bought in small increments, they can be and often are bought by small investors. Many of those investing in PTPs are older individuals, who buy them for the reliable income stream they receive from quarterly PTP distributions.

Unfortunately, the tax code currently deters mutual funds representing many small investors from investing in PTPs. As safe, liquid securities, which generally provide a steady income stream, PTPs could be an excellent investment for mutual funds. However, the tax code requires that mutual funds get 90 percent of their income from specific sources in order to retain their tax-exempt status. Distributions from a partnership do not qualify, nor do most types of partnership income, which flow through to the fund. The only way a mutual fund can invest in a PTP is to be certain that the income it receives from that investment and other nonqualifying sources will never exceed 10 percent of its total income. Faced with the burden of keeping track of percentages and the drastic consequences of going over the limit, most mutual fund managers turn to other investments.

It makes no sense for publicly traded partnerships to be excluded from the list of qualifying income sources for mutual funds. While traditional partnership interests—the only kind that existed when these rules were written—were illiquid and not always well regulated, PTPs are traded on public exchanges and must file the same information with the Securities and Exchange Commission as publicly traded corporations.

Mutual funds are an increasingly important part of the capital markets, and the inability to attract them as investors is hindering PTPs in their ability to raise the capital they need to grow and provide new jobs.

Many PTPs are in energy-related businesses, such as pipe lines that transmit oil and gas from where they are extracted as well as from refineries to end users across the nation. Unfortunately, at the precise time that we need to develop domestic sources of energy, we lack sufficient pipeline capacity to move natural gas from where it is produced in the Rockies to extraction facilities and finally to consumers. In the Gulf Coast, the problem is that we have insufficient pipelines to move oil

and gas from the refineries to consumers in the Midwest and on the East coast.

The legislation I am introducing today would not only provide access to the capital needed by these energy pipeline companies, it would also significantly speed up the creation of 20,000 to 30,000 high paying construction jobs to build these pipelines at precisely the time we need to jump start our economy. In addition, the sooner we build these pipelines, the sooner we will reduce our dependence on foreign sources of energy.

The bill I am introducing today would provide PTPs with access to needed capital by simply adding income received by or allocated to a mutual fund by a PTP to the list of income sources that a mutual fund may use to meet the 90 percent test. According to the Joint Committee on Taxation, this change in mutual fund rules which will hasten our energy independence will cost only $18 M over 5 years and $49 M over ten years.

In the past, this provision was sponsored by Bill Thomas, now chairman of the Ways and Means Committee, and was approved by Congress in 1999 as part of the Taxpayer Refund and Relief Act, later vetoed by the President. I am happy to take up the cause in the 108th Congress, and hope that my colleagues will join me in supporting this legislation.

TRIBUTE TO THE ORNL STAFF FOR THEIR DEDICATION AND HARD WORK

HON. ZACH WAMP

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 2003

Mr. WAMP. Mr. Speaker, today marks UT-Battelle's third anniversary as manager of Oak Ridge National Laboratory (ORNL) for the Department of Energy. Over the past three years the staff of ORNL has continued its dedication to scientific discovery through research and development in cutting edge areas of science including: neutron science, energy, high performance computing, complex biological systems, advanced materials and national security.

UT-Battelle has been an involved member of the Oak Ridge community. The team provides more than $1.25 million annually for math and science education, economic development and, other projects in the greater Oak Ridge region. Through unique federal, state and private sector partnerships, UT-Battelle is the leader in efforts to update the laboratory facilities and rebuild ORNL's research campus to continue to support the research work with world class facilities.

For example, ORNL will be the home of the foremost center for neutron science research with the completion of the Spallation Neutron Source and the Center for Nanophase Materials Science. Due for completion this year is the Laboratory for Comparative and Functional Genomics where lab scientists will continue the leading role ORNL has in gene function and disease research. The Joint Institute for Computational Sciences, now under construction, will lead the U.S. into new scientific frontiers in high performance computing research.

The dedication, hard work, and significant investments by the staff at ORNL has been formally recognized by the Department of Energy. This year, for the first time, the lab was awarded the highest rating possible under the lab management evaluation procedure. The ''Outstanding'' rating for lab management captures the history of scientific research and development excellence at ORNL.

The recent successes rest upon the decades of accomplishments that preceded UT-Battelle's involvement at ORNL. The long ORNL history of serving the nation with the highest standards of scientific achievement bode well for a future that is even brighter than our past. UT-Battelle is proud of its involvement with the Oak Ridge National Laboratory and looks forward to serving the nation and its citizens with more exciting scientific developments brought to you by ORNL under the management of UT-Battelle.

HONORING THE 30TH ANNIVERSARY OF THE SUNSET RESTAURANT

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 2003

Mr. WILSON of South Carolina. Mr. Speaker, today marks the 30th anniversary of the establishment of the Sunset Restaurant on Sunset Boulevard in West Columbia, SC. This small business has become a living legend of fine food and a valued social center for the Midlands of South Carolina.

The stalwarts of this spirited enterprise are the owner Betty Jackson and the manager Gladys Crews, who since opening day have enthusiastically welcomed and served the public with quality country cooking including the specialty of catfish stew. At breakfast and lunchtime the 250 seats of the restaurant are filled with a cross-section of citizens ranging from U.S. District Judges to work crews on their way to the building site.

