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House of Representatives

The House met at 10 a.m.

The Reverend Steven M. Torrence, Chaplain, Key West Police Department, Key West, Florida, offered the following prayer:

Almighty God, I thank You for the privilege and the honor to be here this morning in these hallowed halls on this, our Nation's National Day of Prayer. We as a people of many faiths and religions and backgrounds come together in a sign of unity to ask for Your guidance and blessings on this very important day.

We not only remember those who have given their lives to protect our great country in military service, but we also remember the men and women in law enforcement who risk daily and give their lives to protect each and every one of us.

As a Nation, let us remember that all people have one common origin. Fill our hearts with compassion for our neighbors and the desire to ensure justice for all. Help us share all the blessings You give us, and help us to secure justice and equality for every human being.

O God, help us bring an end to division and to continue to build our country on peace and love. Let us always remember that despite our differences, we are one human family.

Almighty God, bless our leaders with vision and foresight and with a clarity of purpose as they lead our country. Bless our country on this very special day of prayer. In Your name we pray. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from New York (Mr. MCNULTY) come forward and lead the House in the Pledge of Allegiance.

Mr. MCNULTY led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 156. Concurrent resolution extending congratulations to the United States Capitol Police on the occasion of its 175th anniversary and expressing gratitude to the men and women of the United States Capitol Police and their families for their devotion to duty and service in safeguarding the freedoms of the American people.

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. 196. An act to establish a digital and wireless network technology program, and for other purposes.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. There will be 10 1-minutes on each side after that of the gentlewoman from Florida (Ms. ROS-LEHTINEN).

WELCOMING THE REVEREND STEVEN M. TORRENCE OF KEY WEST, FLORIDA

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, today we welcome a distinguished member of the clergy, Reverend Stephen M. Torrence, from my district of Key West, Florida.

Reverend Torrence was ordained in the Universal Fellowship of Metropolitan Community Churches, and in 1985 was called to pastor the Metropolitan Community Church in Key West. Among his many community accomplishments, he was instrumental in organizing a nonprofit community-based AIDS organization, AIDS HELP, that serves Monroe County.

For over 12 years, Reverend Torrence has also served as a fully sworn officer, and is the Department Chaplain in the Key West Police Force.

Reverend Torrence has witnessed many tragedies as well as victories and always offered comforting spiritual guidance and gladsome praise. Monroe County, and especially Key West citizens, are grateful and blessed to have him help us through difficult times and join us in joyful celebrations.

We welcome Reverend Torrence to the people's House.

INTRODUCTION OF LEGISLATION TO HELP HOLOCAUST SURVIVORS COLLECT ON INSURANCE POLICIES

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

Mr. FOLEY. Mr. Speaker, today at 12:30 I, along with my Democratic cosponsor, the gentleman from New York (Mr. ISRAEL), and Minnesota Senator NORM COLEMAN will introduce our legislation to help Holocaust survivors and their families collect on Holocaust-era insurance policies.

Mr. Speaker, I am fed up watching insurance companies thumb their noses at Holocaust survivors. I urge the Supreme Court to rule in favor of the survivors and their heirs in a case pending before the Supreme Court.

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Holocaust survivors and their heirs are being denied what is rightfully theirs. This is nothing more than white collar theft, and it is morally reprehensible. These heirs and survivors deserve what is rightfully theirs, and we will not give up until they are fully compensated.

AMERICA MUST REMAIN ENGAGED FOR PEACE TO TAKE HOLD IN THE MIDDLE EAST

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, on this day of focusing on national prayer for those who wish to express their faith in their different ways, I think it is an appropriate time to reinforce the importance of peace throughout this world. Particularly as the road map for Mideast peace has been unveiled, it is important to reinforce the key element of that process.

Two years ago, approximately, in February of 2001, I rose to the floor of the House to indicate that the only way that we would have peace in the Middle East is if the United States remained engaged. Unfortunately, that did not occur for a number of months, but I do believe that we are now on the road to peace.

The key element again will be, even if there are difficulties, we must remain engaged. Even as we work with the Palestinians to cease immediately the violence, to break up the terrorist groups, to remove the illegal weapons, we must work with the Israelis as it relates to the road map in stopping the expanding of the settlements, and, as well, the attacks on Palestinians.

These are not easy challenges, and we cannot be daunted by failure. We must continue to work for peace, because it is worth it for all of the people of that region.

THE JUDICIAL NOMINATION OF PRISCILLA OWENS

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

Mr. HENSARLING. Mr. Speaker, I rise today to express my outrage with the treatment of Justice Priscilla Owen, a fellow Texan and a highly qualified nominee for the Fifth Circuit U.S. Court of Appeals.

Mr. Speaker, despite unanimously receiving the highest possible rating from the American Bar Association, despite appearing before the Senate Committee on the Judiciary twice to answer every single question posed to her, despite the fact that the bench to which she has been nominated has been designated a judicial emergency, despite the strong bipartisan support of former Texas supreme court judges and 15 past presidents of the state bar of Texas, Justice Priscilla Owen has still not received an up-or-down vote in the Senate for almost 2 years.

When Republicans held the majority during President Clinton's term, no judicial nominee was ever deprived of a vote due to a filibuster. Now Democrats want to undermine our Constitution and change the rules.

Mr. Speaker, the President has a right to get a vote on his nominee.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LATOURETTE). The Chair would remind all Members that it is not appropriate to characterize the action or inaction of the other body.

TELECOMMUNICATIONS AND THE ECONOMY

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

Mr. ENGEL. Mr. Speaker, I would like to comment on telecommunications and the economy. The telecommunications industry, Mr. Speaker, is in a state of crisis. Telecom jobs continue to shrink and capital continues to flow away from the industry.

When given the opportunity to help lead the telecommunications industry back on the road to health and fitness, the Federal Communications Commission failed miserably. I completely agree with the Communication Workers of America that the FCC ''missed an opportunity to set out an effective national policy that would promote facilities-based competition in telecommunications.''

Instead, the FCC left in place rules that require carriers to lease their network, or pieces of it, to competitors for below-cost rates. This policy has had a disastrous effect on the industry. Over half a million telecom jobs have been lost and investors have lost billions of dollars. The industry is in crisis, and some of that crisis can be traced directly to bad policy at the FCC. It is clear to me that the FCC did not adopt the right rules to promote telecommunications investment.

I sincerely hope that the FCC fixes this mess, or Congress will have to fix it.

FAITH-BASED ORGANIZATIONS AND THE AIDS EPIDEMIC

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

Mr. PENCE. Mr. Speaker, there is an epidemic of AIDS and HIV in Africa. It is heartbreaking to report this pandemic affecting 42 million souls, 8,500 deaths every day, and entire villages without a single adult.

Earlier this week we heard the President describe a compassionate vision of moral obligation for the American people addressing this crisis that would bring not only $15 billion, but would put a priority on the values of the American people, namely, abstinence and faithfulness to marriage, over condom distribution.

Sadly, Mr. Speaker, unless the House amends the bill today and adopts the Hyde-Pitts amendment that specifies that 33 percent of the prevention money will be spent on abstinence and monogamy programs first over and above condom distribution, the global AIDS bill will not reflect the values of the American people or the vision of the President of the United States of America.

The timeless values of abstinence and marital faithfulness before condom distribution are the cure for what ails the families of Africa. It is important that we not just send them money, but we must send them values that work.

□ 1015

AMERICAN PRIORITIES

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

Mr. BROWN of Ohio. Mr. Speaker, perhaps some of us on our side of the aisle have been a little bit too critical of President Bush. After all he has in his budget a universal health care plan for 23 million people. He has in his budget money for school construction, 25,000 new schools, renovated schools, repaired schools.

The problem, Mr. Speaker, that is the President's budget for Iraq. Universal health coverage for 23 million Iraqis, school construction of 25,000 and renovation of 25,000 schools, but not a penny in the President's budget for school construction in this country, in spite of the fact that our school buildings, many of them are in awful shape, and not a penny for universal coverage of 40 million Americans without health insurance.

The reason? The tax cuts the President has asked for of $500 billion in tax cuts. Half of those tax cuts go to the richest one percent of the people in the country. The people whose incomes average $968,000. Money for school construction and health care in Iraq. No money for school construction and health care in the United States and tax cuts for the most privileged. It is the wrong priorities.

ISRAELI AND PALESTINIAN PEACE

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

Mr. INSLEE. Mr. Speaker, I rise to note an encouraging sign that yesterday, the President of the United States evinced a willingness to become an active player in seeking a peaceful resolution of the Israeli/Palestinian conflict. And I do so because it is clear

that the United States of America is the only world force that has the ability to offer both peoples meaningful hope in this region. And as such, it is very important that our President of whatever party be engaged in that process. This President evinced some reluctance to do so early in his term. But I believe now has, by issuing this road map, stated an interest to become personally involved in trying to find a resolution of this dispute.

Both Democrats and Republicans have to note that is a positive step at a very difficult time. Ending the violence by the Palestinians is paramount. And there is going to be daunting challenges working with our Israeli allies involving settlement issues; but the American President has to stay engaged. This is a first step. We welcome it. We look forward to its successes.

PROVIDING FOR CONSIDERATION OF H.R. 1298, UNITED STATES LEADERSHIP AGAINST HIV/AIDS, TUBERCULOSIS, AND MALARIA ACT OF 2003

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, by the direction of the Committee on Rules, I call up House Resolution 210 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 210

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1298) to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on International Relations now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. 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 (Mr. LATOURETTE). The gentleman from Florida (Mr. LINCOLN DIAZ-BALART) is recognized for 1 hour.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to my good friend, the gentleman from Florida (Mr. HASTINGS), pending which I yield myself such time as I may consume. During consideration of this resolution, Mr. Speaker, all time yielded is for the purpose of debate only.

(Mr. LINCOLN DIAZ-BALART of Florida asked and was given permission to revise and extend his remarks.)

MODIFICATION TO AMENDMENT NO. 8 OFFERED BY MR. LINCOLN DIAZ-BALART OF FLORIDA

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I ask unanimous consent that during consideration of H.R. 1298, pursuant to House Resolution 206, it shall be in order to consider the amendment that I have placed at the desk as amendment No. 8 in House Report 108–80.

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

The Clerk read as follows:

Modification to Amendment No. 8 printed in House Report 108–80 offered by Mr. LINCOLN DIAZ-BALART of Florida:

Page 83, line 14, strike ''For'' and insert ''(a) THERAPEUTIC MEDICAL CARE.—For''.

Page 83, after line 22, add the following new subsection:

(b) ORPHANS AND VULNERABLE CHILDREN.—For fiscal years 2006 through 2008, not less than 10 percent of the amounts appropriated pursuant to the authorization of appropriations under section 401 for HIV/AIDS assistance for each such fiscal year shall be expended for assistance for orphans and vulnerable children affected by HIV/AIDS, of which such amount at least 50 percent shall be provided through non-profit, nongovernmental organizations, including faith-based organizations, that implement programs on the community level.

Mr. LINCOLN DIAZ-BALART of Florida (during the reading). Mr. Speaker, I ask unanimous consent that the modification be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. Without objection, the modification is agreed to.

There was no objection.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, House Resolution 210 is a structured rule providing for the consideration of H.R. 1298, the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003. The rule provides 1 hour of general debate evenly divided and controlled by the chairman and ranking minority member of the Committee on International Relations.

Additionally, this rule makes 11 out of 13 amendments submitted to the Committee on Rules in order. Nearly half, 5 of the 11 of the amendments made in order were sponsored by members of the minority party. This is a fair rule that will allow all Members ample opportunity to debate the important issues associated with this bill.

The underlying legislation is as crucial as I think it is timely. The AIDS pandemic has affected the world like no other in recent history. The epidemic has claimed, just in the year 2002 alone, more than 3 million lives. I think we need to pause for a second and think about what that means, 3 million lives in one year. Also, an estimated 5 million people acquired the virus, the human immuno-deficiency virus, HIV, in 2002, according to the best estimate, bringing the number of people globally living with the virus to over 40 million.

This is, by all means, by every conceivable estimation, a catastrophe. However, this is not just a moral question, this critical situation has begun to threaten the security of the world, especially the developing world. The fragile governments often do not have the resources or the capability to handle threats as dangerous and as growing as this one. If states in the developing world begin to implode, collapse, the effects on the United States' national security and on the security of the international community could be absolutely disastrous.

A state absent of all order makes for a perfect climate for terrorists and drug traffickers to grow their enterprises to develop their enterprises. For example, Mr. Speaker, in key states in Africa, including Nigeria, South Africa and Kenya, it has been reported that over a third of their armed forces may be infected with this deadly virus. This is an inconceivable catastrophe.

The pandemic of AIDS also threatens on the prospects for democracy and economic prosperity, especially in Africa. According to the U.S. National Intelligence Council, ''AIDS and the health problems associated with AIDS will hurt prospects for transition to democratic regimes as these problems undermine civil society, hamper the evolution of sound political and economic institutions, and intensify the struggle for power and resources.''

The National Intelligence Council also estimates that the disease could reduce gross domestic product in some sub-Saharan African countries by 20 percent or more by the year 2010. We should consider the following fact from the most recent U.N. aids epidemic update, ''In 4 southern African countries national adult HIV prevalence has risen higher than thought possible, exceeding 30 percent.''

If the necessary investments, Mr. Speaker, to combat this pandemic is not made today, there will undoubtedly

be significantly higher costs for all, including for the United States in the future. It is time for the Congress to act.

At the podium before you, Mr. Speaker, the President, President George W. Bush, laid before Congress a bold vision in his State of the Union address. This legislation will make President Bush's vision a reality.

The underlying legislation authorizes $3 billion for the executive branch, for the President under his leadership to combat HIV/AIDS worldwide in each of the next 5 years for a total of $15 billion. Additionally, this legislation will create the position of coordinator for HIV/AIDS assistance at the State Department to administer the Global AIDS Initiative Fund. Response to the AIDS crisis cannot come too soon when one considers the far reaching effects of this horrible disease.

A fact that gives us all pause is that, for example, in Malawi alone, some 470,000 children under the age of 15 have been orphaned by AIDS. The underlying bill supports United States participation in the global fund and specifically authorizes up to $1 billion in fiscal year 2004 and such sums as may be necessary through 2008.

The underlying legislation was reported favorably out of committee by a bipartisan vote of 37 to 8. I would like to thank the gentleman from Illinois (Mr. HYDE) for his extraordinary leadership on this issue, as well as the distinguished ranking member, another extraordinary leader, the gentleman from California (Mr. LANTOS).

Mr. Speaker, this bill provides crucial relief for those directly as well as indirectly affected by this crippling disease. This has been a bipartisan effort throughout the consideration of the bill, from consideration in the Committee on International Relations to this very balanced rule that has been reported out of the Committee on Rules, which continues this constructive debate by allowing nearly every Democrat amendment in order. I repeat that this process has been bipartisan, Mr. Speaker.

Accordingly, I urge my colleagues to support both the rule and the underlying legislation. I think there are few things that we could do in this Congress of more importance that will help more of our fellow human beings.

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

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

(Mr. HASTINGS of Florida asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Florida. Mr. Speaker, I would like to thank my good friend and neighbor to the south, the gentleman from Florida (Mr. LINCOLN DIAZ-BALART) for yielding me the customary time, and I yield myself such time as I may consume.

Mr. Speaker, I rise today to voice my support in the strongest possible terms for the United States leadership against HIV/AIDS, Tuberculosis, and Malaria Act of 2003, H.R. 1298.

□ 1030

I have long been concerned with the problem of HIV/AIDS, not just in our own country but also as it affects the poor countries of the world. I am proud that the response to this disease has been truly a bipartisan one. AIDS is blind to party stripes or political affiliation.

Mr. Speaker, this bill provides $15 billion over the next 5 years to increase and expand in a significant way our program to fight HIV/AIDS in sub-Saharan Africa and the Caribbean. The scientific community has not yet found a cure for HIV/AIDS, but there is a vast body of knowledge that has greatly improved the quality of treatment for those who have HIV and AIDS.

Sub-Saharan Africa is far more severely affected by AIDS than any other part of the world. In fact, AIDS has surpassed malaria as a leading cause of death in sub-Saharan Africa, and it kills many more people than armed conflicts. The statistics, Mr. Speaker, are startling. Africa, where an estimated 3½ million people were newly infected with HIV in 2002, has approximately 10 percent of the world's population but more than 70 percent of the worldwide total of people infected with HIV.

In 2002, the joint United Nations program on HIV/AIDS, commonly referred to as UNAIDS, reported 29.4 million people were living with HIV/AIDS in sub-Saharan Africa. According to the Congressional Research Service, at the end of 2001 an estimated 19 million Africans had lost their lives to AIDS, including an estimated 2.2 million who had died during that year alone. UNAIDS estimates that by the year 2020 an additional 55 million Africans will lose their lives to this awful disease.

Additionally, this pandemic is having a much greater impact on children in Africa than is the case in other parts of the world. According to UNAIDS, more than 600,000 African infants become infected with HIV each year through mother-to-child transmission, either at birth or through breast-feeding. These children have short life expectancies, and the number of them currently alive with HIV is approximately about 1 million. In 2001, about 11 million children became orphans because of AIDS in Africa. And because of the stigma attached to AIDS, children who become orphans through AIDS are at a high risk of being malnourished, abused, and denied an education.

In the Caribbean, the AIDS epidemic does not compare to the severity of the pandemic in Africa, but it has reached alarming levels. There are an estimated 420,000 people living with AIDS in Caribbean countries. Moreover, the HIV/AIDS adult prevalence rate in several countries in the Caribbean is among the highest outside of sub-Saharan Africa. Haiti, the Dominican Republic, and Guiana are the countries crying out for assistance.

Every day AIDS claims the lives of thousands of innocent people. According to the latest United Nations AIDS report, roughly 600,000 people die of AIDS on a daily basis. While this legislation directs action toward the AIDS problem in Africa and the Caribbean, the disease wreaks havoc in other regions of the world, including the United States. The fastest growing HIV/AIDS epidemic is in Eastern Europe and Eurasia. Further, Asia and the Pacific may also face a huge growth in this epidemic.