Well-known as a people's place, political candidates of all parties have made a sausage biscuit breakfast or an open-seated luncheon a ''must stop.'' In June 1999, Texas Governor George W. Bush launched his successful effort to carry the South Carolina primary at the Sunset and in November 2002 the Sunset hosted the final public reception for U.S. Senator LINDSEY GRAHAM and Gov. Mark Sanford. Other memorable events for South Carolina officials with some broadcast live by television and radio, were held for Congressman Ed Young, Congressman Floyd Spence, Lt. Governor Bob Peeler, Attorney General Charlie Condon, Gov. Jim Edwards, Gov. Carroll Campbell, and Gov. David Beasley.

The Sunset Restaurant is a testimonial to the significance of small business as the backbone and foundation of the American free enterprise system built upon the philosophy of hard work and high integrity, promoted by limited government.

Daily Digest

HIGHLIGHTS

See Résumé of Congressional Activity.

House Committee ordered reported the Emergency Supplemental Appropriations for Fiscal Year 2003.

Senate

Chamber Action

Routine Proceedings, pages S4593–S4650

Measures Introduced: Fourteen bills and one resolution were introduced, as follows: S. 749–762, and S. Res. 102. **Page S4629**

Measures Reported:

S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003. (S. Rept. No. 108–33)

S. 380, to amend chapter 83 of title 5, United States Code, to reform the funding of benefits under the Civil Service Retirement System for employees of the United States Postal Service, with an amendment in the nature of a substitute. **Page S4628**

Measures Passed:

Troop Phone Home Free Act: Senate passed S. 718, to provide a monthly allotment of free telephone calling time to members of the United States armed forces stationed outside the United States who are directly supporting military operations in Iraq or Afghanistan, after agreeing to the following amendment thereto: **Pages S4615–21**

McCain Amendment No. 434, in the nature of a substitute. **Page S4615**

Selected Reserve Bonus Delay Alleviation: Senate passed S. 711, to amend title 37, United States Code, to alleviate delay in the payment of the Selected Reserve reenlistment bonus to members of Selected Reserve who are mobilized. **Pages S4647–48**

Survivor Benefits: Senate passed S. 712, to amend title 10, United States Code, to provide Survivor Benefit Plan annuities for surviving spouses of Reserves not eligible for retirement who die from a cause incurred or aggravated while on inactive-duty training. **Pages S4647–48**

Death Gratuity Increase: Committee on Armed Services was discharged from further consideration of S. 704, to amend title 10, United States Code, to increase the amount of the death gratuity payable with respect to deceased members of the Armed Forces, and the bill was then passed. **Page S4648**

Recognizing Sinking of USS Thresher: Senate agreed to S. Res. 102, recognizing the 40th anniversary of the sinking of the USS *Thresher* (SSN 593). **Pages S4648–50**

Wartime Supplemental Appropriations—Agreement: A unanimous-consent agreement was reached providing for consideration of S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, at 11 a.m., on Wednesday, April 2, 2003. **Page S4650**

Nomination—Agreement: A unanimous-consent agreement was reached providing for further consideration of the nomination of Miguel A. Estrada, of Virginia, to be United States Circuit Judge for the District of Columbia Circuit at 1:30 p.m., on Wednesday, April 2, 2003 and that there be 30 minutes for debate equally divided in the usual form prior to the cloture vote on the nomination. **Page S4650**

Executive Reports of Committees: Senate received the following executive report of a committee:

Report to accompany Joint Convention On Safety Of Spent Fuel And Radioactive Waste Management (Treaty Doc. 106–48) (Ex. Rept. 108–5) **Pages S4628–29**

Nominations Confirmed: Senate confirmed the following nominations:

By 58 yeas 41 nays (Vote No. Ex. 113), Timothy M. Tymkovich, of Colorado, to be United States Circuit Judge for the Tenth Circuit.

Pages S4598–S4607, S4607–14, S4650

Messages From the House: Page S4626

Measures Referred: Page S4626

Executive Communications: Pages S4626–28

Executive Reports of Committees: Pages S4628–29

Additional Cosponsors: Pages S4629–31

Statements on Introduced Bills/Resolutions: Pages S4631–45

Additional Statements: Pages S4623–26

Amendments Submitted: Pages S4645–46

Notices of Hearings/Meetings: Page S4646

Authority for Committees to Meet: Pages S4646–47

Privilege of the Floor: Page S4647

Record Votes: One record vote was taken today. (Total—113) Page S4614

Adjournment: Senate met at 9 a.m., and adjourned at 7:13 p.m., until 10 a.m., on Wednesday, April 2, 2003. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S4650.)