The impact of AIDS can extend beyond the direct loss of life. It has indirect effects on life and health costs not normally associated directly with the disease. Recently, for example, AIDS fueled deadly famines in east and southern Africa. The HIV/AIDS pandemic is a global human challenge that demands a global comprehensive response, and I am proud that the United States has signified that it is going to take the lead. This legislation authorizes up to $1 billion for the global fund as a way to show our international leadership in the fight against the HIV/AIDS pandemic and to leverage funds out of other countries to reach the levels needed annually to address this problem.

I had the good fortune during the break to meet with the executive director of the Global Fund and our own Secretary of Health and Human Services and the minister for health in Italy when they signed an agreement indicating the Italian-American understandings with reference to approaching this problem. And I assured, and I am sure many of my colleagues can as well, the director of the Global Fund that we would do everything that we can to ensure appropriate resources are in the Global Fund to fight HIV/AIDS and malaria and tuberculosis.

This is a good bill. In fact, it mirrors many of the provisions of a bill I introduced on Tuesday. Mr. Speaker, the toll of this disease has brought unspeakable sorrow and distress to Africa, the Caribbean and other areas of the world. Our government has not done enough to address this disease in Africa and elsewhere. We should be proud of this effort and view it as a new start on the road to eradicating AIDS. That is the purpose of this legislation, Mr. Speaker. With the additional resources, both financial and human, provided for in this legislation, we can begin to stem the tide of this disease. We know what works in the effort to combat HIV and AIDS, and we need to get on about the business of doing it.

Mr. Speaker, America is a great country in many ways. In the long history of humankind, our greatness will be measured as much by what we do for the needy and the less fortunate of the world and in our country as it is by the quality of life we achieve right here in America. The real measure of our humanity as a Nation is our ability to

share our treasure, our time, and our talents with truly needy people.

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

Mr. HASTINGS of Florida. I yield to my good friend, the gentleman from California and the ranking member of the Committee on International Relations.

Mr. LANTOS. Mr. Speaker, I want to thank my distinguished colleague for yielding to me, and since he may not participate in the debate on the bill itself, I wished to publicly pay tribute to his leadership role on this most important issue.

Mr. HASTINGS of Florida. Reclaiming my time, Mr. Speaker, I thank the gentleman from California (Mr. LANTOS). I appreciate that very much.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I have no speakers at the present time, and I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I am pleased to yield 4 minutes to the gentlewoman from California (Ms. LEE), who has, since she has been a Member of Congress, been totally committed to trying to alleviate AIDS in the world and has been the leader in legislation with reference to this problem, and certainly working with the gentleman from Illinois (Mr. HYDE) and the ranking member, the gentleman from California (Mr. LANTOS), has been directly involved in this particular piece of legislation.

Ms. LEE. Mr. Speaker, let me thank my colleague, the gentleman from Florida, for yielding me this time and for his leadership and his assistance and guidance throughout this entire process.

Since I have been here in Congress and since 1998, we began to introduce and bring forward to this Congress the notion, really, of an AIDS Marshall Plan, which former Congressman Ron Dellums, my predecessor, conceived, brought to us, and indicated why the Congress should begin to go on record to take the lead in the world to fight this global pandemic.

I would like to thank our chairman, the gentleman from Illinois (Mr. HYDE), and our ranking member, the gentleman from California (Mr. LANTOS), for their leadership and for making sure that this continues to be a bipartisan effort. This is not really a political issue. Both gentlemen have made sure that throughout this overall process that the people and their needs and the issues with regard to this pandemic stayed foremost in our mind and would not allow us to break down into our partisan squabbles that oftentimes we break down into. So I thank them both for their leadership.

I would like to now talk just a little bit about the Uganda model of success, which is, of course, the model the President has cited as the model he is looking to to address this pandemic in this bill, and also why I believe the 33 percent set-aside offered by the gentleman from Pennsylvania (Mr. PITTS) is an amendment that goes counter to what the President's intentions and stated reasons for moving forward in the Uganda fashion.

First of all, each country, each village, each organization knows what strategies work best in terms of how they address this pandemic. This pandemic is killing so many people, there are so many orphans, there is so much disaster on the continent of Africa, that we have to marshal each and every effective way to stop it. So we should not in any way constrain this bill to a 33 percent set-aside that places for the most part abstinence as a priority.

Again, this flies in the face of what our agreement was in committee, and that is the ABC approach, which is the Uganda approach: abstinence, be faithful, use a condom. The three-pronged approach should be balanced, is balanced, and should be the approach we use in this bill. I do not know why this requirement now, after our committee debate and committee discussion, would be put into the bill when we know the President has called for all three approaches. In fact, the Washington Times today indicated its support for the three-pronged approach and not for us prioritizing one versus the others.

And let me just read what the Uganda model really is. I do not think we should be misled or misinformed about what Uganda is doing. Sophia Monico, who was the director of TASO, which is Uganda's premier HIV/AIDS group, said, and this is quoted in The New York Times article, she said: ''It is so unfair to pull out one element of a bigger picture, a very small percentage of the whole picture, and say 'this is what works.'" She goes on to say that ''Uganda is indeed a model for nations fighting AIDS, but it is not quite the model the religious right would like to believe. Ugandans are responding to a campaign known as ABC, which says: Abstain. If you can't abstain, be faithful. If you can't be faithful, use a condom. Contrary to the assertions,'' the article goes on to say, ''of Mr. PITTS and others, there is really nothing unusual about this slogan.''

The WHO has sanctioned this. This is the standard public health approach to prevent sexually transmitted diseases. And so, Mr. Speaker, today, as we debate this bill, I hope Members of Congress will understand that setting aside 33 percent for abstinence only flies in the face of ABC. It flies in the face of the Uganda model. It does us a disservice as we put forward this very good bill to now take a step backwards and put a requirement on our organizations that makes no sense, that will not work, and, quite frankly, that was defeated in committee.

So I want to see this move forward in a way I know the President wants to see it move forward, and that is the ABC approach, the standard multifaceted approach that gives all three approaches equal weight.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, precisely because issues like these are so important and need to be discussed is why we have made them in order in the Committee on Rules for discussion.

Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. PAUL).

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

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

Mr. Speaker, I want to call attention to something in the committee report that I consider an error, and I would like to make a suggestion so that it might not occur again. This particular legislation, not the rule as much as the legislation, I am not in support of for various reasons.

□ 1045

One, I think the odds are very slim that it is going to do a whole lot of good. It is very well-intended. I am a physician, and I cannot think of anything better than to wipe out AIDS in Africa, or in the United States, for that matter. But $15 billion going to Africa on a questionable program bothers me because at the same time, we are cutting benefits to our veterans and also the elderly have a hard time getting medical care here. So there is a practical argument against the legislation.

In the bill and in the amendments, there is a lot of social engineering going on. I think if we are going to do any social engineering or social suggestions, it ought to be here and we ought not be naive enough to think we can change habits that exist in Africa.

But the point I wanted to bring up is the authority for doing programs like this. We have a rule in the House that we have to cite the constitutional authority, for the legislation we're dealing with. The committee report cites the authority from a very important section of the Constitution, article I, section 8, because literally we, the Congress, get our marching orders from article I, section 8, which is the section of the Constitution relating to making all laws necessary and proper for carrying into execution the powers vested by the Constitution.

Well, that is where the shortcoming comes because if we read the Constitution, at the end of article I, section 8, it says, ''To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers.'' Therefore, the ''necessary and proper'' clause is explicitly designed to give the authority to write the laws for the foregoing powers. Believe me, we will not find any authority in article I, section 8 for dealing with medical care problems in Africa.

I find it interesting here because quite often one side of the aisle when they do not like legislation will use my

argument in this case, and other times it is the other side of the aisle. So everybody makes my argument one time or the other. My suggestion is if the Constitution means anything, and if article I, section 8 means anything, it ought to be applied across the board or we ought to change the Constitution and say this is a mandate from the American people that we should pursue missionary work in Africa.

But most likely nobody is going to propose a change in the Constitution, the Constitution will not be changed, so the Congress chooses to ignore the Constitution when it feel like it; therefore, we have reduced the Constitution to something that has very little value anymore.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. WYNN) who has stood out on this issue for all the time he and I have served here in Congress.

Mr. WYNN. Mr. Speaker, let me begin by thanking the gentleman from Florida for yielding me this time and for his leadership on this issue.

It is very good to stand here in support of a bipartisan bill that addresses some of the real problems in the world today. Particularly in the wake of the situation in Iraq, it is important for the United States to show the world that we care about the big problems that affect other people in other countries as well as issues that affect American interests.

Let me take a moment to thank the gentlewoman from California (Ms. LEE) for her leadership. If anyone in this body has stood up on this issue, it is the gentlewoman from California (Ms. LEE), as well as the gentleman from California (Mr. LANTOS), and the gentleman from Illinois (Mr. HYDE). This is truly a bipartisan bill. I would also like to applaud the President because he has pushed this issue $15 billion to fight AIDS in Africa. I think that is a very good thing.

I hasten to note that many of these programs started under the Clinton administration, and for years, Democratic activists have been fighting for additional money to fight AIDS in Africa. I intend to support this bill; however, the rule allows amendments which I believe are problems.

Some of my conservative brethren come to this debate and argue that we ought to give more priority to abstinence. In a tone of some self-righteousness they suggest that abstinence ought to be the preferred method, and that this reflects American values. I think on the issue of fighting AIDS, the American value is saving as many lives as we possibly can. And for that reason when later today we have this amendment to prioritize and single out abstinence, I am going to oppose it.

I think our responsibility is to make resources available to be used in the best, most efficient way possible. Abstinence does have merit, I will be the first to say that. And where it can be used effectively and advocated to young people, I would support that. But to say that abstinence should get a specific share of the money, even if it is not the most effective proposal, does not make sense. The American value is to save lives.

Now, it seems to me that we ought to use all available approaches and use our money most effectively and most efficiently. My conservative colleagues say look at the Uganda model. And as the gentlewoman from California (Ms. LEE) just pointed out, they have somewhat distorted it. They would have us believe that Uganda, which has been very successful in reducing AIDS, primarily relies on abstinence. That is not true.

It is true that Uganda has been successful in reducing infection rates from 26 percent to 6 percent over a 20-year period. It is not true that they rely solely or even primarily on abstinence. Abstinence is only part of their Anti-aids program. In fact, Ugandans used 80 million condoms last year. 80 million condoms. Condom use by prostitutes in Kampala, the capital city of Uganda, has increased from zero to 95 percent. It has been proven that condom use is an important part of the program.

What we are saying today is that we need to include all approaches: Abstinence, faithfulness, and condom use, and not single out any particular approach. Let the affected communities in Africa decide what works best and spend the money accordingly. If we do that, this is truly a great bill and we should be proud to support it.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 2½ minutes to the gentleman from Oregon (Mr. BLUMENAUER) who also has been in the leadership on this matter and serves on the Committee on International Relations.

Mr. BLUMENAUER. Mr. Speaker, I am proud of what transpired in the Committee on International Relations this last couple of months in moving this legislation forward. It was reported out of committee by an overwhelming bipartisan majority, and it shows what we can do when we come together in a bipartisan fashion. I commend the administration for its support of a creative solution for the HIV-AIDS epidemic that Members from both parties can support.

It has been referenced that some of our colleagues have interpreted ABC as ''anything but condoms,'' and we are going to talk about that on the floor as various amendments come forward; but I think it is critical that we take a step back and not put a political agenda ahead of a program with proven success.

I hope that my colleagues can withhold their desire to impose their standards on hundreds of millions of people that live in different countries with different cultures, in wildly different communities. There is too much at risk for global health, which certainly includes our own in this country. Addressing the AIDS epidemic, tuberculosis, and malaria not only benefits the health of those individuals, it is going to stabilize communities and regions that are devastating. And, yes, it is going to help us at home as we work to alleviate global issues of health, safety and security.

The SARS epidemic provides the most recent, graphic, current example of the need to address epidemics at a global level before they affect us here in America. I hope we can reflect not just on the hard work of the administration, our chairman, the gentleman from Illinois (Mr. HYDE), the gentleman from California (Mr. LANTOS), active leaders like the gentlewoman from California (Ms. LEE), but reflect on how when the legislative process works when we put the imperative of problem solving ahead of political concerns.

We have more at stake these days than just dealing with the AIDS epidemic. I hope that this will be a template not just moving forward in this critical area, important as it is, but this is the way that we can solve homeland security issues, economic issues, and the great issues on the international arena as well.

Mr. Speaker, I commend our friends who were there, and I urge adoption of the rule and moving forward with approval of this and then going home this weekend thinking about what we have accomplished, how we have done it and where we can take it from here.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Florida (Mr. HASTINGS). I reiterate and strongly believe there are few things that we could do more important than what we are going to do today. I am very proud to have been able to bring forward this rule to provide for consideration of this extraordinarily important legislation.

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HYDE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill H.R. 1298, which we are about to consider.

The SPEAKER pro tempore (Mr. LINCOLN DIAZ-BALART of Florida). Is there objection to the request of the gentleman from Illinois?

There was no objection.

UNITED STATES LEADERSHIP AGAINST HIV/AIDS, TUBERCULOSIS, AND MALARIA ACT OF 2003

The SPEAKER pro tempore. Pursuant to House Resolution 210 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1298.

□ 1058

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1298) to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, and for other purposes, with Mr. LATOURETTE in the chair.

The Clerk read the title of the bill.

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

Under the rule, the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS) each will control 30 minutes.

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

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

Mr. Chairman, not since the bubonic plague swept across the world in the last millennium killing more than 250 million people has our world confronted such a horrible, unspeakable curse as we are now witnessing with the growing HIV/AIDS pandemic.

In the very short time that we will spend today considering this legislation, thousands of people around the world will die of HIV/AIDS. The number of dead or dying is grotesquely high: 25 million already dead worldwide and growing at the rate of 8,500 every day, with the horror of entire villages populated only by orphans because the adults are dead or dying from AIDS.

I do not mean to demean the work of this House, but so much of what we do is really unimportant and trivial; but not today. Today we have an opportunity, the opportunity to do something significant and of lasting importance. Today we have an obligation, the obligation to do something reflecting our commitment to human solidarity. We have a privilege today, the privilege of doing something truly compassionate.

It is no exaggeration to compare the AIDS pandemic in Africa to the bubonic plague in medieval Europe. This plague took one-third of Europe's entire population, creating political chaos and set the course of civilization back for decades, perhaps centuries. AIDS in Africa is well on its way to doing something terribly similar, and similarly terrible. Tuesday's Wall Street Journal tells us 42 million people are infected with HIV/AIDS, 30 million in sub-Saharan Africa alone.

□ 1100

Today we need to consider H.R. 1298, the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003. We would not be here today with this bill, that I think is an excellent one, without the sincere and heartfelt and invaluable assistance of the gentleman from California (Mr. LANTOS), which makes this a truly bipartisan effort.

This legislation authorizes the President's 5-year $15 billion emergency plan for treatment and prevention of AIDS in those countries already facing crisis. The legislation creates a more responsive, coordinated, and effective approach among the various agencies of the U.S. Government involved in this global fight. The legislation promotes an approach that provides funds for antiretroviral therapy for more than 2 million people living with HIV. It encourages a strategy that extends palliative care for people living with AIDS. It supports efforts to find vaccines for HIV/AIDS and malaria. It emphasizes the need to keep families together with particular focus on the assistance needs of children and young people with HIV. It endorses prevention programs that stress sexual abstinence and monogamy as a first line of defense against the spread of this disease and contributes to multilateral initiatives that leverage the funds of other donor nations.

The HIV/AIDS pandemic is more than a humanitarian crisis. Increasingly, it is a threat to the security of the developed world. Left unchecked, this plague will further rip the fabric of developing societies, pushing fragile governments and economies to the point of collapse. So to those who suggest the U.S. has no stake in this pandemic, let me observe that the specter of failed states across the world certainly is our concern.

Africa is a central concern. Today radical Islam is spreading in several African countries, especially Nigeria. This threatens to undercut democracy and make Nigeria a failed state. It is in our interest to counter this movement by doing what we can to build democracy and a growing economy in Nigeria and elsewhere. The spread of HIV/AIDS frustrates this important mission. We also have a strong interest in seeing the development of professional African militaries, militaries capable of maintaining stability in their country, but also capable of contributing to peacekeeping operations elsewhere in Africa. Yet an examination of the HIV/AIDS rates among the armed forces of key African countries, including Nigeria, South Africa, and Kenya, reveals infection rates between 30 and 40 percent. HIV/AIDS is a national security issue for those countries and for us.

The President's proposal is based on America's deep conviction about the dignity of every human life, and these proposed remedies for the AIDS crisis in Africa recognize that human dignity. In adopting this proposal, we show the world that conviction and compassion go together as we demonstrate that compassion is not a sign of weakness but of strength. America does not have to take on the African AIDS crisis alone; but as is often the case, American leadership, political or financial, is necessary if our friends around the world are to bear their fair share of the burden. That is what the President's proposal does. It sets a pattern of American leadership that others we believe will follow.

This bill is a compromise, a delicately arrived at, painstakingly negotiated compromise between various factions interested in this legislation; but it hangs together, and it works and it will advance the cause that we so desperately need to support. AIDS is a mortal challenge to our civilization. Let us today be animated by compassion and, yes, vision that always have defined what it means to be an American.

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

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

I rise in strong support of this grand humanitarian legislation, and I urge all of my colleagues to make history today by securing its passage.

Mr. Chairman, we could not have reached this day had it not been for the heroic efforts of the gentleman from Illinois (Mr. HYDE), my distinguished chairman and good friend. His leadership on this issue has been a true profile in courage, and I salute him. I also want to identify myself with his powerful and eloquent opening statement. Our colleagues on the Committee on International Relations, the gentlewoman from California (Ms. LEE) and the gentleman from Iowa (Mr. LEACH) on the Republican side, have also been critically instrumental to our success thus far as have many other members of the committee. With the support of every single Democrat and most Republicans on the Committee on International Relations, we have crafted a bipartisan piece of legislation worthy of this body's support.