Committee Meetings

(Committees not listed did not meet)

ALZHEIMER'S DISEASE

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, and Education and Related Agencies concluded hearings to examine Alzheimer's disease, focusing on increasing funding for Alzheimer's research, including ways to maintain the pipeline of basic scientific discovery to develop potential targets for treatment and prevention, develop better animal models of Alzheimer's that will more closely parallel humans, test the most promising potential targets for prevention in large-scale clinical trials, search for biomarkers that show evidence of disease and monitor its progress without having to wait for evidence from cognitive testing, and identify additional risk factors for Alzheimer's through genetics, after receiving testimony from Richard J. Hodes, Director, National Institute on Aging, National Institute of Health, Department of Health and Human Services; Sheldon Goldberg, Alzheimer's Association, Washington, D.C.; Marilyn A. Albert, Johns Hopkins University School of Medicine, Baltimore, Maryland, on behalf of the Alzheimer's Association; Mary Jean Uptegraph, Dubuque, Iowa; Donald Kurtz, Blue Bell, Pennsylvania, on behalf of the Pennsylvania and the Delaware Valley Chapter of the Alzheimer's Association; Mike Martz, St. Louis, Missouri; and Terrell Owens, Fremont, California.

APPROPRIATIONS: DEPARTMENT OF JUSTICE

Committee on Appropriations: Subcommittee on Commerce, Justice, State, and the Judiciary concluded hearings to examine proposed budget estimates for fiscal year 2004 for the Department of Justice, after receiving testimony from John Ashcroft, Attorney General, Department of Justice.

WARTIME SUPPLEMENTAL APPROPRIATIONS

Committee on Appropriations: Committee ordered favorably reported an original bill (S. 762) making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003.

DEFENSE AUTHORIZATION

Committee on Armed Services: Subcommittee on Readiness and Management support concluded hearings to examine proposed legislation authorizing funds for fiscal year 2004 for the Department of Defense, focusing on impacts of environmental laws on readiness and the related Administration Legislative Proposal, after receiving testimony from John P. Suarez, Assistant Administrator, Office of Enforcement and Compliance Assurance, Environmental Protection Agency; H. Craig Manson, Assistant Secretary of the Interior for Fish, Wildlife and Parks; William T. Hogarth, Assistant Administrator for National Marine Fisheries Service, National Oceanic and Atmospheric Administration; Benedict S. Cohen, Deputy General Counsel, Environment and Installations, Department of Defense; Douglas H. Benevento, Colorado Department of Public Health and Environment, Denver; David Mears, Washington State Office of the Attorney General, Olympia; Robert B. Pirie, Jr., Center for Naval Analysis, Alexandria, Virginia; Darlene R. Ketten, Woods Hole Oceanographic Institution, Woods Hole, Massachusetts; Nina M. Young, The Ocean Conservancy, and Lenny Siegel, Center for Public Environmental Oversight, both of Washington, D.C.; Jamie R. Clarke, National Wildlife Federation, Reston, Virginia.

DEFENSE AUTHORIZATION: NAVY/MARINE CORPS

Committee on Armed Services: Subcommittee on SeaPower concluded hearings to examine proposed legislation authorizing funds for fiscal year 2004 for the Department of Defense and the Future Years Defense Program, focusing on Navy and Marine Corps

development, procurement priorities and Navy shipbuilding programs, after receiving testimony from Admiral Vernon E. Clark, USN, Chief of Naval Operations; General Michael W. Hagee, USMC, Commandant of the Marine Corps; John J. Young, Jr., Assistant Secretary of the Navy for Research, Development, and Acquisition; and Vice Admiral Michael G. Mullen, USN, Deputy Chief of Naval Operations for Resources, Requirements, and Assessments.

NOMINATIONS

Committee on Environment and Public Works: Committee concluded hearings to examine the nominations of Ricky Dale James, of Missouri, to be a Member of the Mississippi River Commission, Richard W. Moore, of Alabama, to be Inspector General, Tennessee Valley Authority, who was introduced by Senator Sessions, and John Paul Woodley, Jr., to be an Assistant Secretary of the Army for Civil Works, after each nominee testified and answered questions in their own behalf.

TAXPAYER ISSUES

Committee on Finance: Committee held hearings to examine tax payer issues, focusing on the quality of service provided by paid preparers' and the importance of their role in the tax system, and charitable car donations, including how vehicle donations programs operate, the role of fundraisers and charities in the vehicle donations process, and IRS rules and regulations regarding allowable tax deductions, receiving testimony from James R. White, Director of Tax Issues, and Cathleen A. Berrick, Acting Director of Homeland Security and Justice, both of the General Accounting Office; Pamela J. Gardiner, Acting Inspector General for Tax Administration, and Dale F. Hart, Deputy Commissioner for Small Business/Self Employed Operating Division, and Nina E. Olson, National Taxpayer Advocate, both of the Internal Revenue Service, all of the Department of Treasury; and Jeffrey W. Yabuki, H&R Block, Kansas City, Missouri.

Hearings recessed subject to call.

NOMINATIONS

Committee on Finance: Committee concluded hearings to examine the nominations of Mark Van Dyke Holmes, of New York, Diane L. Kroupa, of Minnesota, who was introduced by Senators Coleman and Dayton, Robert Allen Wherry, Jr., of Colorado, and Harry A. Haines, of Montana, who was introduced by Senator Baucus, each to be a Judge of the United States Tax Court, after each nominee testified and answered questions in their own behalf.

NATO

Committee on Foreign Relations: Committee concluded hearings to examine the North Atlantic Treaty Organization (NATO) enlargement strategy, focusing on the role of NATO in the war on terror and in the future of Iraq, after receiving testimony R. Nicholas Burns, United States Permanent Representative to NATO; and Ronald D. Asmus, German Marshall Fund, and Bruce P. Jackson, Project on Transitional Democracies, both of Washington, DC.

BUSINESS MEETING

Committee on Foreign Relations: Committee ordered favorably reported the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management, (Treaty Doc. 106–48).

NOMINATIONS

Committee on the Judiciary: Committee concluded hearings to examine the nominations of Carolyn B. Kuhl, of California, to be United States Circuit Judge for the Ninth Circuit, who was introduced by Senator Frist, Cecilia M. Altonaga, to be United States District Judge for the Southern District of Florida, who was introduced by Senator Graham (FL), and Patricia Head Minaldi, to be United States District Judge for the Western District of Louisiana, after each nominee testified and answered questions in their own behalf.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to call.

House of Representatives

Chamber Action

Measures Introduced: 26 public bills, H.R. 1527–1552; and 3 resolutions, H. Con. Res. 133–134, and H. Res. 169, were introduced. **Pages H2585–86**

Additional Cosponsors: **Pages H2586–87**

Reports Filed: Reports were filed today as follows:

H. Res. 168, providing for consideration of H.R. 743, to amend the Social Security Act and the Internal Revenue Code of 1986 to provide additional safeguards for Social Security and Supplemental Security Income beneficiaries with representative payees, to enhance program protections (H. Rept. 108–54). **Page H2585**

Recess: The House recessed at 11:04 a.m. and reconvened at 12 noon. **Page H2520**

Suspensions: The House agreed to suspend the rules and pass the following:

Higher Education Relief Opportunities for Students (HEROES) Act: H.R. 1412, to provide the Secretary of Education with specific waiver authority to respond to a war or other military operation or national emergency (agreed to by yea-and-nay vote of 421 yeas with 1 voting nay, Roll No. 96); **Pages H2522–27, H2553–54**

Business Checking Freedom Act: H.R. 758, amended, to allow all businesses to make up to 24 transfers each month from interest-bearing transaction accounts to other transaction accounts, to require the payment of interest on reserves held for depository institutions at Federal reserve banks; **Pages H2527–33**

Coconino/Tonto National Forest Land Exchange: H.R. 622, to provide for the exchange of certain lands in the Coconino and Tonto National Forests in Arizona, H.R. 762, Reasonable Right-of-Way Fees Act; **Pages H2533–34**

Reasonable Right-of-Way Fees: H.R. 762, to amend the Federal Land Policy and Management Act of 1976 and the Mineral Leasing Act to clarify the method by which the Secretary of the Interior and the Secretary of Agriculture determine the fair market value of certain rights-of-way granted, issued, or renewed under these Acts; **Pages H2534–35**

Ottawa National Wildlife Refuge Complex and the Detroit River International Wildlife Refuge Boundary Adjustments: H.R. 289, amended, to expand the boundaries of the Ottawa National Wildlife Refuge Complex and the Detroit River International Wildlife Refuge; and **Pages H2535–38**

Support for the Display of the Blue Star Banner and the Gold Star: H. Con. Res. 109, amended, expressing the sense of the Congress regarding the Blue Star Banner and the Gold Star (agreed to by yea-and-nay vote of 418 yeas with none voting ''nay,'' Roll No. 97). Agreed to amend the title so as to read: ''Concurrent resolution expressing the sense of the Congress regarding the Blue Star Flag and the Gold Star.''. **Pages H2538–42, H2554**

Budget Resolution Conference: The House disagreed with the Senate amendment to H. Con. Res. 95, establishing the congressional budget for the United States Government for fiscal year 2004 and setting forth appropriate budgetary levels for fiscal years 2003 and 2005 through 2013 and agreed to a conference. **Pages H2542–53**

Appointed as conferees: Chairman Nussle and Representatives Shays and Spratt. **Page H2553**

By a recorded vote of 399 ayes to 22 noes, Roll No. 95, agreed to the Spratt motion to instruct conferees to (1) eliminate the reconciliation instruction to the Committees on Agriculture, Education and the Workforce, Energy and Commerce, Transportation and Infrastructure, Veterans' Affairs, and Ways and Means contained in section 201(b) of the House resolution; (2) recede to the Senate on section 319 (entitled ''Reserve Fund to Strengthen Social Security'') of the Senate amendment; and (3) adjust the revenue levels by the amounts needed to offset the cost of the instructions set forth in (1) and (2), without resulting in any increase in the deficit or reduction in surplus for any fiscal year covered by the resolution. **Pages H2542–53**

Postal Civil Service Retirement System Funding Reform Act—Order of Business: Agreed that it be in order at any time for the Speaker to declare the House resolved into the Committee of the Whole for consideration of H.R. 735, to amend chapter 83 of title 5, United States Code, to reform the funding of benefits under the Civil Service Retirement System for employees of the United States Postal Service. All points of order against consideration of the bill are waived and general debate shall be confined to the bill and shall not exceed one hour. It shall be order to consider as an original bill for the purpose of amendment, the amendment in the nature of a substitute recommended by the Committee on Government Reform now printed in the bill (H. Rept. 108–49). No other amendment shall

be in order except for amendment No. 1 by Representative Waxman and amendment No. 2 by Representative Tom Davis of Virginia printed in the Congressional Record. All points of order against the amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. **Page H2555**