Mr. Chairman, the $15 billion authorized in this legislation to combat HIV/AIDS, tuberculosis and malaria worldwide is an enormous sum by any measure. It is five times the amount we considered authorizing for this cause just last year. For those of us who have long called for a real commitment of resources to address the HIV/AIDS crisis, our day has arrived. As impressive as these amounts are, they are no more than the crisis demands. Every day AIDS claims the lives of thousands of innocent men, women, and, yes, children, old and young, sick and able-bodied, destitute and affluent, unemployed and professional, African, Asian, and American. This disease, Mr. Chairman, does not discriminate. It targets us all; and in doing so, it ruins families, decimates communities, and fuels the violence and bloodshed that destroys whole nations. The political, economic, social, and humanitarian impact of this scourge cannot be contained to one region or to one population. It is a

global human challenge that demands a global humanitarian response with the United States in the lead.

The tragic history of this disease has shown that there are no silver bullets. We must use every means at our disposal to defeat it. All legislation builds to a significant extent upon Uganda's success in curbing the spread of AIDS through a combination of abstinence, monogamy, and condom use. In lending his support to this bill earlier this week, President Bush endorsed this three-pronged approach. In the President's words, preventing spread of HIV/AIDS requires a strategy emphasizing abstinence, marital fidelity, as well as condoms. Each element is crucial. Uganda's success in combating HIV/AIDS required not only abstinence and marital fidelity education programs but the distribution of nearly 80 million condoms per year. Countless lives will be lost if we fail to learn this lesson and undermine the balanced approach exquisitely negotiated and embodied in this bill.

Mr. Chairman, in the his State of the Union address earlier this year, the President issued a challenge to Congress to join him in a new global campaign to combat HIV/AIDS. Today we take up the President's challenge and seek to fully fund this bold initiative. An overwhelming vote by the House of Representatives today to pass H.R. 1298 without crippling amendments will bring the President's vision, a vision most of us share, close to reality. The time for words has passed and the time for action has arrived in our struggle against HIV/AIDS. I urge my colleagues to join me today to pass this historic legislation.

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

Mr. HYDE. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Iowa (Mr. LEACH).

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

Perspective is the most important and most difficult thing to apply to issues of the day. If one were to look at the 14th century, clearly the seminal event was the Bubonic plague in which some 20 million people died. Now, as many have died from AIDS as of the plague. Within a decade it will be a multiple of that figure. If sitting on the Moon, one might suggest that the most important public policy issue of our day is dealing with disease control, most particularly AIDS. In a very moral sense, it is probably the deepest philosophical issue of our time. Indeed, the global AIDS epidemic might be considered an epidemic of Biblical proportions.

Everyone in this Congress understands that foreign assistance is controversial, but we are, after all, our brother's keeper and we must be concerned for the global family. We also have to be concerned for our own families. To the degree AIDS is not thwarted abroad, it threatens our own shores. As a Congress, obviously we have to be concerned with the allocation of the people's resources. This bill is a lot of money, but it is an extraordinarily sparse amount compared with the need; and I think of all the bills we are going to vote on in the near future, this is going to be the most justified financial expense the United States Congress has undertaken.

In conclusion, let me just say we are all indebted to a lot of people from the outside, the President of the United States; the singer, Bono; and then our colleagues, the gentleman from California (Mr. LANTOS), the gentlewoman from California (Ms. LEE), and from a distinct perspective the gentleman from Pennsylvania (Mr. PITTS) for raising concerns of America's faith-based community. But most of all I want to simply express my appreciation for the gentleman from Illinois (Mr. HYDE). This is the most important bill he has ever shepherded through Congress. It is going to be a seminal mark in his career, and we are all in his debt.

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

Before yielding to our distinguished whip, let me also underscore the important contribution to the fight against HIV/AIDS of Bono who has worked with us on all aspects of this problem and whose leadership worldwide is deeply appreciated by all of us concerned with this issue.

Mr. Chairman, I yield 3 minutes to the gentleman from Maryland (Mr. HOYER), the distinguished Democratic whip, a leader on this and all issues in this body.

Mr. HOYER. Mr. Chairman, I thank my friend for yielding me this time.

I join the gentleman from Iowa (Mr. LEACH) in congratulating the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS), ranking member, as well as the extraordinary work that has been done by the gentlewoman from California (Ms. LEE) as a Member of Congress and before she got to Congress.

□ 1115

Mr. Chairman, the great Dr. Martin Luther King, one of the world's great humanitarians, once said, ''We are caught in an inescapable network of mutuality tied in a single garment of destiny. Whatever affects one directly affects all indirectly.''

Today, through this truly historic, bipartisan legislation authorizing $15 billion over the next 5 years for overseas care, treatment and prevention of AIDS, we recognize that our Nation has a moral obligation and a national security interest in combating the HIV/AIDS pandemic, as well as malaria and tuberculosis.

We ignore the world's increasing interdependence at our own peril, Mr. Chairman. And, frankly, while many of my colleagues have fought for many years to bring needed resources to bear on this problem, their call to arms has not, until now, been fully embraced.

The source scourge of AIDS knows no borders. It does not discriminate. It targets every one of us, infecting some 42 million people around the world, two-thirds of them from Africa.

As my good friend the gentleman from California (Mr. LANTOS), who has worked with the gentleman from Illinois (Chairman HYDE) to bring this legislation to the floor today, stated in the markup of this bill, this health care crisis ruins families, communities and whole nations, fueling violence and bloodshed across borders. It cannot be contained in one region or in one population. And, thus, it is a global challenge that demands a global, humanitarian response with the United States in the lead.

The ranking member, the gentleman from California (Mr. LANTOS), the gentlewoman from California (Ms. LEE), and certainly the gentleman from Illinois (Chairman HYDE), deserve our congratulations, our thanks and admiration for their leadership in crafting this bill's balanced approach to treatment and prevention. It is a real commitment to addressing the HIV/AIDS crisis.

I would hope that amendments to be offered later today that would upset this carefully crafted, balanced piece of legislation, that those amendments would be rejected. In particular, the Pitts amendment would upset the balanced HIV/AIDS prevention approach called for in the bill by requiring that one-third of the prevention funds be used solely for abstinence-only programs. Certainly we are supportive of abstinence, but not to wall it off for sole use resources.

This historic legislation reflects our values, protects our interests, and extends, Mr. Chairman, a handle of hope to millions of vulnerable people across the world.

We need not ask for whom the bell tolls; it tolls for us. This legislation is a response by us to reach out to save lives, to heal, and to make our Nation and our global community more secure.

Mr. HYDE. Mr. Chairman, I am very pleased to yield 5 minutes to the distinguished gentleman from Florida (Mr. WELDON) who, as an original cosponsor of this legislation, has made an invaluable contribution.

Mr. WELDON of Florida. Mr. Chairman, I rise today in strong support of this legislation, and I want to commend the chairman and ranking member for their open-mindedness in allowing me to be a part of this process.

The bill before us today is a demonstration of the American people extending the hand of compassion and hope to millions of people suffering worldwide from AIDS.

The level of commitment to end HIV/AIDS demonstrated in this bill before us today is long overdue. Previous attempts to address the issue of global HIV/AIDS channeled millions of dollars into unaccountable multilateral efforts

and programs that showed little effectiveness and did little to stem the death toll.

H.R. 1298 reforms the status quo, ensures the most effective use of every dollar and puts new policies in place to help save lives. The bill sets a new course by focusing on real solutions, such as the model provided by Uganda.

The bill requires financial accountability and opens doors to programs that have a history of doing much with little. H.R. 1298 features a strong abstinence education component that has been proven to save lives by eliminating risky sexual behavior.

This is a very important point.

One of the key components of H.R. 1298 is a clear focus on prevention through education. The bill promotes primary prevention by funding activities that help individuals avoid HIV infection. Instead of just working towards reducing the prevalence of HIV/AIDS, this bill seeks to help young people adopt behaviors where the risk of HIV/AIDS can be eliminated. No longer do we just seek to manage the sure death of HIV infection. This bill empowers young people to participate in a future free from the behavioral risks of contracting HIV/AIDS.

The bill distinguishes between true primary prevention efforts, such as abstinence education, from intervention activities that promote condoms under the guise of prevention. The bill distinguishes between prevention services that are appropriate for everyone and preventive intervention that helps a segment of the population engaging in risky behavior. As a physician who previously cared for AIDS patients, I know that encouraging this primary prevention approach will save lives, and save money.

Another key component of the bill is bringing faith-based organizations into full participation with efforts to combat HIV/AIDS. Local churches and faith-based groups promote behavior change to prevent HIV, reduce the stigma associated with HIV infection, and treat those afflicted with the disease and care for orphans.

The Catholic Church alone currently cares for one in four people being treated by HIV/AIDS worldwide. Mission organizations already possess much of the infrastructure, experience, knowledge and compassion necessary to combat AIDS. They also have a history of respecting the culture and values of indigenous communities and peoples so that lasting relationships and change can occur. And faith-based groups are doing this in the most remote areas with the greatest need.

Up until now, resources that could have helped the efforts of churches and faith-based approaches have been soaked up by large international special interests. My missionary friends in Africa tell me about the many hats, T-shirts and conferences that UNAIDS provides to promote condoms and HIV/AIDS awareness. Unfortunately, few real resources are provided to help prevent HIV/AIDS infection.

I am personally aware of faith-based organizations that have been in-country for years, that have the support of the community, that have the support of the government and have brought people of different faiths together around strategies that are culturally and age-appropriate, but yet have been refused resources through USAID and UN-funded programs. Or they have been given a deal to promote condoms or get nothing.

H.R. 1298 will open up new avenues to fund powerful faith-based efforts that save lives in the poorest and most remote places. I strongly encourage all of my colleagues on both sides of the aisle to support this legislation.

Mr. Chairman, I am delighted to be an original cosponsor of the bill, and I again commend the chairman, the ranking member and their staff for crafting what I feel is a very, very good piece of legislation.

Mr. LANTOS. Mr. Chairman, I am delighted to yield 5 minutes to my good friend, the distinguished gentlewoman from California (Ms. LEE), who has brought boundless energy and bold passion to this legislation. She has been the leader on our side on this entire matter.

Ms. LEE. Mr. Chairman. Let me first thank our ranking member, the gentleman from California (Mr. LANTOS), for those very kind and generous remarks, and let me thank the gentleman for his leadership in helping to ensure that our Democrats really saw the goal and understood our mission and helped to work to make sure that this was a bipartisan bill.

I want to thank the gentleman from Illinois (Chairman HYDE) for his leadership, and for, again, I think, setting an example that on issues of common concern and where the survival of the human family is at stake, we all can come together and agree that we should work together.

I also want to thank our staffs, especially Christos on my staff, and Pearl Alice, Peter and the entire committee staff, for their very diligent, competent and dedicated work.

Mr. Chairman, today we really do stand at the crossroads in this global battle gains HIV/AIDS. With an estimated 42 million individuals infected worldwide, the disease has already devastated the African continent, where 30 million people, 30 million, are currently living with AIDS and over 11 million children have been orphaned by this pandemic.

Throughout Africa, AIDS has had a devastating impact, not only on health, but on education, agriculture, the economy, the military, on governments, as people at all levels of society have struggled to cope with this disease.

Even now, the ongoing famine in Sub-Saharan Africa has been aggravated by the AIDS crisis. Food Insecurity and malnutrition have contributed to the spread of the virus, and both have sped up the onset of AIDS in HIV-infected individuals.

The Caribbean, which is ranked as the second most affected region behind Africa, is also facing a devastating situation because of AIDS. In Haiti, where over 90 percent of all AIDS cases in the Caribbean are, Haiti has the unfortunate distinction of being the only country outside of Africa with an adult prevalence rate of over 6.5 percent.

Despite the devastation that HIV and AIDS has caused within Africa and the Caribbean, the disease is truly a global killer. Even here at home, in my own district in Alameda County, we have been forced to declare a state of emergency to deal with the AIDS crisis. Now the disease is poised to run rampant through India, China and Russia, where a lack of information is contributing to the spread of the disease among poor and rural populations.

So without a truly global effort to halt the spread of this disease, to provide care and treatment to those who are infected and affected by HIV and AIDS, we will all face a humanitarian disaster, the likes of which the world has never seen before.

But there is hope. We have the know-how to stop the spread of HIV, and we have the drugs to prolong the lives of those infected with AIDS. The challenge is how we translate this know-how and these resources to people living in the developing world.

Yet even in a country as poor as Haiti, there are already programs on the ground that are making a difference with minimal resources, like the Zanmi Lasante Clinic, run by Dr. Paul Farmer and the dedicated people at Partners in Health.

And we also know from the indication of Uganda that when a country unites in the battle against AIDS, through the leadership, through its president, members of the government and civil society, and when everyone really engages in open dialogue about sex and AIDS, the need for abstinence, faithfulness and safe sex through the use of condoms, the HIV/AIDS rate can be reversed. In this case, it came down from 15 percent in 1991 to 5 percent 10 years later. But it took all three strategies. No preference is given to one over the other.

This bill we have before us today really recognizes these possibilities. But, more importantly, it sends a message to the world that the United States will not sit idly by and allow AIDS to wreak havoc on the human family.

By committing $3 billion a year to fighting global HIV/AIDS and the two largest opportunistic infections that feed off of AIDS, tuberculosis and malaria, we will virtually double our global AIDS budget in the next year.

Several years ago when we won a $40 million increase in global AIDS spending in 2000 under the leadership of our distinguished minority leader, the gentlewoman from California (Ms. PELOSI), we felt that that was a major victory and a major accomplishment. This legislation now puts those living with

AIDS and those at greatest risk of getting infected ahead of ideological and political differences, and that is why the Pitts amendment does such a disservice to the bill and to those who desperately need our help. This bill attempts to create a comprehensive strategy to deal with the AIDS pandemic. Comprehensive.

Finally, let me just say how important it is that this be new money. The President said that this was new money. We must make sure that this is new money. We face many challenges as this bill moves forward, but we hope that the President will receive the bill on his desk intact and sign it before Memorial Day, as he said he wanted to do.

Mr. Chairman I want to thank again the chairman of our committee and the gentleman from California (Mr. LANTOS) for their leadership, and once again hope that we can pass this bill intact, as it moved out of committee.

Mr. HYDE. Mr. Chairman, I am pleased to yield 3 minutes to the learned gentleman from Wisconsin (Mr. GREEN).

□ 1130

Mr. GREEN of Wisconsin. Mr. Chairman, I thank the gentleman from Illinois (Mr. HYDE) for yielding me this time.

During the course of the debate today, we will hear a lot of numbers, thousands and millions of percentiles. We will have a lot of platitudes. Platitudes are important, numbers are important; but they are just lines on a page.

Let me give my colleagues an image that may help us put this all into perspective. Not so very long ago, I met a missionary who had served in the very area where I taught high school in Africa some 15 years ago, and I asked her what the changes were that she had seen over her time. I thought she would say to me, cell phones, electricity, running water, which we did not have; and she said, no, that is not it. She said, now as you walk down that mud path, you will stop and suddenly say to yourselves, my God, there are no adults here. There are children and there are grandparents, but there is an entire generation missing.

Mr. Chairman, so many here are talking about why we must do this for the sake of the impoverished and the needy around the world, and it is true. I would also suggest we need to pass this legislation for our sake. Two reasons: number one, it makes us more human. Every one of the great faiths in this world calls upon its followers to care for their neighbor. I know my faith does. My faith requires me to take up issues like this. Secondly, it is a matter of national security. If we do not get our arms around this pandemic, this plague, entire regions of the world will be destabilized; and when they are destabilized, we will see openings for radicalism, and where radicalism grows, dangers emerge, dangers to us and our way of life.

So yes, we must do this for the impoverished and the needy around the world, but we do this for us too. We are Americans. It is in our nature. It is the thing that we should do. This is important legislation. It is historic legislation. I commend the chairman. I agree with one of the previous speakers that this will be our most important legislation. It will save lives; it will shape history. I am proud to be part of this.

Mr. LANTOS. Mr. Chairman, before yielding to our next speaker, I want to express my deep appreciation to several members of our staff. Pearl Alice Marsh, David Abramowitz, Peter Yeo, Bob King, and on the staff of the gentlewoman from California (Ms. LEE), Christos Tsentas. They have done an outstanding job in bringing this legislation to the floor.

Mr. Chairman, I am delighted to yield 1 minute to my good friend, the gentleman from New York (Mr. CROWLEY), a distinguished member of the Committee on International Relations and a leader on this issue.

Mr. CROWLEY. Mr. Chairman, I thank the gentleman from California (Mr. LANTOS) for yielding me this time.

I want to applaud the gentleman from Illinois (Chairman HYDE) for his work on this bill. I want to voice my strong support for the United States Leadership Against the HIV/AIDS, Malaria, and Tuberculosis Act of 2003. Make no mistake, this bill is a big step in the right direction. This bill means more help for those infected with HIV/AIDS. It means more hope and help for children who are dying from malaria. It means that fewer families will live in fear of tuberculosis.

This bill is a true victory. But we must take the steps to ensure that what this bill stands for, protecting the health of individuals around the world, is also protected. And that is why we must see that this bill is not the end of the debate, but rather a step in the right direction.

The prevention and treatment of these diseases requires funding; but, of course, it requires even more. It requires accurate information, cultural sensitivity, rapid response. It requires real dedication.

Mr. Chairman, $15 billion over 5 years is real assistance for some of the world's most vulnerable, but only if it is allowed to be spent as those on the ground see fit. This bill can mean real hope for countless people around the world. I only hope that what this bill stands for survives as well.

Mr. HYDE. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from Michigan (Mr. MCCOTTER).

Mr. MCCOTTER. Mr. Chairman, one of our Nation's seminal principles holds that all human beings have a right to life, liberty, and the pursuit of happiness. Inherent in this principle, in this promise, rests the belief that to truly and fully live, every human heart needs hope.

National borders neither define nor diminish this need. And today, millions of our fellow human beings throughout the world have no hope, for they suffer under the perceived certainty of an AIDS death sentence. For years they have done so with no hope for relief or reprieve until our Nation brought them this proposal's promising ray of hope.

Due to this historic legislation, millions of ravaged bodies have hearts beating with hope. And thus, it is morally imperative that we pass this historic legislation, continue tending and kindling the sick and sufferings' faint rays of hope and, as Americans, reaffirm and retain our revolutionary role as a herald of hope for all humanity.