Federal Deposit Insurance Reform Act—Order of Business: Agreed that it be in order at any time for the Speaker to declare the House resolved into the Committee of the Whole for consideration of H.R. 522, to reform the Federal deposit insurance system. All points of order against consideration of the bill are waived and general debate shall be confined to the bill and shall not exceed one hour. It shall be order to consider as an original bill for the purpose of amendment, the amendment in the nature of a substitute recommended by the Committee on Financial Services now printed in the bill (H. Rept. 108–50). No other amendment shall be in order except for amendment No. 1 by Representative Ose and amendment No. 2 by Representative Rohrabacher printed in the Congressional Record. All points of order against the amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. **Page H2555**

Senate Messages: Messages received from the Senate today appears on page H2517.

Referrals: S. 318 was referred to the Committee on Small Business. **Page H2584**

Amendments: Amendments ordered printed appear on page H2587.

Quorum Calls—Votes: Two yea-and-nay votes and one recorded vote developed during the proceedings of the House today and appear on pages H2552–53, H2553–54, and H2554. There were no quorum calls.

Adjournment: The House met at 12:30 p.m. and adjourned at 8:36 p.m.

Committee Meetings

EMERGENCY SUPPLEMENTAL APPROPRIATIONS

Committee on Appropriations: Ordered reported the Emergency Supplemental Appropriations for Fiscal Year 2003.

TRANSPORTATION AND TREASURY AND INDEPENDENT AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Transportation and Treasury, and Independent Agencies held a hearing on Cost Controls and Cost Drivers in Federal Transit Investments-Panel. Testimony was heard from Jenna Dorn Administrator, Federal Transit Administration, Department of Transportation; Thomas E. Margro, General Manager, Bay Area Rapid Transit, San Francisco, California; and Frank Krusi, President, Chicago Transit Authority, Chicago, Illinois.

DOD ACQUISITION PROGRAMS

Committee on Armed Services: Held a hearing on all major Department of Defense acquisition programs, and review the Department's plans for acquisition reform and future acquisition programs. Testimony was heard from E.C. ''Pete'' Aldridge, Under Secretary, Acquisition, Technology and Logistics, Department of Defense.

NATIONAL DEFENSE AUTHORIZATION BUDGET REQUEST—SPECIAL OPERATIONS COMMAND

Committee on Armed Services: Subcommittee on Terrorism, Unconventional Threats and Capabilities held a hearing on the fiscal year 2004 national defense authorization budget request for the Special Operations Command. Testimony was heard from the following officials of the Department of Defense: Marshall Billingslea, Principal Deputy Assistant Secretary, Special Operations/Low Intensity Conflict; and Harry E. Schulte, Acquisition Executive, U.S. Special Operations Command.

U.S. AIR FORCE REPORT—SEXUAL ASSAULT AT THE ACADEMY

Committee on Armed Services: Subcommittee on Total Force held a hearing on the U.S. Air Force report on sexual assault at the academy. Testimony was heard from the following officials of the Department of the

Air Force: James Roche, Secretary; and Gen. John P. Jumper, USAF, Chief of Staff, U.S. Air Force.

CORPORATIONS FOR NATIONAL AND COMMUNITY SERVICE—PERFORMANCE, ACCOUNTABILITY AND REFORMS

Committee on Education and the Workforce: Subcommittee on Select Education held a hearing on the ''Performance, Accountability, and Reforms at the Corporation for National and Community Service.'' Testimony was heard from Leslie Lenkowsky, Chief Executive Officer, Corporation for National and Community Service; and public witnesses.

ENERGY POLICY ACT

Committee on Energy and Commerce: Began markup of the Energy Policy Act of 2003.

Will continue tomorrow.

OPENING TRADE IN FINANCIAL SERVICES—CHILE AND SINGAPORE

Committee on Financial Services: Subcommittee on Domestic and International Monetary Policy, Trade, and Technology held a hearing entitled ''Opening Trade in Financial Services—The Chile and Singapore Examples.'' Testimony was heard from John B. Taylor, Under Secretary, International Affairs, Department of the Treasury; James E. Mendenhall, Assistant U.S. Trade Representative for Services, Intellectual Property, and Investment; and public witnesses.

NATIONAL FLOOD INSURANCE PROGRAM

Committee on Financial Services: Subcommittee on Housing and Community Opportunity held a hearing entitled ''The National Flood Insurance Program: Review and Reauthorization.'' Testimony was heard from Representatives Baker, Bereuter and Blumenauer; Anthony Lowe, Mitigation Division Director and Flood Insurance Administrator, Emergency Preparedness and Response Directorate, Department of Homeland Security; and public witnesses.

OVERSIGHT—COMPENSATION REFORM

Committee on Government Reform: Subcommittee on Civil Service and Agency Organization held an oversight hearing ''Compensation Reform: How Should the Federal Government Pay Its Employees?'' Testimony was heard from Representative Ruppersberger; Dan G. Blair, Deputy Director, OPM; Christopher J. Mihm, Director, Strategic Issues, GAO; and public witnesses.

OVERSIGHT—PERFORMANCE, RESULTS, AND BUDGET DECISIONS

Committee on Government Reform: Subcommittee on Government Efficiency and Financial Management held an oversight hearing entitled: ''Performance, Results, and Budget Decisions.'' Testimony was heard from Donna McLean, Chief Financial Officer, Department of Transportation; Paul Posner, Director, Strategic Issues, GAO; and a public witness.

FOOD AID IN AFRICA—FUTURE OUTLOOK

Committee on International Relations: Held a hearing on U.S. Response to East African Families and the Future Outlook for Food Aid in Africa. Testimony was heard from Representative Wolf; the following officials of the Department of State: Alan P. Larson, Under Secretary, Economic, Business, and Agricultural Affairs; and Andrew Natsios, Administrator, AID; James G. Butler, Deputy Under Secretary, Farm and Foreign Agricultural Services, USDA; and Sheila Sisulu, Deputy Executive Director, United Nations World Food Programme; and a public witness.

INTERNET, TAX NONDISCRIMINATION ACT

Committee on the Judiciary: Subcommittee on Commercial and Administrative Law held a hearing on H.R. 49, Internet, Tax Nondiscrimination Act. Testimony was heard from public witnesses.

COPYRIGHT ROYALTY AND DISTRIBUTION ACT

Committee on the Judiciary: Subcommittee on Courts, the Internet, and Intellectual Property held a hearing on H.R. 1417, Copyright Royalty and Distribution Reform Act. Testimony was heard from Marybeth Peters, Register of Copyrights and Associate Librarian, Copyright Services, Copyright Office of the United States, Library of Congress; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Resources: Subcommittee on Water and Power held a hearing on the following bills: H.R. 135, Twenty-First Century Water Commission Act of 2003; H.R. 495, Zuni Indian Tribe Rights Settlement Act of 2003; H.R. 901, to authorize the Secretary of the Interior to construct a bridge on Federal land west of and adjacent to Folsom Dam in California; and H.R. 1284, to amend the Reclamation Projects Authorization and Adjustment Act of 1992 to increase the Federal share of the costs of the San Gabriel Basin Demonstration project. Testimony was heard from Representatives Ose, Doolittle, Linder and Solis; the following officials of the Department of the Interior: John W. Keys III, Commissioner, Bureau of Reclamation; and Theresa Rosier, Counselor to the Assistant Secretary-Indian Affairs; the following officials of the State of California: Jeff Starsky, Councilman, City of Folsom; and Roger

Niello, Supervisor, Sacramento County; and public witnesses.

POSTAL CIVIL SERVICE RETIREMENT SYSTEM FUNDING REFORM ACT

Committee on Rules: Heard testimony from Chairman Davis, but action was deferred on H.R. 735, Postal Civil Service Retirement System Funding Reform Act of 2003.

FEDERAL DEPOSIT INSURANCE REFORM ACT

Committee on Rules: Testimony was heard from Chairman Oxley and Representatives Ose, Rohrabacher and Maloney, but action was deferred on H.R. 522, Federal Deposit Insurance Reform Act of 2003.

SOCIAL SECURITY PROTECTION ACT

Committee on Rules: Granted, by voice vote, a modified closed rule providing 1 hour of debate on H.R. 743, Social Security Protection Act of 2003. The rule waives all points of order against consideration of the bill. The rule provides that the amendment recommended by the Committee on Ways and Means now printed in the bill shall be considered as adopted. The rule provides for consideration of the amendment printed in the Rules Committee report accompanying the resolution, if offered by Representative Green of Texas or his designee, which shall be considered as read, and shall be separately debatable for 40 minutes equally divided and controlled by the proponent and an opponent. The rule waives all points of order against the amendment printed in the report. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Representatives Shaw and Jefferson.

SBA OFFICE OF ADVOCACY—IMPROVE AND STRENGTHEN

Committee on Small Business: Subcommittee on Workforce, Empowerment and Government Programs and the Subcommittee on Regulatory Reform and Oversight held a joint hearing to Improve and Strengthen the SBA Office of Advocacy. Testimony was heard from Thomas M. Sullivan, Chief Counsel, Office of Advocacy, SBA; and public witnesses.

OVERSIGHT—COAST GUARD'S MOVE TO DEPARTMENT OF HOMELAND SECURITY

Committee on Transportation and Infrastructure: Subcommittee on Coast Guard and Maritime Transportation held an oversight hearing on the Coast Guard's Move to the Department of Homeland Security. Testimony was heard from Adm. Thomas H. Collins, USCG, Commandant, U.S. Coast Guard, Department of Homeland Security; and JayEtta Hecker, Director, Physical Infrastructure Issues, GAO.