Mr. LANTOS. Mr. Chairman, I am delighted to yield 1½ minutes to the distinguished gentleman from New Jersey (Mr. PAYNE), the ranking member of the Subcommittee on Africa of the Committee on International Relations, my good friend who has been one of the strongest leaders on this whole issue in the Congress.

Mr. PAYNE. Mr. Chairman, let me express my strong support for this legislation and begin by commending the Bush administration for this initiative of 15 billion new dollars. I would like to also commend the gentleman from Illinois (Mr. HYDE), the chairman of the Committee on International Relations, for standing up to criticism primarily from his own friends. In spite of the criticism, the gentleman from Illinois showed that he still has the competitive drive that he had as an outstanding basketball player, that when the game got close, when it got tough, when it was needed, that last push, he stayed the course; and I would like to certainly commend him for that.

We appreciate the work of the gentleman from California (Mr. LANTOS) and the gentlewoman from California (Ms. LEE) and the gentleman from Iowa (Mr. LEACH). We have all come together.

But let me just say that I have seen the devastation with my own eyes. Over the 15 years that I have been in Congress, I have spent time during my first year visiting hostels and hospitals where HIV and AIDS patients were dying, and it was a time when many people throughout the world were crying out for help. I was devastated because their voices were not being heard. People were dying all around us.

Voltaire said, ''Nothing is as powerful as a dream whose time has come.'' The dream that we should really fight this devastating disease, the fact that people around the world are being devastated, not because of anything that is abnormal, but because of something that has just entered into this society. And so I hope that we will keep the legislation intact. I am proud to stand here and say that we are doing probably the greatest thing that we have done since I have been in the Congress, as has been mentioned earlier today.

Mr. HYDE. Mr. Chairman, I am pleased to yield 3 minutes to the distinguished gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. Mr. Chairman, I want to commend the administration as well, as a lot of others have spoken to today. The leadership of this House, and particularly the gentleman from Illinois (Chairman HYDE) and the ranking member, the gentleman from California (Mr. LANTOS), two extraordinary Members who really care about issues such as this.

This is important legislation that will dramatically increase the United States' participation and role in combating HIV and AIDS. The HIV/AIDS scourge is not only an international health threat killing millions and spreading each year, but it is also a major detriment to the economic security and well-being of our Nation and many countries around the world. As we have seen with the current SARS virus, economic partners as close as Canada have been seriously impacted in just a very short time period. While SARS is a new major health risk that experts are working to halt in recent weeks, we must not forget that HIV/AIDS is a killer disease that continues to plague the entire world.

Specifically, the legislation before us today will authorize more than $15 billion for combating HIV/AIDS globally over the next 5 years. In President Bush's State of the Union address he called for an increase in the U.S. commitment to combat the global AIDS pandemic. I am pleased that today we are debating a holistic approach to combat such a destructive disease. The legislation creates a more responsive, coordinated, and effective approach among the various agencies of the United States Government involved in the war against HIV/AIDS and approves up to $1 billion for the Global Fund for AIDS, Tuberculosis, and Malaria for fiscal year 2004.

I have seen firsthand the devastation that AIDS has had on the people of Africa, and I firmly believe that the United States and the rest of the developed world must act now to help end the suffering and hardship caused by this terrible disease.

When I visited Zimbabwe, Nigeria, and South Africa several years ago, I saw the overwhelming impact that AIDS was having, not only on those adults afflicted with the disease, but also on thousands of orphans that the disease creates. In some countries, one-fifth to one-third of the children have already been orphaned by the disease. I am pleased that today's measure authorizes the President to establish pilot programs to create and treat orphans and young children.

Through the work of my constituent, Jeff Busch, I have learned about and supported the work of the Safe Blood for Africa Corps. This small, not-for-profit company has the goal of safeguarding the blood supply in sub-Saharan Africa from infectious diseases such as HIV, Hepatitis B, and Hepatitis C.

I have supported their efforts to fund a first-strike program of HIV/AIDS prevention in sub-Saharan Africa that would immediately begin to save between 350,000 and 500,000 lives by utilizing rapid blood testing to provide for the transfusion of safe blood. The President has cited Uganda as the model country for putting together an effective plan to combat HIV/AIDS. Uganda has been very aggressive in their approach, and it is important to note that they first addressed the problem of cleaning the blood supply.

In conclusion, the Bush administration has designated the war on HIV/AIDS in developing countries a top priority, and I strongly believe that this important legislation will push this goal forward. Mr. Chairman, 40 million people are currently infected and 25 million have died of AIDS worldwide, including more than 3 million people last year alone. Now is the time for our Nation to step up and halt this most deadly disease.

Mr. LANTOS. Mr. Chairman, I am delighted to yield 1 minute to my good friend, the gentleman from Pennsylvania (Mr. HOEFFEL), a distinguished member of the Committee on International Relations and a strong leader on this and on so many other issues.

Mr. HOEFFEL. Mr. Chairman, I rise in strong support of H.R. 1298. I want to salute the great work of the gentleman from Illinois (Chairman HYDE); the ranking member, the gentleman from California (Mr. LANTOS); and President Bush for coming together to make this $15 billion commitment over 5 years to help curb the spread of AIDS around the world.

One of the best parts of this bill is its balanced approach that treats equally importantly abstinence, marital fidelity, and the use of condoms to fight the spread of AIDS. I salute that balanced approach, and that is why it is so important to defeat the Pitts amendment and the Smith amendment. The Smith amendment would allow faith-based organizations that can be funded under this bill under the terms of the legislation to actively discourage the use of condoms. That makes no sense, and that destroys the balance that is currently in this legislation. The Pitts amendment would allow a particular amount of funding to go specifically and only for programs that only promote abstinence.

Listen, abstinence works perfectly if it is used perfectly, but it is not. Not everybody abstains. We need to pass this bill as is. It is balanced and it is very good.

Mr. HYDE. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Chairman, our Nation is greatly blessed. We have a responsibility to our fellow man. When rampaging machete mobs began massacring Rwandans, I believed then and I believe now that we should have deployed troops to save them.

I agree with the principles expressed by President Bush in this very Chamber in his State of the Union speech when he said: ''We exercise power without conquest and we sacrifice for the liberty of strangers. Americans are a free people who know that freedom is a right of every person and the future of every nation. The liberty we prize is not America's gift to the world; it is God's gift to all humanity.''

Now we face an AIDS crisis in Africa. It is severe. We have the unique opportunity to help save and extend the lives of Africans. However, we must ensure that our efforts to fight AIDS in Africa do not infringe upon their liberty, their freedom, and the right to life of unborn Africans.

The travesty of family planning and population control funding being used to subsidize abortion providers and counseling is not new to Congress. In fact, in 1970, Congressman John Schmitz of California accurately predicted the consequences of providing funding without restrictions.

□ 1145

We know the results of that. He said on that day: ''The bill before us today . . . would commit the U.S. Government to the life prevention business at an initial cost of more than a quarter of a billion dollars.'' As we know, the rise in the cost of the program is under way, with no end in sight. Congressman Schmitz was right. In 1999, Planned Parenthood received $51 million. Effectively, we are subsidizing abortion services.

Today we are poised to distribute AIDS assistance to those who are currently without hope in Africa. Hopefully, a large portion will go to proven abstinence, medical treatment, and as a last resort, condom distribution.

However, none of the billions for relief in Africa should be used to fund abortions. No United States taxpayer money should fund groups that provide abortion services or counseling. We will save lives by providing humanitarian AIDS relief to Africa. No lives are as innocent as those lives of babies taken by abortion.

We must show compassion for Africans and ensure that the words of Congressman Schmitz when we committed the United States to the life prevention business do not come true with this excellent bill.

Mr. LANTOS. Mr. Chairman, I am very pleased to yield 1 minute to my good friend and distinguished colleague, the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. I thank my colleague for yielding time to me, Mr. Chairman.

Mr. Chairman, I rise in support of the bill and in opposition to the Pitts amendment. Devoting significant resources to the biggest health threat in the world, the global HIV/AIDS pandemic, is an excellent use of taxpayer dollars, as long as we focus on prevention efforts that work.

For example, the people of Uganda have had great success controlling the spread of HIV/AIDS, and they did it with a comprehensive program that did

stress abstinence and fidelity, but also emphasized the importance of using condoms.

The Pitts amendment would move significant dollars away from that proven model by providing $5 billion to strictly abstinence-only programs. It will push aside proven comprehensive programs in favor of questionable models designed to appease a right-wing constituency.

Let us not miss the opportunity to do good by misspending precious resources on abstinence-only programs. We should not condemn more people to death by AIDS by tying hands with ideology. I urge my colleagues to vote ''no'' on the Pitts amendment and strongly support H.R. 1298.

Mr. HYDE. Mr. Chairman, I am pleased to yield 3 minutes to the distinguished gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in my capacity as chairman of the Subcommittee on Foreign Operations, Export Financing and Related Programs on the Committee on Appropriations to discuss this bill, H.R. 1298. It is our subcommittee that will be called upon to fund this authorization.

The legislation has three critical elements that are important to the issue of funding: first, the requirement for the President to establish within 9 months a comprehensive 5-year strategy to combat AIDS; second, within the Department of State the establishment of a new coordinator of U.S. activity to combat HIV/AIDS; and, third, providing statutory authority and sufficient authorization for additional United States contributions to the Global Fund to fight AIDS, tuberculosis, and malaria.

There are many other provisions, some of which appear unnecessary to this Member, others of which are clearly contradictory; but I want to address these three core provisions in the time that I have available.

I commend the gentleman from Illinois (Chairman HYDE) and the ranking member, the gentleman from California (Mr. LANTOS), for their work in crafting legislation that could bring much-needed policy coherence and effective management to the outpouring of well-meaning but, frankly, scattershot Presidential and congressional initiatives designed to arrest the worldwide HIV/AIDS pandemic.

I would ask the gentleman from Illinois (Chairman HYDE) and the members of the Committee on International Relations to take into consideration several of our subcommittee's concerns as they move this bill toward enactment.

First, as the proposed 5-year strategy will not be in place, at the earliest, until midway through the next fiscal year, the funds appropriated for fiscal year 2004 will have to reflect the strategies and use the delivery systems now in place. For that reason, I would caution against legislating the Uganda model on a global basis or limiting increased funding to only 14 countries before that strategy is in place or Congress has had an opportunity to review it.

Second, the legislation under consideration today proposes to turn the role of the AIDS coordinator into a de facto agency administrator. I have serious reservations about giving someone who was designated a coordinator within the State Department the authority to make grants, operate in foreign countries, or to, in effect, replace the Global Health Bureau of USAID or the Centers for Disease Control. Why are we creating an entire new Federal bureaucracy to administer the program when one already exists?

I also object to the language which would allow the coordinator to transfer money from prior-year appropriations or to establish a new account in the Treasury for which no funds have been appropriated.

Third, I welcome the flexibility to continue funding for the Global Fund at or above the current level of almost $350 million. But in all candor, the budget resolution does not permit fiscal 2004 funding anywhere near the $1 billion authorized by this legislation. Thus, we are only creating false expectations about what our Committee on Appropriations might be able to do this year.

Mr. Chairman, having spent much time over many years on the critical issues addressed by this bill, I am really pleased to see that the Congress is grappling with HIV/AIDS as an international issue. The legislation before us today is a helpful start, but much work remains to be done if we are to have effective implementation of programs to combat HIV/AIDS around the world.

Mr. LANTOS. Mr. Chairman, I am delighted to yield 1½ minutes to my good friend, the gentlewoman from New York (Mrs. LOWEY), the distinguished ranking member of the Subcommittee on Foreign Operations, Export Financing and Related Programs.

Mrs. LOWEY. Mr. Chairman, I rise today in support of this bill. I congratulate the gentleman from Illinois (Chairman HYDE) and the ranking member, the gentleman from California (Mr. LANTOS), for their important work. I have always believed that dealing with the AIDS crisis is both a national security priority and a moral imperative for the United States. I am pleased to see that we are authorizing a significant infusion of resources and broad-based commitment.

However, I caution my colleagues that despite strong administration and bipartisan congressional support for this bill, the $3 billion authorized for the upcoming fiscal year simply does not exist in the bill. The administration's request for 2004 for all global HIV/AIDS, tuberculosis, and malaria programs is about $1.7 billion, not $3 billion. While my colleagues and I on the Committee on Appropriations will try to find the $1.3 billion necessary to fill the massive funding gap, it will be difficult in an already tight budget.

I would urge the administration to request the funds necessary to fulfill the President's promise. I hope our Republican leadership will make sure we have the resources we need to fully fund this historic initiative.

Mr. Chairman, we have before us today an opportunity to do a great deal of good in the world: to improve the lives of people living with AIDS, to help AIDS orphans survive and thrive, and to prevent millions of those who are most at risk from contracting this horrible virus. Our efforts will have massive implications for the stability and prosperity of whole communities, societies, and regions of the world, a tremendous privilege and an awesome burden.

It is not every day that Members of Congress have the opportunity to jumpstart a process. So let us appropriate the money, let us fulfill the promise, and let us make sure we use it wisely and well.

Mr. LANTOS. Mr. Chairman, I am very pleased to yield 1 minute to my good friend and distinguished colleague, the gentlewoman from Minnesota (Ms. MCCOLLUM), a member of the Committee on International Relations.

Ms. MCCOLLUM. Mr. Chairman, today, while Congress debates this bill, every 15-year-old boy in Botswana is living with a 90 percent, a 90 percent chance of dying from AIDS during his life. AIDS is destroying millions of lives, families, and entire nations in Africa. Congress should and must act now.

America possesses the wealth, the knowledge, the leadership to partner with the people of Africa to save lives, offer dignity to the dying, and provide opportunity to orphans struggling for survival. Our fight against AIDS at home, in Africa, and around the world is both a strategic and humanitarian battle that reflects the greatest strengths and the absolute goodness of the American people.

Standing together, let us pass this bill today and empower the people of Africa to use every means available and necessary to treat and stop the spread of AIDS. Today, the people of America and Africa stand together in our fight against AIDS. I thank the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS) for their work.

Mr. LANTOS. Mr. Chairman, I am delighted to yield 1 minute to my good colleague, the gentlewoman from California (Ms. WATERS), a distinguished Member of this body and a leader on this issue.

Ms. WATERS. Mr. Chairman, I thank the gentleman from Illinois (Chairman HYDE) and the ranking member, the gentleman from California (Mr. LANTOS), for their superb leadership on attacking the HIV/AIDS disaster in Africa.

I take this moment to rise in strong support of H.R. 1298, and to thank my friends and colleagues for the many years of struggle and hard work that has brought us to this point of getting President Bush to support this effort.

Thanks to all of the AIDS activists, the developmental activists. Thanks to the work of the gentlewoman from California (Ms. PELOSI) when she served on the Committee on Appropriations; and the gentlewoman from California (Ms. LEE) for the leadership she has provided; and the gentleman from New Jersey (Mr. PAYNE) and all the other Members of Congress.

Thanks to President Bill Clinton for establishing the Global AIDS Fund we are putting the money in today. Thanks for the trip that he made to Africa, where we all had the opportunity to visit what was going on, the clinics in Uganda and other countries of Africa.

It has been a lot of hard work. I am pleased and delighted that we are here today working in a bipartisan way to put money into this Global Fund, but it did not happen overnight. Again, I thank Members for all the years of work and struggle.

Mr. LANTOS. Mr. Chairman, I am very pleased to yield 1½ minutes to my good friend and distinguished colleague, the gentleman from New York (Mr. ENGEL), a valued member of the Committee on International Relations.

Mr. ENGEL. Mr. Chairman, I thank my friend for yielding time to me.

I want to congratulate the gentleman from California (Mr. LANTOS) and the gentleman from Illinois (Mr. HYDE) and the gentleman from Iowa (Mr. LEACH) for their strong support and leadership on this bill. I particularly want to single out my colleague, the gentlewoman from California (Ms. LEE), who has led a good, long fight for so many years. This is truly something all of us can take pride in. The gentlewoman from California (Ms. LEE) has certainly led the way.

Mr. Chairman, this is a bipartisan, middle-of-the-road bill, a good bill. We should allow no ideological fights in this bill. This is not a fight about abortion; it is a fight about saving lives. The Uganda approach, which has abstinence and marital fidelity and condoms, and we have to have condoms if we are going to fight this battle, is a very well-balanced approach.

Let us look at AIDS. AIDS has killed over 20 million people since the epidemic began. Another 8,000 people die each day, with 68,000,000 deaths predicted by 2020 unless the world takes action. Experts say a strong global response could prevent nearly two-thirds of those new infections, saving tens of millions of lives.

What this bill does is respond to this crisis. It authorizes the bold initiative announced by President Bush. I want to say I was pleased to be in the White House 2 days ago with President Bush when he announced this initiative. This will provide $15 billion, including $10 billion in new money to fight HIV/AIDS in Africa and the Caribbean.

The proposed bill will help prevent 7 million new infections, provide care and support for 10 million HIV-infected individuals and AIDS orphans, and offer antiretroviral therapy for 2 million of those in need.

H.R. 1298 is only an authorization bill. We need to fight in the appropriations process for real resources to match the promises made in H.R. 1298.

Mr. LANTOS. Mr. Chairman, I am delighted to yield 1 minute to my good friend, the gentlewoman from New York (Mrs. MALONEY), a distinguished Member of this body.

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

I rise in strong support of the bill and in opposition to the Pitts amendment. We must remember that HIV/AIDS is preventable. That is why I support the ABC approach to prevention, which encourages a balanced approach to preventing the spread of HIV/AIDS.

While we all believe that abstinence and fidelity are important methods of prevention, a full, balanced, and comprehensive range of options, including condoms, is a more responsible plan of attack; and attack is what we must do. We must attack this rampant epidemic with full force, full funding, and full freedom of information.

I remember when then Ambassador Richard Holbrooke first brought the issue of HIV/AIDS as a national security crisis to the U.N. Security Council. We quickly learned that HIV/AIDS is not only a public health crisis; it is an economic crisis, an international security crisis, and a moral crisis.

□ 1200

In Africa the need and the will to combat the spread of AIDS is there. What is missing is the resources. That is what this bill brings in. No country should struggle to rise out of poverty while fighting a disease that can cut life expectancy by as much as 30 years.

I strongly support this bill and commend the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS), the ranking member, and the gentlewoman from California (Ms. LEE) and the gentleman from Iowa (Mr. LEACH) for their leadership.