FEDERAL HIGHWAY AND TRANSIT PROGRAMS REAUTHORIZATION

Committee on Transportation and Infrastructure: Subcommittee on Highways, Transit, and Pipelines, hearings on Member Policy Initiatives and Project Requests for Reauthorization of Federal Highway and Transit Programs. Testimony was heard from Representatives Schiff, Udall of Colorado, Emanuel, Forbes, Putnam, Sherman, Berman, Woolsey, Visclosky, Kilpatrick, Rogers of Alabama, Shays, Biggert, Eddie Bernice Johnson, Michaud, Nunes, McNulty, Royce and Honda.

Hearings continue tomorrow.

BRIEFING—SENSITIVE PROGRAM

Permanent Select Committee on Intelligence: Met in executive session to receive a briefing on Sensitive Program. The Committee was briefed my departmental witnesses.

COMMITTEE MEETINGS FOR WEDNESDAY, APRIL 2, 2003

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on Defense, to hold hearings to examine an overview of the fiscal year 2004 Navy Budget, 10 a.m., SD–192.

Subcommittee on District of Columbia, to hold hearings to examine the status of foster care in the District of Columbia, 10 a.m., SD–138.

Subcommittee on Transportation, to hold hearings to examine aviation's safety and security issues, and financial challenges facing the aviation industry, 10:30 a.m., SD–124.

Committee on Armed Services: Subcommittee on Strategic Forces, to hold hearings to examine proposed legislation authorizing funds for fiscal year 2004 for the Department of Defense, focusing on the Department of Energy Office of Environmental Management and Office of Legacy Management, 10 a.m., SR–222.

Committee on Commerce, Science, and Transportation: Subcommittee on Science, Technology, and Space, to hold hearings to examine NASA manned space flight, 2:30 p.m., SR–253.

Committee on Environment and Public Works: to hold oversight hearings to examine issues relating to military encroachment, 9:30 a.m., SD–406.

Committee on Finance: business meeting to consider original legislation entitled "Energy Tax Incentives Act of 2003", "Clean Diamond Trade Act", and "Tax Court Modernization Act", the nominations of Mark W. Everson, of Texas, to be Commissioner of Internal Revenue, Diane L. Kroupa, of Minnesota, Mark Van Dyke Holmes, of New York, Harry A. Haines, of Montana,

Robert Allen Wherry, Jr., of Colorado, and Joseph Robert Goeke, of Illinois, each to be a Judge of the United States Tax Court, and Raymond T. Wagner, Jr., of Missouri, to be a Member of the Internal Revenue Service Oversight Board, 10 a.m., SD–215.

Committee on Foreign Relations: to resume hearings to examine foreign assistance oversight, 9:30 a.m., SD–419.

Committee on Governmental Affairs: to hold hearings to examine the nominations of Clay Johnson III, of Texas, to be Deputy Director for Management, Office of Management and Budget, Albert Casey, of Texas, to be a Governor of the United States Postal Service, and James C. Miller III, of Virginia, to be a Governor of the United States Postal Service, 10 a.m., SD–342.

Committee on Health, Education, Labor, and Pensions: business meeting to consider S. 231, to authorize the use of certain grant funds to establish an information clearinghouse that provides information to increase public access to defibrillation in schools, proposed legislation entitled ''Genetics Information Nondiscrimination Act of 2003'', ''Smallpox Emergency Personnel Protection Act of 2003'', ''The Improved Vaccine Affordability and Availability Act'', ''Caring for Children Act of 2003'', and pending nominations, 10 a.m., SD–430.

Committee on Indian Affairs: to hold hearings to examine S. 556, to amend the Indian Health Care Improvement Act to revise and extend that Act, 10 a.m., SR–485.

House

Committee on Appropriations, Subcommittee on Foreign Operations, Export Financing and Related Programs, on Members of Congress, 10 a.m., H–144 Capitol.

Subcommittee on Interior, on Members of Congress, 10 a.m., B–308 Rayburn.

Subcommittee on Labor, Health and Human Services, Education and Related Agencies, on NIH, 10:15 a.m., 2358 Rayburn.

Subcommittee on Transportation and Treasury, and Independent Agencies, on GSA Building Cost Drivers, 10 a.m., and on OPM, 2 p.m., 2358 Rayburn.

Subcommittee on VA, HUD, and Independent Agencies, on EPA, 10 a.m., 2359 Rayburn, and 2 p.m., H–143 Capitol.

Committee on Armed Services, Subcommittee on Tactical Air and Land Forces, hearing on the fiscal year national defense authorization budget request for the Department of the Navy and the Department of the Air Force tactical weapon system acquisition programs and future technology initiatives, 2 p.m., 2118 Rayburn.

Subcommittee on Total Force, hearing on Military Resale and Morale, Welfare and Recreation Programs Activities, 1 p.m., 2212 Rayburn.

Committee on Education and the Workforce, Subcommittee on Education Reform, to mark up H.R. 1350, Improving Education Results for Children With Disabilities Act of 2003, 10:30 a.m., 2175 Rayburn.

Committee on Energy and Commerce, to continue markup of the Energy Policy Act of 2003, 9:30 a.m., 2123 Rayburn.

Committee on Financial Services, Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprises, hearing entitled ''Rating the Rating Agencies: the State of Transparency and Competition,'' 10 a.m., 2128 Rayburn.

Committee on International Relations, to mark up H.R. 1298, United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003, 10:15 a.m., 2172 Rayburn.

Committee on the Judiciary, Subcommittee on Commercial and Administrative Law, hearing on H.R. 1036, Protection of Lawful Commerce in Arms Act, 10 a.m., 2141 Rayburn.

Subcommittee on Immigration, Border Security, and Claims, oversight hearing on Nonimmigrant Student Tracking: Implementation and Proposed Modifications, 2 p.m., 2237 Rayburn.

Committee on Resources, to mark up the Energy Security Act of 2003, 10 a.m., 1324 Rayburn.

Committee on Science, to mark up H.R. 238, Energy Research, Development, Demonstration, and Commercial Application Act of 2003, 2 p.m., 2318 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Highways, Transit, and Pipelines, to continue hearings on Member Policy Initiatives and Project Requests for Reauthorization of Federal Highway and Transit Programs, 10 a.m., 2167 Rayburn.

Subcommittee on Economic Development, Public Buildings and Emergency Management, hearing on local economic development association issues relating to reauthorization of the Economic Development Administration, 10 a.m., 2253 Rayburn.

Committee on Ways and Means, to mark up H.R. 810, Medical Regulatory and Contracting Reform Act of 2003,10:30 a.m., 1100 Longworth.

Permanent Select Committee on Intelligence, executive, hearing on National Reconnaissance Program, 2 p.m., H–405 Capitol.

Joint Meetings

Commission on Security and Cooperation in Europe: to hold hearings to examine arming rogue regimes, focusing on the role of OSCE participating states, 2:30 p.m., 334 Cannon Building.

Résumé of Congressional Activity

FIRST SESSION OF THE ONE HUNDRED EIGHT CONGRESS

The first table gives a comprehensive résumé of all legislative business transacted by the Senate and House. The second table accounts for all nominations submitted to the Senate by the President for Senate confirmation.

DATA ON LEGISLATIVE ACTIVITY

January 7 through March 31, 2003

	Senate	*House*	*Total*
Days in session	47	32	..
Time in session	375 hrs., 12″	175 hrs., 58″	..
Congressional Record:			
Pages of proceedings	4591	2515	..
Extensions of Remarks	..	629	..
Public bills enacted into law	2	8	10
Private bills enacted into law	..	..	..
Bills in conference	1	1	..
Measures passed, total	99	130	229
Senate bills	21	4	..
House bills	4	41	..
Senate joint resolutions	..	..	..
House joint resolutions	5	6	..
Senate concurrent resolutions	7	1	..
House concurrent resolutions	9	18	..
Simple resolutions	53	60	..
Measures reported, total	50	51	101
Senate bills	31	..	..
House bills	1	34	..
Senate joint resolutions	..	..	..
House joint resolutions	..	..	..
Senate concurrent resolutions	1	..	..
House concurrent resolutions	..	1	..
Simple resolutions	17	16	..
Special reports	5	1	..
Conference reports	..	1	..
Measures pending on calendar	35	12	..
Measures introduced, total	887	1869	2756
Bills	744	1526	..
Joint resolutions	11	44	..
Concurrent resolutions	31	132	..
Simple resolutions	101	167	..
Quorum calls	3	1	..
Yea-and-nay votes	112	72	..
Recorded votes	..	21	..
Bills vetoed	..	..	..
Vetoes overridden	..	..	..

* These figures include all measures reported, even if there was no accompanying report. A total of 32 reports have been filed in the Senate, a total of 53 reports have been filed in the House.

DISPOSITION OF EXECUTIVE NOMINATIONS

January 7, 2003 through March 31, 2003

Civilian nominations, totaling 266, disposed of as follows:	
Confirmed	72
Unconfirmed	192
Withdrawn	2
Civilian nominations, totaling 1,064, disposed of as follows:	
Confirmed	852
Unconfirmed	212
Air Force nominations, totaling 5,279, disposed of as follows:	
Confirmed	4,474
Unconfirmed	805
Army nominations, totaling 1,252, disposed of as follows:	
Confirmed	625
Unconfirmed	627
Navy nominations, totaling 67, disposed of as follows:	
Confirmed	46
Unconfirmed	21
Marine Corps nominations, totaling 1,426, disposed of as follows:	
Confirmed	1,259
Unconfirmed	167

Summary

Total nominations carried over from the First Session	0
Total nominations received this Session	9,354
Total confirmed	7,328
Total unconfirmed	2,024
Total withdrawn	2
Total returned to the White House	0

Next Meeting of the SENATE

10 a.m., Wednesday, April 2

Senate Chamber

Program for Wednesday: After the transaction of any morning business (not to extend beyond 11 a.m.), Senate will consider S. 762, Wartime Supplemental Appropriations.

At 1:30 p.m., Senate will resume consideration of the nomination of Miguel A. Estrada, of Virginia, to be United States Circuit Judge for the District of Columbia Circuit, with a cloture vote to occur at 2 p.m. on the nomination; following which, Senate will continue consideration of S. 762 (listed above).

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Wednesday, April 2

House Chamber

Program for Wednesday: Consideration of H.R. 522, Federal Deposit Insurance Reform Act of 2003 (modified closed rule, one hour of debate).

Extensions of Remarks, as inserted in this issue

HOUSE

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