Mr. HYDE. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Indiana (Mr. PENCE) for the purposes of a colloquy.

Mr. PENCE. Mr. Chairman, I want to thank the gentleman for his tireless efforts in crafting this HIV/AIDS relief bill.

I have, as the gentleman knows personally, the utmost respect for him and for his distinguished career and leadership of this committee in particular. I appreciate him granting me this colloquy.

Many of us have learned, Mr. Chairman, that there are a number of foreign countries that actually use abortion as a means of preventing mother to child transmission of HIV/AIDS. It is my hope that the distinguished chairman would today confirm that in carrying out this foreign assistance program, that it is the policy of the United States that abortion is not prevention of or treatment of mother to child transmission of HIV/AIDS.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. PENCE. I yield to the gentleman from Illinois.

Mr. HYDE. The gentleman is correct. Nothing this in this legislation should suggest that it is United States' policy that abortion is a proper and appropriate method for prevention of or treatment of mother to child transmission of HIV/AIDS.

Mr. PENCE. Mr. Chairman, I thank the gentleman.

Mr. LANTOS. Mr. Chairman, I yield 1 minute to my good friend, the gentleman from Ohio (Mr. BROWN), a distinguished member of the Committee on International Relations, our ranking member on the Subcommittee on Health.

Mr. BROWN of Ohio. Mr. Chairman, I thank the gentleman from California (Mr. LANTOS) for his leadership.

The Global Fund to fight AIDS, TB and malaria represents the best tool we have to provide relief on a scale that matters. Some of my colleagues want to eliminate the U.S. commitment to the Global Fund. They will say it is effective when it only began disbursing funds in the past year. They will say it is a blow to bureaucracy, when, in fact, it is a model of efficiency in coordination. They will say that evidence shows that it does not work, and then fail to produce any evidence.

The Global Fund stresses accountability. Each proposal is reviewed by 22 physicians and health experts from a variety of nations. Forty percent only of the applications are accepted. Only the best are approved. Each proposal is for 5 years. After 2 years a major audit of the program is done. If it is not effective funding is cut off.

Both the House and the Senate supported its creation unanimously. It is transparent. The Global Funds Web site contains downloads of every single country's proposal that is approved.

Fifty million people in the last 25 years have died of malaria, tuberculosis and AIDS, 50 million people. The Global Fund will help history's worst epidemic.

Mr. LANTOS. Mr. Chairman, I yield 1 minute to my good friend, the gentleman from Massachusetts (Mr. OLVER), a distinguished member of the Committee on Appropriations.

Mr. OLVER. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, H.R. 1298 is the best bill the full House has ever considered on the international HIV/AIDS crisis. This bill provides $1.7 billion in fiscal 2004 to the Global Fund to fight AIDS, tuberculosis, and malaria. Our support for the Global Fund demonstrates

American commitment to the international fight against HIV/AIDS and is vital for gaining funds from other donor countries.

In his State of the Union address President Bush announced his 5-year plan to fight HIV/AIDS but he only allotted $200 million each year to the Global Fund. This bill greatly increases the U.S. commitment to the Global Fund.

As HIV/AIDS ravages Africa, the Caribbean and now explodes in Asia and the former Soviet Union, clearly no single nation has the ability to prevent the spread of AIDS or to adequately treat its victims. This international disease must be stopped with international and multi-lateral action.

Mr. Speaker, we must support this bill and the Global Fund to fight AIDS, TB, and malaria. It is the least we can do.

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

Mr. Chairman, this is a historic moment in dealing with global humanitarian legislation. What we were doing today on a bipartisan basis will save the lives of tens of millions of innocent people across the globe. We are doing it on a bipartisan basis with the typical generosity and humanitarian instincts of the American people.

This is legislation we must all be proud of. It should pass with an overwhelming majority. We are supportive of the legislation. We are grateful for the President's support and we fully anticipate that lives around the globe will be improved as a result of our efforts.

Mr. Chairman, I yield back the balance of our time.

Mr. HYDE. Mr. Chairman, I yield the balance of our time to the distinguished gentlewoman from Florida (Ms. HARRIS).

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

Ms. HARRIS. Mr. Chairman, I thank the gentleman from Illinois (Mr. HYDE) for yielding me this time.

Mr. Chairman, as our Nation confronts the threats of terrorism, tyranny, and weapons of mass destruction, we must not forget the ethical and practical imperative to fight nature's weapons of mass destruction which manifests themselves in the form of global epidemics, such as AIDS.

President Bush and this Congress have demonstrated extraordinary courage and moral leadership in focussing our Nation's attention on this critical matter of national security. H.R. 1298, the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act, implements the President's visionary proposal to combat AIDS and other infectious diseases in Africa as well as on a global scale. This legislation models programs that have experienced tremendous success throughout the world, most notably a program that has proven effective in Uganda.

Such programs work with within existing cultural dynamics to combat the existing humanitarian crisis, while promoting the essential long-term societal changes that will stop the spread of these dreadful diseases.

As a freshmen Member of Congress, I am heartened to note the bipartisan support and the healthy debate that has accompanied our consideration of this vital legislation. The speed and effectiveness with which we have joined the fight against the global scourge of AIDS tuberculosis, and malaria shows the American people that we can indeed work together to make the world freer, safer, healthier and more just.

I thank the gentleman from Illinois (Mr. HYDE) for his extraordinary vision and leadership in this momentous bill. I urge the passage of the legislation.

Mr. LARSON of Connecticut. Mr. Chairman, I rise today in support of H.R. 1298, the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003. While much of our focus over the past two years has been on the eradication of terrorist threats from radical fringe groups and evil dictators, we must not forget the threat posed by a non-human terrorist: HIV/AIDS. More than 42 million people in the world are living with HIV/AIDS. Nearly 30 million of those people live on the continent of Africa and that includes 3 million children under the age of fifteen. As many of us in Congress have worked hard over the years to strengthen HIV/AIDS programs, I was particularly pleased to hear the President acknowledge this threat during his State of the Union address in January. Today Congress has a chance to address this global pandemic.

Specifically, this bill would authorize $15 billion over five years to fight the HIV/AIDS pandemic, including up to $1 billion for the Global Fund to Combat HIV/AIDS, Tuberculosis, and Malaria in Fiscal Year 2004. It would also create a five-year comprehensive, integrated, global strategy to strength the U.S. capacity to respond to the HIV/AIDS pandemic. Additionally, an HIV/AIDS Response Coordinator within the Department of State would be created to oversee this plan.

I am particularly pleased by the bipartisan support that this legislation has garnered. I thank the gentleman from Illinois (Mr. HYDE) for introducing this bill and working with both sides of the aisle to bring to the floor today a bill that can be widely supported. Our goal should not be to impose our values on another culture, but to exhibit our values by showing care and compassion for our global neighbors. By supporting programs like the successful Ugandan ABC campaign (which says Abstain; if you can't abstain, Be Faithful; if you can't be faithful, use a Condom) we can effectively address this crisis.

Again, I support this legislation and encourage my colleagues to join me. We have the opportunity today to make a commitment to improve the lives of millions of people and ease the suffering of an entire continent. However, the fight against HIV/AIDS is far from over and we must live up to the commitment we make today by fully funding these programs in the future.

Mr. TOWNS. Mr. Chairman, I support the attempt in this bill to provide basic medical assistance to prevent and treat HIV/AIDS. To understand the importance of this assistance, we must get a firm grasp on the enormity of this problem. AIDS is truly a global killer. The virus respects no national boundaries, no religious affiliation, no race, no gender, and no age. In Sub-Sahara Africa, the region of the world most severely affected by HIV and AIDS, there are an estimated 25.3 million persons infected with the virus. In 7 African countries, 20 percent of the population is affected. In Botswana, it is estimated that 36 percent of the adult population is infected with HIV.

Other regions of the world have equally alarming statistics. In Asia, the world's most populous continent, 3.5 million people are infected with HIV. Eastern Europe has the most rapid rate of growth in HIV infections. In 20 short months, the number of infected persons in the Russian Federation rose from 10,000 to 70,000. In Latin America, an estimated 1.9 million people are infected with HIV. In the Caribbean, HIV has impacted about 400,000 people.

HIV and AIDS is the leading cause of death in Africa and the fourth leading cause of death worldwide. In the countries most affected in Africa, life expectancy has declined by 10 years and the infant death rates have doubled.

This disease has ravaged families. In the developing world, the loss of one parent can lead to a loss of income, the end of educational opportunities for children and an increase in child labor. The loss of both parents can be devastating. It has been estimated that by 2010 there will be 40 million children in Africa who have been orphaned because of the AIDS virus. That is equivalent to every child living east of the Mississippi River in this country.

I know this is a grim picture, but to paint a rosy scenario would be inappropriate. Compassion and concern are not enough. We must take concrete action, here and now. This epidemic can be stabilized and reversed. We must work effectively with leaders of the world to achieve these outcomes. Africa's tragedy can be reversed and a similar cataclysm can be avoided in other countries. This legislation is a good step forward in addressing this issue. But we must be prepared to take the next step and assist countries impacted by these diseases.

Mr. SCHIFF. Mr. Chairman, I rise in support of this important legislation that will enable us to effectively combat the global scourges of HIV/AIDS, tuberculosis, and malaria. I am grateful for the bipartisan leadership of my colleagues who authored and were original cosponsors of this bill especially Chairman HYDE, Ranking Member LANTOS, Mr. WELDON, Ms. LEE, and Mr. LEACH.

This legislation enables the United States to take strong leadership role to ameliorate, and, we hope, ultimately to eradicate one of the most devastating diseases that man has ever encountered. We count the victims of HIV/AIDS in the tens and hundreds of millions, worldwide. It is a disease that affects men and women, adults and children. Its impact is most devastating on the poorest, those with the least capacity to deal with the ravages of this disease or to act effectively to prevent its spread. By affecting so many millions across societal cross-sections, this disease presents a humanitarian crisis of unprecedented magnitude. Furthermore, the HIV/AIDS pandemic is a potentially destabilizing force that presents a grave threat to international security.

The African nations have been especially hard hit by the epidemic of HIV/AIDS and

other diseases. Together, HIV/AIDS, tuberculosis, malaria, and related diseases are undermining agriculture production throughout Africa—aggravating disease with hunger.

This bill will address these global problems by authorizing $15 billion to combat HIV/AIDS, tuberculosis, and malaria, through a comprehensive five-year integrated strategy. This legislation will use these funds effectively by promoting inter-agency coordination, supporting the expansions of public/private partnerships, and using targeted programs that will especially benefit children and families affected by HIV/AIDS.

Of course we must continue to work aggressively to combat the spread of this disease here in the United States and to continue our efforts to research a cure and to aid our own countrymen afflicted with this terrible illness.

I am proud to be a co-sponsor of this vital legislation to attack one of the most significant threats to global health. I am pleased with the bill that the International Relations Committee passed, and I urge my colleagues to support his bill.

Mr. PAUL. Mr. Chairman, as a physician I am particularly concerned about terrible diseases like AIDS. I have great sympathy for those—in increasing numbers—who suffer and die around the world. The question is not whether each and every one of us is concerned or would like to do something about this terrible problem. The question is whether yet another massive government foreign aid program will actually do anything at all to solve the problem. The United States has been sending billions and billions of dollars overseas for decades to do fine-sounding things like ''build democracy'' and ''fight drugs'' and ''end poverty.'' Yet decades later we are told that in every category these things have actually gotten worse rather than better. Our money has disappeared into bank accounts of dictators and salaries for extremely well-paid consultants and U.S. Government employees. Yet we refuse to learn from these mistakes; we are about to make another multi-billion dollar mistake with this bill.

Though I have not been in favor of Federal Government funding of healthcare, if this money is going to be spent why shouldn't it be spent in this country, on American citizens? One legitimate function of government is to protect its citizens and taxpayers. Yet thousands of Americans who have contracted this terrible disease find themselves without any healthcare at all. Thousands of these Americans, as they become ill, are no longer able to work and therefore lose their insurance coverage. Drugs to treat the disease become impossible to afford; those with disease end up along and in misery. I seriously wonder whether negative perceptions of those at risk in this country do not drive this push to send billions abroad rather than address the disease here at home. I believe that if this money is to be spend it should be spent on Americans, regardless of what some may think about those high-risk groups.

Bills like the one we are considering today also force Americans to fund programs and organizations that many find morally objectionable, such as those that distribute condoms and perform abortion. While some amendments we are voting on today admirably seek to address some of these concerns, the fact remains that this bill even if amended unconstitutionally sends U.S. taxpayer money overseas and inappropriately engages in social engineering abroad. None of the amendments address the immorality of forcing Americans to fund organizations engaged in family planning, performing abortions, and distributing condoms. As Thomas Jefferson famously said, ''To compel a man to furnish funds for the propagation of ideas be disbelieves and abhors is sinful and tyrannical.'' That is why I have introduced 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. What we are seeing today on the floor just underscores the need to pass H.R. 1548—to end this tyrannical and sinful practice of forcing Americans to pay for programs they believe to be immoral and evil.

Mr. Chairman, at a time when the government is running record deficits, is engaged in an enormously expensive war in Iraq and Afghanistan and elsewhere, and is even cutting veterans benefits, I find it extremely irresponsible that we are discussing sending additional billions overseas in yet another dubious program. Additionally, I am greatly concerned that the billions we are contributing to the ''Global Fund'' will be going to organizations that support and perform abortions, prostitution, infanticide and other horrors. There is nothing in this bill to prevent this, only faith that the Coordinator will exercise good judgment in these matters. That is simply not sufficient. I strongly oppose this bill and urge my colleagues to do likewise.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in support of H.R. 1298, the ''United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003.'' I also rise to applaud the efforts of Mr. HYDE, Mr. LANTOS, Mr. WELDON, Ms. LEE, and Mr. LEACH to get this bill on the floor so that the members of the House of Representatives can do our part to fight the spread of infectious diseases.

I support H.R. 1298, because HIV/AIDS, tuberculosis, and malaria are killing men, women, and children in countries across the globe. And the United States, a country blessed with expert physicians, scientists, corporations, and governmental agencies should take the lead in worldwide efforts to combat the effects of these infectious diseases.

H.R. 1298 contains many provisions that help in the battle to contain the spread of these diseases and to provide assistance to those suffering from HIV/AIDS, TB, and malaria. Among other provisions, H.R. 1298 establishes a five-year global strategy to combat HIV/AIDS, TB, and malaria. It also supports voluntary contributions to the international vaccine funds, establishes pilot programs to place health care professionals in overseas areas and provide assistance for children and families affected by HIV/AIDS.

I, along with several other members of the House of Representatives, have also proposed amendments to supplement the provisions already written into the bill. These provisions will also help combat the spread of HIV/AIDS, TB, and malaria.

As the Chair of the Children's Caucus, I am particularly troubled by the pandemic of HIV/AIDS and the devastating impact this disease has had on children in Africa and worldwide. It has been over 20 years since AIDS was first diagnosed. Since then over 57 million people have been infected, 25 million people have perished, 4 million of which were children.

According to a study by UNAIDS, if the AIDS epidemic in Africa is not controlled, AIDS related deaths will make 40 million children orphans by the year 2010. Presently, there are more children orphaned in Africa due to parental AIDS deaths than there are children in America's public school system. In Botswana, there are more deaths annually from AIDS than there are childbirths.

I have had the opportunity to see for myself the devastating effect of HIV/AIDS, TB, and malaria on the citizens of African countries. I was a member of one of the first presidential missions to Africa. I have visited Zambia, Uganda, and South Africa and seen the physical and emotional damage caused by infectious diseases. I have supported programs to change personal behaviors like the ABC Program which encourages youths to practice Abstinence, Be faithful, and use Condoms.

Congressional trips to Africa and support of initiatives are positive steps in the fight against aids. However, we can do much more to provide funding, actively participate in developing programs, conduct studies, and disburse medicines to the victims of HIV/AIDS, tuberculosis, and malaria in sub-Saharan Africa.

I reiterate my unwavering support for H.R. 1298. I encourage every member of the House of Representatives to also support H.R. 1298, as well as give serious consideration to the various amendments that have been offered to the bill. We must take swift and decisive action to prevent the further spread of infectious diseases. Each day that we delay the passage of H.R. 1298, thousands of people worldwide will die or be infected with HIV/AIDS, TB, and malaria. I commend Mr. HYDE, Mr. LANTOS, Mr. WELDON, Ms. LEE, and Mr. LEACH's efforts to prevent further infectious disease deaths. I support H.R. 1298, and I urge my colleagues to do the same.

Mrs. CHRISTENSEN. Mr. Chairman, I rise today to urge for the passage of H.R. 1298, and I want to commend my colleagues BARBARA LEE and TOM LANTOS, as well as Chairman HYDE and the entire CBC for getting us to where we are today.

The White House has also come a long way.

And so I am pleased to support this bill, which now provides $1 billion for the global Fund where it can be leveraged to greater levels of funding through contributions from other sources.

Hopefully as we see its success, the U.S. will increase its contribution to the global Fund where I am convinced we can do the most good.

This bill wisely builds on the program in Uganda, where the three pronged approach of abstinence, being faithful to one partner, and condom use has seen much success.

This is a major victory, not for those of us who have urged this approach but for the people whose lives will be saved.

Lastly, I am very pleased that the Caribbean is included, specifically Haiti and Guyana, but here too, I hope that we can see this funding expanded to other countries in the region, which also bear a heavy burden of HIV and AIDS.

We have come a long way in these two years, and even since the announcement of the $15 billion in the President's State of the Union Address this year.

Although we can still improve upon this effort, passage of H.R. 1298 will mark a great

step forward in responding to this strong moral imperative. We look forward to working with our colleagues and the White House to continue to match what will surely be growing need, and to do the same for the HIV and AIDS epidemic right here at home.

Mr. NADLER. Mr. Chairman, I rise in strong support of H.R. 1298. This is an excellent bill that will save millions of lives throughout the world. It's an outstanding example of the kind of leadership the United States should be showing on public health issues, and I hope it's just the beginning of our work in this area.

I'm particularly pleased that President Bush has stood up to the extremists in his party who wished to hijack this bill to push their ideological agenda. The radical right wing forces who oppose even the discussion as well as distribution of condoms as part of a balanced approach play a dangerous game with people's lives. Instead of allowing proven strategies to work, there are some who would rather watch a whole continent die than see condoms used. An abstinence-only approach is a death sentence for millions of people.

As I said, however, I applaud President Bush for standing up to these extremists and supporting this balanced bill. When the Traditional Values Coalition and the Family Research Council are opposed to legislation, we must be doing something right.

Mr. Chairman, for too long this nation has stood by and paid closer attention to our wallet than to the millions of people dying of AIDS throughout the world. Up until now, we've been unwilling to spend the money necessary to combat this terrible disease. But today, we are hopefully reversing this trend and beginning a new era of American leadership on this issue.

We've seen incredible devastation throughout the world as a result of AIDS. Millions of children will grow up orphans and entire nations have been unable sustain a healthy workforce, driving them even deeper into poverty. These are tragedies that we can help stop, but it takes money and political will. With this bill today, we take an important step in that direction.

I urge my colleagues to support this legislation and to oppose any amendments that weaken it.

Mr. HYDE. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 1298

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.
Sec. 4. Purpose.
Sec. 5. Authority to consolidate and combine reports.

TITLE I—POLICY PLANNING AND COORDINATION

Sec. 101. Development of a comprehensive, five-year, global strategy.
Sec. 102. HIV/AIDS Response Coordinator.

TITLE II—SUPPORT FOR MULTILATERAL FUNDS, PROGRAMS, AND PUBLIC-PRIVATE PARTNERSHIPS

Sec. 201. Sense of Congress on public-private partnerships.
Sec. 202. Participation in the Global Fund to Fight AIDS, Tuberculosis and Malaria.
Sec. 203. Voluntary contributions to international vaccine funds.

TITLE III—BILATERAL EFFORTS

Subtitle A—General Assistance and Programs

Sec. 301. Assistance to combat HIV/AIDS.
Sec. 302. Assistance to combat tuberculosis.
Sec. 303. Assistance to combat malaria.
Sec. 304. Pilot program for the placement of health care professionals in overseas areas severely affected by HIV/AIDS, tuberculosis, and malaria.
Sec. 305. Report on treatment activities by relevant executive branch agencies.

Subtitle B—Assistance for Children and Families

Sec. 311. Findings.
Sec. 312. Policy and requirements.
Sec. 313. Annual reports on prevention of mother-to-child transmission of the HIV infection.
Sec. 314. Pilot program of assistance for children and families affected by HIV/AIDS.
Sec. 315. Pilot program on family survival partnerships.

TITLE IV—AUTHORIZATION OF APPROPRIATIONS

Sec. 401. Authorization of appropriations.
Sec. 402. Sense of Congress.
Sec. 403. Allocation of funds.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) During the last 20 years, HIV/AIDS has assumed pandemic proportions, spreading from the most severely affected regions, sub-Saharan Africa and the Caribbean, to all corners of the world, and leaving an unprecedented path of death and devastation.

(2) According to the Joint United Nations Programme on HIV/AIDS (UNAIDS), more than 65,000,000 individuals worldwide have been infected with HIV since the epidemic began, more than 25,000,000 of these individuals have lost their lives to the disease, and more than 14,000,000 children have been orphaned by the disease. HIV/AIDS is the fourth-highest cause of death in the world.

(3)(A) At the end of 2002, an estimated 42,000,000 individuals were infected with HIV or living with AIDS, of which more than 75 percent live in Africa or the Caribbean. Of these individuals, more than 3,200,000 were children under the age of fifteen and more than 19,200,000 were women.

(B) Women are four times more vulnerable to infection than are men and are becoming infected at increasingly high rates, in part because many societies do not provide poor women and young girls with the social, legal, and cultural protections against high risk activities that expose them to HIV/AIDS.

(C) Women and children who are refugees or are internally displaced persons are especially vulnerable to sexual exploitation and violence, thereby increasing the possibility of HIV infection.

(4) As the leading cause of death in sub-Saharan Africa, AIDS has killed more than 19,400,000 individuals (more than 3 times the number of AIDS deaths in the rest of the world) and will claim the lives of one-quarter of the population, mostly adults, in the next decade.

(5) An estimated 2,000,000 individuals in Latin America and the Caribbean and another 7,100,000 individuals in Asia and the Pacific region are infected with HIV or living with AIDS. Infection rates are rising alarmingly in Eastern Europe (especially in the Russian Federation), Central Asia, and China.

(6) HIV/AIDS threatens personal security by affecting the health, lifespan, and productive capacity of the individual and the social cohesion and economic well-being of the family.

(7) HIV/AIDS undermines the economic security of a country and individual businesses in that country by weakening the productivity and longevity of the labor force across a broad array of economic sectors and by reducing the potential for economic growth over the long term.

(8) HIV/AIDS destabilizes communities by striking at the most mobile and educated members of society, many of whom are responsible for security at the local level and governance at the national and subnational levels as well as many teachers, health care personnel, and other community workers vital to community development and the effort to combat HIV/AIDS. In some countries the overwhelming challenges of the HIV/AIDS epidemic are accelerating the outward migration of critically important health care professionals.

(9) HIV/AIDS weakens the defenses of countries severely affected by the HIV/AIDS crisis through high infection rates among members of their military forces and voluntary peacekeeping personnel. According to UNAIDS, in sub-Saharan Africa, many military forces have infection rates as much as five times that of the civilian population.

(10) HIV/AIDS poses a serious security issue for the international community by—

(A) increasing the potential for political instability and economic devastation, particularly in those countries and regions most severely affected by the disease;

(B) decreasing the capacity to resolve conflicts through the introduction of peacekeeping forces because the environments into which these forces are introduced pose a high risk for the spread of HIV/AIDS; and

(C) increasing the vulnerability of local populations to HIV/AIDS in conflict zones from peacekeeping troops with HIV infection rates significantly higher than civilian populations.

(11) The devastation wrought by the HIV/AIDS pandemic is compounded by the prevalence of tuberculosis and malaria, particularly in developing countries where the poorest and most vulnerable members of society, including women, children, and those individuals living with HIV/AIDS, become infected. According to the World Health Organization (WHO), HIV/AIDS, tuberculosis, and malaria accounted for more than 5,700,000 deaths in 2001 and caused debilitating illnesses in millions more.

(12) Together, HIV/AIDS, tuberculosis, malaria and related diseases are undermining agricultural production throughout Africa. According to the United Nations Food and Agricultural Organization, 7,000,000 agricultural workers throughout 25 African countries have died from AIDS since 1985. Countries with poorly developed agricultural systems, which already face chronic food shortages, are the hardest hit, particularly in sub-Saharan Africa, where high HIV prevalence rates are compounding the risk of starvation for an estimated 14,400,000 people.

(13) Tuberculosis is the cause of death for one out of every three people with AIDS worldwide and is a highly communicable disease. HIV infection is the leading threat to tuberculosis control. Because HIV infection so severely weakens the immune system, individuals with HIV and latent tuberculosis infection have a 100 times greater risk of developing active tuberculosis diseases thereby increasing the risk of spreading

tuberculosis to others. Tuberculosis, in turn, accelerates the onset of AIDS in individuals infected with HIV.

(14) Malaria, the most deadly of all tropical parasitic diseases, has been undergoing a dramatic resurgence in recent years due to increasing resistance of the malaria parasite to inexpensive and effective drugs. At the same time, increasing resistance of mosquitoes to standard insecticides makes control of transmission difficult to achieve. The World Health Organization estimates that between 300,000,000 and 500,000,000 new cases of malaria occur each year, and annual deaths from the disease number between 2,000,000 and 3,000,000. Persons infected with HIV are particularly vulnerable to the malaria parasite. The spread of HIV infection contributes to the difficulties of controlling resurgence of the drug resistant malaria parasite.

(15) HIV/AIDS is first and foremost a health problem. Successful strategies to stem the spread of the HIV/AIDS pandemic will require clinical medical interventions, the strengthening of health care delivery systems and infrastructure, and determined national leadership and increased budgetary allocations for the health sector in countries affected by the epidemic as well as measures to address the social and behavioral causes of the problem and its impact on families, communities, and societal sectors.

(16) Basic interventions to prevent new HIV infections and to bring care and treatment to people living with AIDS, such as voluntary counseling and testing and mother-to-child transmission programs, are achieving meaningful results and are cost-effective. The challenge is to expand these interventions from a pilot program basis to a national basis in a coherent and sustainable manner.

(17) Appropriate treatment of individuals with HIV/AIDS can prolong the lives of such individuals, preserve their families, prevent children from becoming orphans, and increase productivity of such individuals by allowing them to lead active lives and reduce the need for costly hospitalization for treatment of opportunistic infections caused by HIV.

(18) Nongovernmental organizations, including faith-based organizations, with experience in health care and HIV/AIDS counseling, have proven effective in combating the HIV/AIDS pandemic and can be a resource in assisting indigenous organizations in severely affected countries in their efforts to provide treatment and care for individuals infected with HIV/AIDS.

(19) Faith-based organizations are making an important contribution to HIV prevention and AIDS treatment programs around the world. Successful HIV prevention programs in Uganda, Jamaica, and elsewhere have included local churches and faith-based groups in efforts to promote behavior changes to prevent HIV, to reduce stigma associated with HIV infection, to treat those afflicted with the disease, and to care for orphans. The Catholic Church alone currently cares for one in four people being treated for AIDS worldwide. Faith-based organizations possess infrastructure, experience, and knowledge that will be needed to carry out these programs in the future and should be an integral part of United States efforts.

(20)(A) Uganda has experienced the most significant decline in HIV rates of any country in Africa, including a decrease among pregnant women from 20.6 percent in 1991 to 7.9 percent in 2000.

(B) Uganda made this remarkable turnaround because President Yoweri Museveni spoke out early, breaking long-standing cultural taboos, and changed widespread perceptions about the disease. His leadership stands as a model for ways political leaders in Africa and other developing countries can mobilize their nations, including civic organizations, professional associations, religious institutions, business and labor to combat HIV/AIDS.

(C) Uganda's successful AIDS treatment and prevention program is referred to as the ABC model: ''Abstain, Be faithful, use Condoms'', in order of priority. Jamaica, Zambia, Ethiopia and Senegal have also successfully used the ABC model. Beginning in 1986, Uganda brought about a fundamental change in sexual behavior by developing a low-cost program with the message: ''Stop having multiple partners. Be faithful. Teenagers, wait until you are married before you begin sex.''.

(D) By 1995, 95 percent of Ugandans were reporting either one or zero sexual partners in the past year, and the proportion of sexually active youth declined significantly from the late 1980s to the mid-1990s. The greatest percentage decline in HIV infections and the greatest degree of behavioral change occurred in those 15 to 19 years old. Uganda's success shows that behavior change, through the use of the ABC model, is a very successful way to prevent the spread of HIV.

(21) The magnitude and scope of the HIV/AIDS crisis demands a comprehensive, long-term, international response focused upon addressing the causes, reducing the spread, and ameliorating the consequences of the HIV/AIDS pandemic, including—

(A) prevention and education, care and treatment, basic and applied research, and training of health care workers, particularly at the community and provincial levels, and other community workers and leaders needed to cope with the range of consequences of the HIV/AIDS crisis;

(B) development of health care infrastructure and delivery systems through cooperative and coordinated public efforts and public and private partnerships;

(C) development and implementation of national and community-based multisector strategies that address the impact of HIV/AIDS on the individual, family, community, and nation and increase the participation of at-risk populations in programs designed to encourage behavioral and social change and reduce the stigma associated with HIV/AIDS; and

(D) coordination of efforts between international organizations such as the Global Fund to Fight AIDS, Tuberculosis and Malaria, the Joint United Nations Programme on HIV/AIDS (UNAIDS), the World Health Organization (WHO), national governments, and private sector organizations, including faith-based organizations.

(22) The United States has the capacity to lead and enhance the effectiveness of the international community's response by—

(A) providing substantial financial resources, technical expertise, and training, particularly of health care personnel and community workers and leaders;

(B) promoting vaccine and microbicide research and the development of new treatment protocols in the public and commercial pharmaceutical research sectors;

(C) making available pharmaceuticals and diagnostics for HIV/AIDS therapy;

(D) encouraging governments and faith-based and community-based organizations to adopt policies that treat HIV/AIDS as a multisectoral public health problem affecting not only health but other areas such as agriculture, education, the economy, the family and society, and assisting them to develop and implement programs corresponding to these needs;

(E) promoting healthy lifestyles, including abstinence, delaying sexual debut, monogamy, marriage, faithfulness, use of condoms, and avoiding substance abuse; and

(F) encouraging active involvement of the private sector, including businesses, pharmaceutical and biotechnology companies, the medical and scientific communities, charitable foundations, private and voluntary organizations and nongovernmental organizations, faith-based organizations, community-based organizations, and other nonprofit entities.

(23) Prostitution and other sexual victimization are degrading to women and children and it should be the policy of the United States to eradicate such practices. The sex industry, the trafficking of individuals into such industry, and sexual violence are additional causes of and factors in the spread of the HIV/AIDS epidemic. One in nine South Africans is living with AIDS, and sexual assault is rampant, at a victimization rate of one in three women. Meanwhile in Cambodia, as many as 40 percent of prostitutes are infected with HIV and the country has the highest rate of increase of HIV infection in all of Southeast Asia. Victims of coercive sexual encounters do not get to make choices about their sexual activities.

(24) Strong coordination must exist among the various agencies of the United States to ensure effective and efficient use of financial and technical resources within the United States Government with respect to the provision of international HIV/AIDS assistance.

(25) In his address to Congress on January 28, 2003, the President announced the Administration's intention to embark on a five-year emergency plan for AIDS relief, to confront HIV/AIDS with the goals of preventing 7,000,000 new HIV/AIDS infections, treating at least 2,000,000 people with life-extending drugs, and providing humane care for millions of people suffering from HIV/AIDS, and for children orphaned by HIV/AIDS.

(26) In this address to Congress, the President stated the following: ''Today, on the continent of Africa, nearly 30,000,000 people have the AIDS virus—including 3,000,000 children under the age of 15. There are whole countries in Africa where more than one-third of the adult population carries the infection. More than 4,000,000 require immediate drug treatment. Yet across that continent, only 50,000 AIDS victims—only 50,000—are receiving the medicine they need.''.

(27) Furthermore, the President focused on care and treatment of HIV/AIDS in his address to Congress, stating the following: ''Because the AIDS diagnosis is considered a death sentence, many do not seek treatment. Almost all who do are turned away. A doctor in rural South Africa describes his frustration. He says, 'We have no medicines. Many hospitals tell people, you've got AIDS, we can't help you. Go home and die.' In an age of miraculous medicines, no person should have to hear those words. AIDS can be prevented. Anti-retroviral drugs can extend life for many years ... Ladies and gentlemen, seldom has history offered a greater opportunity to do so much for so many.''.

(28) Finally, the President stated that ''[w]e have confronted, and will continue to confront, HIV/AIDS in our own country'', proposing now that the United States should lead the world in sparing innocent people from a plague of nature, and asking Congress ''to commit $15,000,000,000 over the next five years, including nearly $10,000,000,000 in new money, to turn the tide against AIDS in the most afflicted nations of Africa and the Caribbean''.

SEC. 3. DEFINITIONS.

In this Act:

(1) AIDS.—The term ''AIDS'' means the acquired immune deficiency syndrome.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

(3) GLOBAL FUND.—The term ''Global Fund'' means the public-private partnership known as the Global Fund to Fight AIDS, Tuberculosis and Malaria established pursuant to Article 80 of the Swiss Civil Code.

(4) HIV.—The term ''HIV'' means the human immunodeficiency virus, the pathogen that causes AIDS.

(5) HIV/AIDS.—The term ''HIV/AIDS'' means, with respect to an individual, an individual who is infected with HIV or living with AIDS.

(6) RELEVANT EXECUTIVE BRANCH AGENCIES.—The term ''relevant executive branch agencies'' means the Department of State, the United States Agency for International Development, and any other department or agency of the United States that participates in international HIV/AIDS activities pursuant to the authorities of such department or agency or the Foreign Assistance Act of 1961.

SEC. 4. PURPOSE.

The purpose of this Act is to strengthen United States leadership and the effectiveness of the United States response to certain global infectious diseases by—

(1) establishing a comprehensive, integrated five-year, global strategy to fight HIV/AIDS that encompasses a plan for phased expansion of critical programs and improved coordination among relevant executive branch agencies and between the United States and foreign governments and international organizations;

(2) providing increased resources for multilateral efforts to fight HIV/AIDS;

(3) providing increased resources for United States bilateral efforts, particularly for technical assistance and training, to combat HIV/AIDS, tuberculosis, and malaria;

(4) encouraging the expansion of private sector efforts and expanding public-private sector partnerships to combat HIV/AIDS; and

(5) intensifying efforts to support the development of vaccines and treatment for HIV/AIDS, tuberculosis, and malaria.

SEC. 5. AUTHORITY TO CONSOLIDATE AND COMBINE REPORTS.

With respect to the reports required by this Act to be submitted by the President, to ensure an efficient use of resources, the President may, in his discretion and notwithstanding any other provision of this Act, consolidate or combine any of these reports, except for the report required by section 101 of this Act, so long as the required elements of each report are addressed and reported within a 90-day period from the original deadline date for submission of the report specified in this Act. The President may also enter into contracts with organizations with relevant expertise to develop, originate, or contribute to any of the reports required by this Act to be submitted by the President.

TITLE I—POLICY PLANNING AND COORDINATION

SEC. 101. DEVELOPMENT OF A COMPREHENSIVE, FIVE-YEAR, GLOBAL STRATEGY.

(a) STRATEGY.—The President shall establish a comprehensive, integrated, five-year strategy to combat global HIV/AIDS that strengthens the capacity of the United States to be an effective leader of the international campaign against HIV/AIDS. Such strategy shall maintain sufficient flexibility and remain responsive to the ever-changing nature of the HIV/AIDS pandemic and shall—

(1) include specific objectives, multisectoral approaches, and specific strategies to treat individuals infected with HIV/AIDS and to prevent the further spread of HIV infections, with a particular focus on the needs of families with children (including the prevention of mother-to-child transmission), women, young people, and children (such as unaccompanied minor children and orphans);

(2) as part of the strategy, implement a tiered approach to direct delivery of care and treatment through a system based on central facilities augmented by expanding circles of local delivery of care and treatment through local systems and capacity;

(3) assign priorities for relevant executive branch agencies;

(4) provide that the reduction of HIV/AIDS behavioral risks shall be a priority of all prevention efforts in terms of funding, educational messages, and activities by promoting abstinence from sexual activity and substance abuse, encouraging monogamy and faithfulness, promoting the effective use of condoms, and eradicating prostitution, the sex trade, rape, sexual assault and sexual exploitation of women and children;

(5) improve coordination among relevant executive branch agencies, foreign governments, and international organizations;

(6) project general levels of resources needed to achieve the stated objectives;

(7) expand public-private partnerships and the leveraging of resources; and

(8) maximize United States capabilities in the areas of technical assistance and training and research, including vaccine research.

(b) REPORT.—

(1) IN GENERAL.—Not later than 270 days after the date of enactment of this Act, the President shall submit to the appropriate congressional committees a report setting forth the strategy described in subsection (a).

(2) REPORT CONTENTS.—The report required by paragraph (1) shall include a discussion of the elements described in paragraph (3) and may include a discussion of additional elements relevant to the strategy described in subsection (a). Such discussion may include an explanation as to why a particular element described in paragraph (3) is not relevant to such strategy.

(3) REPORT ELEMENTS.—The elements referred to in paragraph (2) are the following:

(A) The objectives, general and specific, of the strategy.

(B) A description of the criteria for determining success of the strategy.

(C) A description of the manner in which the strategy will address the fundamental elements of prevention and education, care, and treatment (including increasing access to pharmaceuticals and to vaccines), the promotion of abstinence, monogamy, avoidance of substance abuse, and use of condoms, research (including incentives for vaccine development and new protocols), training of health care workers, the development of health care infrastructure and delivery systems, and avoidance of substance abuse.

(D) A description of the manner in which the strategy will promote the development and implementation of national and community-based multisectoral strategies and programs, including those designed to enhance leadership capacity particularly at the community level.

(E) A description of the specific strategies developed to meet the unique needs of women, including the empowerment of women in interpersonal situations, young people and children, including those orphaned by HIV/AIDS and those who are victims of the sex trade, rape, sexual abuse, assault, and exploitation.

(F) A description of the programs to be undertaken to maximize United States contributions in the areas of technical assistance, training (particularly of health care workers and community-based leaders in affected sectors), and research, including the promotion of research on vaccines and microbicides.

(G) An identification of the relevant executive branch agencies that will be involved and the assignment of priorities to those agencies.

(H) A description of the role of each relevant executive branch agency and the types of programs that the agency will be undertaking.

(I) A description of the mechanisms that will be utilized to coordinate the efforts of the relevant executive branch agencies, to avoid duplication of efforts, to enhance on-site coordination efforts, and to ensure that each agency undertakes programs primarily in those areas where the agency has the greatest expertise, technical capabilities, and potential for success.

(J) A description of the mechanisms that will be utilized to ensure greater coordination between the United States and foreign governments and international organizations including the Global Fund, UNAIDS, international financial institutions, and private sector organizations.

(K) The level of resources that will be needed on an annual basis and the manner in which those resources would generally be allocated among the relevant executive branch agencies.

(L) A description of the mechanisms to be established for monitoring and evaluating programs, promoting successful models, and for terminating unsuccessful programs.

(M) A description of the manner in which private, nongovernmental entities will factor into the United States Government-led effort and a description of the type of partnerships that will be created to maximize the capabilities of these private sector entities and to leverage resources.

(N) A description of the ways in which United States leadership will be used to enhance the overall international response to the HIV/AIDS pandemic and particularly to heighten the engagement of the member states of the G–8 and to strengthen key financial and coordination mechanisms such as the Global Fund and UNAIDS.

(O) A description of the manner in which the United States strategy for combating HIV/AIDS relates to and supports other United States assistance strategies in developing countries.

(P) A description of the programs to be carried out under the strategy that are specifically targeted at women and girls to educate them about the spread of HIV/AIDS.

(Q) A description of efforts being made to address the unique needs of families with children with respect to HIV/AIDS, including efforts to preserve the family unit.

(R) An analysis of the emigration of critically important medical and public health personnel, including physicians, nurses, and supervisors from sub-Saharan African countries that are acutely impacted by HIV/AIDS, including a description of the causes, effects, and the impact on the stability of health infrastructures, as well as a summary of incentives and programs that the United States could provide, in concert with other private and public sector partners and international organizations, to stabilize health institutions by encouraging critical personnel to remain in their home countries.

(S) A description of the specific strategies developed to promote sustainability of HIV/AIDS pharmaceuticals (including antiretrovirals) and the effects of drug resistance on HIV/AIDS patients.

(T) A description of the specific strategies to ensure that the extraordinary benefit of HIV/AIDS pharmaceuticals (especially antiretrovirals) are not diminished through the illegal counterfeiting of pharmaceuticals and black market sales of such pharmaceuticals.

(U) An analysis of the prevalence of Human Papilloma Virus (HPV) in sub-Saharan Africa and the impact that condom usage has upon the spread of HPV in sub-Saharan Africa.

SEC. 102. HIV/AIDS RESPONSE COORDINATOR.

(a) ESTABLISHMENT OF POSITION.—Section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 265(a)) is amended—

(1) by redesignating subsection (f) as subsection (g); and

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

''(f) HIV/AIDS RESPONSE COORDINATOR.—

''(1) IN GENERAL.—There shall be established within the Department of State in the immediate office of the Secretary of State a Coordinator of United States Government Activities to Combat HIV/AIDS Globally, who shall be appointed by the President, by and with the advice and consent of the Senate. The Coordinator shall report directly to the Secretary.

''(2) AUTHORITIES AND DUTIES; DEFINITIONS.—

''(A) AUTHORITIES.—The Coordinator, acting through such nongovernmental organizations (including faith-based and community-based organizations) and relevant executive branch agencies as may be necessary and appropriate to effect the purposes of this section, is authorized—

''(i) to operate internationally to carry out prevention, care, treatment, support, capacity

development, and other activities for combatting HIV/AIDS;

''(ii) to transfer and allocate funds to relevant executive branch agencies; and

''(iii) to provide grants to, and enter into contracts with, nongovernmental organizations (including faith-based and community-based organizations) to carry out the purposes of section.

''(B) DUTIES.—

''(i) IN GENERAL.—The Coordinator shall have primary responsibility for the oversight and coordination of all resources and international activities of the United States Government to combat the HIV/AIDS pandemic, including all programs, projects, and activities of the United States Government relating to the HIV/AIDS pandemic under the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 or any amendment made by that Act.

''(ii) SPECIFIC DUTIES.—The duties of the Coordinator shall specifically include the following:

''(I) Ensuring program and policy coordination among the relevant executive branch agencies and nongovernmental organizations, including auditing, monitoring, and evaluation of all such programs.

''(II) Ensuring that each relevant executive branch agency undertakes programs primarily in those areas where the agency has the greatest expertise, technical capabilities, and potential for success.

''(III) Avoiding duplication of effort.

''(IV) Ensuring coordination of relevant executive branch agency activities in the field.

''(V) Pursuing coordination with other countries and international organizations.

''(VI) Resolving policy, program, and funding disputes among the relevant executive branch agencies.

''(VII) Directly approving all activities of the United States (including funding) relating to combatting HIV/AIDS in each of Botswana, Cote d'Ivoire, Ethiopia, Guyana, Haiti, Kenya, Mozambique, Namibia, Nigeria, Rwanda, South Africa, Tanzania, Uganda, Zambia, and other countries designated by the President, which other designated countries may include those countries in which the United States is implementing HIV/AIDS programs as of the date of the enactment of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003.

''(VIII) Establishing due diligence criteria for all recipients of funds section and all activities subject to the coordination and appropriate monitoring, evaluation, and audits carried out by the Coordinator necessary to assess the measurable outcomes of such activities.

''(C) DEFINITIONS.—In this paragraph:

''(i) AIDS.—The term 'AIDS' means acquired immune deficiency syndrome.

''(ii) HIV.—The term 'HIV' means the human immunodeficiency virus, the pathogen that causes AIDS.

''(iii) HIV/AIDS.—The term 'HIV/AIDS' means, with respect to an individual, an individual who is infected with HIV or living with AIDS.

''(iv) RELEVANT EXECUTIVE BRANCH AGENCIES.—The term 'relevant executive branch agencies' means the Department of State, the United States Agency for International Development, the Department of Health and Human Services (including the Public Health Service), and any other department or agency of the United States that participates in international HIV/AIDS activities pursuant to the authorities of such department or agency or this Act.''.

(b) RESOURCES.—Not later than 90 days after the date of enactment of this Act, the President shall specify the necessary financial and personnel resources, from funds appropriated pursuant to the authorization of appropriations under section 401 for HIV/AIDS assistance, that shall be assigned to and under the direct control of the Coordinator of United States Government Activities to Combat HIV/AIDS Globally to establish and maintain the duties and supporting activities assigned to the Coordinator by this Act and the amendments made by this Act.

(c) ESTABLISHMENT OF SEPARATE ACCOUNT.—There is established in the general fund of the Treasury a separate account which shall be known as the ''Activities to Combat HIV/AIDS Globally Fund'' and which shall be administered by the Coordinator of United States Government Activities to Combat HIV/AIDS Globally. There shall be deposited into the Fund all amounts appropriated pursuant to the authorization of appropriations under section 401 for HIV/AIDS assistance, except for amounts appropriated for United States contributions to the Global Fund.

TITLE II—SUPPORT FOR MULTILATERAL FUNDS, PROGRAMS, AND PUBLIC-PRIVATE PARTNERSHIPS

SEC. 201. SENSE OF CONGRESS ON PUBLIC-PRIVATE PARTNERSHIPS.

(a) FINDINGS.—Congress makes the following findings:

(1) Innovative partnerships between governments and organizations in the private sector (including foundations, universities, corporations, faith-based and community-based organizations, and other nongovernmental organizations) have proliferated in recent years, particularly in the area of health.

(2) Public-private sector partnerships multiply local and international capacities to strengthen the delivery of health services in developing countries and to accelerate research for vaccines and other pharmaceutical products that are essential to combat infectious diseases decimating the populations of these countries.

(3) These partnerships maximize the unique capabilities of each sector while combining financial and other resources, scientific knowledge, and expertise toward common goals which neither the public nor the private sector can achieve alone.

(4) Sustaining existing public-private partnerships and building new ones are critical to the success of the international community's efforts to combat HIV/AIDS and other infectious diseases around the globe.

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

(1) the sustainment and promotion of public-private partnerships should be a priority element of the strategy pursued by the United States to combat the HIV/AIDS pandemic and other global health crises; and

(2) the United States should systematically track the evolution of these partnerships and work with others in the public and private sector to profile and build upon those models that are most effective.

SEC. 202. PARTICIPATION IN THE GLOBAL FUND TO FIGHT AIDS, TUBERCULOSIS AND MALARIA.

(a) AUTHORITY FOR UNITED STATES PARTICIPATION.—

(1) UNITED STATES PARTICIPATION.—The United States is hereby authorized to participate in the Global Fund.

(2) PRIVILEGES AND IMMUNITIES.—The Global Fund shall be considered a public international organization for purposes of section 1 of the International Organizations Immunities Act (22 U.S.C. 288).

(b) REPORTS TO CONGRESS.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter for the duration of the Global Fund, the President shall submit to the appropriate congressional committees a report on the Global Fund, including contributions pledged to, contributions (including donations from the private sector) received by, and projects funded by the Global Fund, and the mechanisms established for transparency and accountability in the grant-making process.

(c) UNITED STATES FINANCIAL PARTICIPATION.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to any other funds authorized to be appropriated for bilateral or multilateral HIV/AIDS, tuberculosis, or malaria programs, of the amounts authorized to be appropriated under section 401, there are authorized to be appropriated to the President up to $1,000,000,000 in the fiscal year 2004, and such sums as may be necessary for the fiscal years 2005–2008, for contributions to the Global Fund.

(2) AVAILABILITY OF FUNDS.—Amounts appropriated under paragraph (1) are authorized to remain available until expended.

(3) REPROGRAMMING OF FISCAL YEAR 2001 FUNDS.—Funds made available for fiscal year 2001 under section 141 of the Global AIDS and Tuberculosis Relief Act of 2000—

(A) are authorized to remain available until expended; and

(B) shall be transferred to, merged with, and made available for the same purposes as, funds made available for fiscal years 2004 through 2008 under paragraph (1).

(4) LIMITATION.—

(A)(i) At any time during fiscal years 2004 through 2008, no United States contribution to the Global Fund may cause the total amount of United States Government contributions to the Global Fund to exceed 33 percent of the total amount of funds contributed to the Global Fund from all other sources. Contributions to the Global Fund from the International Bank for Reconstruction and Development and the International Monetary Fund shall not be considered in determining compliance with this paragraph.

(ii) If, at any time during any of the fiscal years 2004 through 2008, the President determines that the Global Fund has provided assistance to a country, the government of which the Secretary of State has determined, for purposes of section 6(j)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)), has repeatedly provided support for acts of international terrorism, then the United States shall withhold from its contribution for the next fiscal year an amount equal to the amount expended by the Fund to the government of each such country.

(B) Any amount made available under this subsection that is withheld by reason of subparagraph (A) shall be contributed to the Global Fund as soon as practicable, subject to subparagraph (A), after additional contributions to the Global Fund are made from other sources.

(C)(i) The President may suspend the application of subparagraph (A) with respect to a fiscal year if the President determines that an international health emergency threatens the national security interests of the United States.

(ii) The President shall notify the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate not less than 5 days before making a determination under clause (i) with respect to the application of subparagraph (A)(i) and shall include in the notification—

(I) a justification as to why increased United States Government contributions to the Global Fund is preferable to increased United States assistance to combat HIV/AIDS, tuberculosis, and malaria on a bilateral basis; and

(II) an explanation as to why other government donors to the Global Fund are unable to provide adequate contributions to the Fund.

(d) INTERAGENCY TECHNICAL REVIEW PANEL.—

(1) ESTABLISHMENT.—The Coordinator of United States Government Activities to Combat HIV/AIDS Globally, established in section 1(f)(1) of the State Department Basic Authorities Act of 1956 (as added by section 102(a) of this Act), shall establish in the executive branch an interagency technical review panel.

(2) DUTIES.—The interagency technical review panel shall serve as a ''shadow'' panel to the Global Fund by—

(A) periodically reviewing all proposals received by the Global Fund; and

(B) providing guidance to the United States persons who are representatives on the panels, committees, and boards of the Global Fund, on

the technical efficacy, suitability, and appropriateness of the proposals, and ensuring that such persons are fully informed of technical inadequacies or other aspects of the proposals that are inconsistent with the purposes of this or any other Act relating to the provision of foreign assistance in the area of AIDS.

(3) MEMBERSHIP.—The interagency technical review panel shall consist of qualified medical and development experts who are officers or employees of the Department of Health and Human Services, the Department of State, and the United States Agency for International Development.

(4) CHAIR.—The Coordinator referred to in paragraph (1) shall chair the interagency technical review panel.

(e) MONITORING BY COMPTROLLER GENERAL.—

(1) MONITORING.—The Comptroller General shall monitor and evaluate projects funded by the Global Fund.

(2) REPORT.—The Comptroller General shall on a biennial basis shall prepare and submit to the appropriate congressional committees a report that contains the results of the monitoring and evaluation described in paragraph (1) for the preceding 2-year period.

SEC. 203. VOLUNTARY CONTRIBUTIONS TO INTERNATIONAL VACCINE FUNDS.

(a) VACCINE FUND.—Section 302(k) of the Foreign Assistance Act of 1961 (22 U.S.C. 2222(k)) is amended—

(1) by striking ''$50,000,000 for each of the fiscal years 2001 and 2002'' and inserting ''such sums as may be necessary for each of the fiscal years 2004 through 2008''; and

(2) by striking ''Global Alliance for Vaccines and Immunizations'' and inserting ''Vaccine Fund''.

(b) INTERNATIONAL AIDS VACCINE INITIATIVE.—Section 302(l) of the Foreign Assistance Act of 1961 (22 U.S.C. 2222(l)) is amended by striking ''$10,000,000 for each of the fiscal years 2001 and 2002'' and inserting ''such sums as may be necessary for each of the fiscal years 2004 through 2008''.

(c) SUPPORT FOR THE DEVELOPMENT OF MALARIA VACCINE.—Section 302 of the Foreign Assistance Act of 1961 (22 U.S.C. 2222)) is amended by adding at the end the following new subsection:

''(m) In addition to amounts otherwise available under this section, there are authorized to be appropriated to the President such sums as may be necessary for each of the fiscal years 2004 through 2008 to be available for United States contributions to malaria vaccine development programs, including the Malaria Vaccine Initiative of the Program for Appropriate Technologies in Health (PATH).''.

TITLE III—BILATERAL EFFORTS

Subtitle A—General Assistance and Programs

SEC. 301. ASSISTANCE TO COMBAT HIV/AIDS.

(a) AMENDMENT OF THE FOREIGN ASSISTANCE ACT OF 1961.—Chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amended—

(1) in section 104(c) (22 U.S.C. 2151b(c)), by striking paragraphs (4) through (7); and

(2) by inserting after section 104 the following new section:

''SEC. 104A. ASSISTANCE TO COMBAT HIV/AIDS.

''(a) FINDING.—Congress recognizes that the alarming spread of HIV/AIDS in countries in sub-Saharan Africa, the Caribbean, and other developing countries is a major global health, national security, development, and humanitarian crisis.

''(b) POLICY.—It is a major objective of the foreign assistance program of the United States to provide assistance for the prevention, treatment, and control of HIV/AIDS. The United States and other developed countries should provide assistance to countries in sub-Saharan Africa, the Caribbean, and other countries and areas to control this crisis through HIV/AIDS prevention, treatment, monitoring, and related activities, particularly activities focused on women and youth, including strategies to protect women and prevent mother-to-child transmission of the HIV infection.

''(c) AUTHORIZATION.—

''(1) IN GENERAL.—Consistent with section 104(c), the President is authorized to furnish assistance, on such terms and conditions as the President may determine, for HIV/AIDS, including to prevent, treat, and monitor HIV/AIDS, and carry out related activities, in countries in sub-Saharan Africa, the Caribbean, and other countries and areas.

''(2) ROLE OF NGOS.—It is the sense of Congress that the President should provide an appropriate level of assistance under paragraph (1) through nongovernmental organizations (including faith-based and community-based organizations) in countries in sub-Saharan Africa, the Caribbean, and other countries and areas affected by the HIV/AIDS pandemic.

''(3) COORDINATION OF ASSISTANCE EFFORTS.—The President shall coordinate the provision of assistance under paragraph (1) with the provision of related assistance by the Joint United Nations Programme on HIV/AIDS (UNAIDS), the United Nations Children's Fund (UNICEF), the World Health Organization (WHO), the United Nations Development Programme (UNDP), the Global Fund to Fight AIDS, Tuberculosis and Malaria and other appropriate international organizations (such as the International Bank for Reconstruction and Development), relevant regional multilateral development institutions, national, state, and local governments of foreign countries, appropriate governmental and nongovernmental organizations, and relevant executive branch agencies.

''(d) ACTIVITIES SUPPORTED.—Assistance provided under subsection (c) shall, to the maximum extent practicable, be used to carry out the following activities:

''(1) PREVENTION.—Prevention of HIV/AIDS through activities including—

''(A) programs and efforts that are designed or intended to impart knowledge with the exclusive purpose of helping individuals avoid behaviors that place them at risk of HIV infection, including integration of such programs into health programs and the inclusion in counseling programs of information on methods of avoiding infection of HIV, including delaying sexual debut, abstinence, fidelity and monogamy, reduction of casual sexual partnering, and where appropriate, use of condoms;

''(B) assistance to establish and implement culturally appropriate HIV/AIDS education and prevention programs that focus on helping individuals avoid infection of HIV/AIDS, implemented through nongovernmental organizations, including faith-based and community-based organizations, particularly those organizations that utilize both professionals and volunteers with appropriate skills, experience, and community presence;

''(C) assistance for the purpose of providing voluntary testing and counseling (including the incorporation of confidentiality protections with respect to such testing and counseling);

''(D) assistance for the purpose of preventing mother-to-child transmission of the HIV infection, including medications to prevent such transmission and access to infant formula and other alternatives for infant feeding;

''(E) assistance to ensure a safe blood supply and sterile medical equipment; and

''(F) assistance to help avoid substance abuse and intravenous drug use that can lead to HIV infection.

''(2) TREATMENT.—The treatment and care of individuals with HIV/AIDS, including—

''(A) assistance to establish and implement programs to strengthen and broaden indigenous health care delivery systems and the capacity of such systems to deliver HIV/AIDS pharmaceuticals and otherwise provide for the treatment of individuals with HIV/AIDS, including clinical training for indigenous organizations and health care providers;

''(B) assistance to strengthen and expand hospice and palliative care programs to assist patients debilitated by HIV/AIDS, their families, and the primary caregivers of such patients, including programs that utilize faith-based and community-based organizations; and

''(C) assistance for the purpose of the care and treatment of individuals with HIV/AIDS through the provision of pharmaceuticals, including antiretrovirals and other pharmaceuticals and therapies for the treatment of opportunistic infections, nutritional support, and other treatment modalities.

''(3) PREVENTATIVE INTERVENTION EDUCATION AND TECHNOLOGIES.—(A) With particular emphasis on specific populations that represent a particularly high risk of contracting or spreading HIV/AIDS, including those exploited through the sex trade, victims of rape and sexual assault, individuals already infected with HIV/AIDS, and in cases of occupational exposure of health care workers, assistance with efforts to reduce the risk of HIV/AIDS infection including post-exposure pharmaceutical prophylaxis, and necessary pharmaceuticals and commodities, including test kits, condoms, and, when proven effective, microbicides.

''(B) Bulk purchases of available test kits, condoms, and, when proven effective, microbicides that are intended to reduce the risk of HIV/AIDS transmission and for appropriate program support for the introduction and distribution of these commodities, as well as education and training on the use of the technologies.

''(4) MONITORING.—The monitoring of programs, projects, and activities carried out pursuant to paragraphs (1) through (3), including—

''(A) monitoring to ensure that adequate controls are established and implemented to provide HIV/AIDS pharmaceuticals and other appropriate medicines to poor individuals with HIV/AIDS;

''(B) appropriate evaluation and surveillance activities;

''(C) monitoring to ensure that appropriate measures are being taken to maintain the sustainability of HIV/AIDS pharmaceuticals (especially antiretrovirals) and ensure that drug resistance is not compromising the benefits of such pharmaceuticals; and

''(D) monitoring to ensure appropriate law enforcement officials are working to ensure that HIV/AIDS pharmaceuticals are not diminished through illegal counterfeiting or black market sales of such pharmaceuticals.

''(5) PHARMACEUTICALS.—

''(A) PROCUREMENT.—The procurement of HIV/AIDS pharmaceuticals, antiviral therapies, and other appropriate medicines, including medicines to treat opportunistic infections.

''(B) MECHANISMS FOR QUALITY CONTROL AND SUSTAINABLE SUPPLY.—Mechanisms to ensure that such HIV/AIDS pharmaceuticals, antiretroviral therapies, and other appropriate medicines are quality-controlled and sustainably supplied.

''(C) DISTRIBUTION.—The distribution of such HIV/AIDS pharmaceuticals, antiviral therapies, and other appropriate medicines (including medicines to treat opportunistic infections) to qualified national, regional, or local organizations for the treatment of individuals with HIV/AIDS in accordance with appropriate HIV/AIDS testing and monitoring requirements and treatment protocols and for the prevention of mother-to-child transmission of the HIV infection.

''(6) RELATED ACTIVITIES.—The conduct of related activities, including—

''(A) the care and support of children who are orphaned by the HIV/AIDS pandemic, including services designed to care for orphaned children in a family environment which rely on extended family members;

''(B) improved infrastructure and institutional capacity to develop and manage education, prevention, and treatment programs, including

training and the resources to collect and maintain accurate HIV surveillance data to target programs and measure the effectiveness of interventions; and

''(C) vaccine research and development partnership programs with specific plans of action to develop a safe, effective, accessible, preventive HIV vaccine for use throughout the world.

''(7) COMPREHENSIVE HIV/AIDS PUBLIC-PRIVATE PARTNERSHIPS.—The establishment and operation of public-private partnership entities within countries in sub-Saharan Africa, the Caribbean, and other countries affected by the HIV/AIDS pandemic that are dedicated to supporting the national strategy of such countries regarding the prevention, treatment, and monitoring of HIV/AIDS. Each such public-private partnership should—

''(A) support the development, implementation, and management of comprehensive HIV/AIDS plans in support of the national HIV/AIDS strategy;

''(B) operate at all times in a manner that emphasizes efficiency, accountability, and results-driven programs;

''(C) engage both local and foreign development partners and donors, including businesses, government agencies, academic institutions, nongovernmental organizations, foundations, multilateral development agencies, and faith-based organizations, to assist the country in coordinating and implementing HIV/AIDS prevention, treatment, and monitoring programs in accordance with its national HIV/AIDS strategy;

''(D) provide technical assistance, consultant services, financial planning, monitoring and evaluation, and research in support of the national HIV/AIDS strategy; and

''(E) establish local human resource capacities for the national HIV/AIDS strategy through the transfer of medical, managerial, leadership, and technical skills.

''(e) ANNUAL REPORT.—

''(1) IN GENERAL.—Not later than January 31 of each year, the President shall submit to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a report on the implementation of this section for the prior fiscal year.

''(2) REPORT ELEMENTS.—Each report shall include—

''(A) a description of efforts made by each relevant executive branch agency to implement the policies set forth in this section, section 104B, and section 104C;

''(B) a description of the programs established pursuant to such sections; and

''(C) a detailed assessment of the impact of programs established pursuant to such sections, including—

''(i)(I) the effectiveness of such programs in reducing the spread of the HIV infection, particularly in women and girls, in reducing mother-to-child transmission of the HIV infection, and in reducing mortality rates from HIV/AIDS; and

''(II) the number of patients currently receiving treatment for AIDS in each country that receives assistance under this Act.

''(ii) the progress made toward improving health care delivery systems (including the training of adequate numbers of staff) and infrastructure to ensure increased access to care and treatment;

''(iii) with respect to tuberculosis, the increase in the number of people treated and the increase in number of tuberculosis patients cured through each program, project, or activity receiving United States foreign assistance for tuberculosis control purposes; and

''(iv) with respect to malaria, the increase in the number of people treated and the increase in number of malaria patients cured through each program, project, or activity receiving United States foreign assistance for malaria control purposes.

''(f) FUNDING LIMITATION.—Of the funds made available to carry out this section in any fiscal year, not more than 7 percent may be used for the administrative expenses of the United States Agency for International Development in support of activities described in section 104(c), this section, section 104B, and section 104C. Such amount shall be in addition to other amounts otherwise available for such purposes.

''(g) DEFINITIONS.—In this section:

''(1) AIDS.—The term 'AIDS' means acquired immune deficiency syndrome.

''(2) HIV.—The term 'HIV' means the human immunodeficiency virus, the pathogen that causes AIDS.

''(3) HIV/AIDS.—The term 'HIV/AIDS' means, with respect to an individual, an individual who is infected with HIV or living with AIDS.

''(4) RELEVANT EXECUTIVE BRANCH AGENCIES.—The term 'relevant executive branch agencies' means the Department of State, the United States Agency for International Development, the Department of Health and Human Services (including its agencies and offices), and any other department or agency of the United States that participates in international HIV/AIDS activities pursuant to the authorities of such department or agency or this Act.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—In addition to funds available under section 104(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b(c)) for such purpose or under any other provision of that Act, there are authorized to be appropriated to the President, from amounts authorized to be appropriated under section 401, such sums as may be necessary for each of the fiscal years 2004 through 2008 to carry out section 104A of the Foreign Assistance Act of 1961, as added by subsection (a).

(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.

(3) ALLOCATION OF FUNDS.—Of the amount authorized to be appropriated by paragraph (1) for the fiscal years 2004 through 2008, such sums as may be necessary are authorized to be appropriated to carry out section 104A(d)(4) of the Foreign Assistance Act of 1961 (as added by subsection (a)), relating to the procurement and distribution of HIV/AIDS pharmaceuticals.

(c) RELATIONSHIP TO ASSISTANCE PROGRAMS TO ENHANCE NUTRITION.—In recognition of the fact that malnutrition may hasten the progression of HIV to AIDS and may exacerbate the decline among AIDS patients leading to a shorter life span, the Administrator of the United States Agency for International Development shall, as appropriate—

(1) integrate nutrition programs with HIV/AIDS activities, generally;

(2) provide, as a component of an antiretroviral therapy program, support for food and nutrition to individuals infected with and affected by HIV/AIDS; and

(3) provide support for food and nutrition for children affected by HIV/AIDS and to communities and households caring for children affected by HIV/AIDS.

(d) ELIGIBILITY FOR ASSISTANCE.—An organization that is otherwise eligible to receive assistance under section 104A of the Foreign Assistance Act of 1961 (as added by subsection (a)) or under any other provision of this Act (or any amendment made by this Act) to prevent, treat, or monitor HIV/AIDS shall not be required, as a condition of receiving the assistance, to endorse or utilize a multisectoral approach to combatting HIV/AIDS.

(e) LIMITATION.—No funds made available to carry out this Act, or any amendment made by this Act, may be used to promote or advocate the legalization or practice of prostitution or sex trafficking. Nothing in the preceding sentence shall be construed to preclude the provision to individuals of palliative care, treatment, or post-exposure pharmaceutical prophylaxis, and necessary pharmaceuticals and commodities, including test kits, condoms, and, when proven effective, microbicides.

(f) LIMITATION.—No funds made available to carry out this Act, or any amendment made by this Act, may be used to provide assistance to any group or organization that does not have a policy explicitly opposing prostitution and sex trafficking.

SEC. 302. ASSISTANCE TO COMBAT TUBERCULOSIS.

(a) AMENDMENT OF THE FOREIGN ASSISTANCE ACT OF 1961.—Chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), as amended by section 301 of this Act, is further amended by inserting after section 104A the following new section:

''SEC. 104B. ASSISTANCE TO COMBAT TUBERCULOSIS.

''(a) FINDINGS.—Congress makes the following findings:

''(1) Congress recognizes the growing international problem of tuberculosis and the impact its continued existence has on those countries that had previously largely controlled the disease.

''(2) Congress further recognizes that the means exist to control and treat tuberculosis through expanded use of the DOTS (Directly Observed Treatment Short-course) treatment strategy, including DOTS-Plus to address multidrug resistant tuberculosis, and adequate investment in newly created mechanisms to increase access to treatment, including the Global Tuberculosis Drug Facility established in 2001 pursuant to the Amsterdam Declaration to Stop TB and the Global Alliance for TB Drug Development.

''(b) POLICY.—It is a major objective of the foreign assistance program of the United States to control tuberculosis, including the detection of at least 70 percent of the cases of infectious tuberculosis, and the cure of at least 85 percent of the cases detected, not later than December 31, 2005, in those countries classified by the World Health Organization as among the highest tuberculosis burden, and not later than December 31, 2010, in all countries in which the United States Agency for International Development has established development programs.

''(c) AUTHORIZATION.—To carry out this section and consistent with section 104(c), the President is authorized to furnish assistance, on such terms and conditions as the President may determine, for the prevention, treatment, control, and elimination of tuberculosis.

''(d) COORDINATION.—In carrying out this section, the President shall coordinate with the World Health Organization, the Global Fund to Fight AIDS, Tuberculosis, and Malaria, and other organizations with respect to the development and implementation of a comprehensive tuberculosis control program.

''(e) PRIORITY TO DOTS COVERAGE.—In furnishing assistance under subsection (c), the President shall give priority to activities that increase Directly Observed Treatment Short-course (DOTS) coverage and treatment of multidrug resistant tuberculosis where needed using DOTS-Plus, including funding for the Global Tuberculosis Drug Facility, the Stop Tuberculosis Partnership, and the Global Alliance for TB Drug Development. In order to meet the requirement of the preceding sentence, the President should ensure that not less than 75 percent of the amount made available to carry out this section for a fiscal year should be expended for antituberculosis drugs, supplies, direct patient services, and training in diagnosis and treatment for Directly Observed Treatment Short-course (DOTS) coverage and treatment of multidrug resistant tuberculosis using DOTS-Plus, including substantially increased funding for the Global Tuberculosis Drug Facility.

''(f) DEFINITIONS.—In this section:

''(1) DOTS.—The term 'DOTS' or 'Directly Observed Treatment Short-course' means the World Health Organization-recommended strategy for treating tuberculosis.

''(2) DOTS-PLUS.—The term 'DOTS-Plus' means a comprehensive tuberculosis management strategy that is built upon and works as a

supplement to the standard DOTS strategy, and which takes into account specific issues (such as use of second line anti-tuberculosis drugs) that need to be addressed in areas where there is high prevalence of multi-drug resistant tuberculosis.

''(3) GLOBAL ALLIANCE FOR TUBERCULOSIS DRUG DEVELOPMENT.—The term 'Global Alliance for Tuberculosis Drug Development' means the public-private partnership that brings together leaders in health, science, philanthropy, and private industry to devise new approaches to tuberculosis and to ensure that new medications are available and affordable in high tuberculosis burden countries and other affected countries.

''(4) GLOBAL TUBERCULOSIS DRUG FACILITY.—The term 'Global Tuberculosis Drug Facility (GDF)' means the new initiative of the Stop Tuberculosis Partnership to increase access to high-quality tuberculosis drugs to facilitate DOTS expansion.

''(5) STOP TUBERCULOSIS PARTNERSHIP.—The term 'Stop Tuberculosis Partnership' means the partnership of the World Health Organization, donors including the United States, high tuberculosis burden countries, multilateral agencies, and nongovernmental and technical agencies committed to short- and long-term measures required to control and eventually eliminate tuberculosis as a public health problem in the world.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—In addition to funds available under section 104(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b(c)) for such purpose or under any other provision of that Act, there are authorized to be appropriated to the President, from amounts authorized to be appropriated under section 401, such sums as may be necessary for each of the fiscal years 2004 through 2008 to carry out section 104B of the Foreign Assistance Act of 1961, as added by subsection (a).

(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) are authorized to remain available until expended.

(3) TRANSFER OF PRIOR YEAR FUNDS.—Unobligated balances of funds made available for fiscal year 2001, 2002, or 2003 under section 104(c)(7) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b(c)(7) (as in effect immediately before the date of enactment of this Act) shall be transferred to, merged with, and made available for the same purposes as funds made available for fiscal years 2004 through 2008 under paragraph (1).

SEC. 303. ASSISTANCE TO COMBAT MALARIA.

(a) AMENDMENT OF THE FOREIGN ASSISTANCE ACT OF 1961.—Chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), as amended by sections 301 and 302 of this Act, is further amended by inserting after section 104B the following new section:

''SEC. 104C. ASSISTANCE TO COMBAT MALARIA.

''(a) FINDING.—Congress finds that malaria kills more people annually than any other communicable disease except tuberculosis, that more than 90 percent of all malaria cases are in sub-Saharan Africa, and that children and women are particularly at risk. Congress recognizes that there are cost-effective tools to decrease the spread of malaria and that malaria is a curable disease if promptly diagnosed and adequately treated.

''(b) POLICY.—It is a major objective of the foreign assistance program of the United States to provide assistance for the prevention, control, and cure of malaria.

''(c) AUTHORIZATION.—To carry out this section and consistent with section 104(c), the President is authorized to furnish assistance, on such terms and conditions as the President may determine, for the prevention, treatment, control, and elimination of malaria.

''(d) COORDINATION.—In carrying out this section, the President shall coordinate with the World Health Organization, the Global Fund to Fight AIDS, Tuberculosis, and Malaria, the Department of Health and Human Services (the Centers for Disease Control and Prevention and the National Institutes of Health), and other organizations with respect to the development and implementation of a comprehensive malaria control program.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—In addition to funds available under section 104(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b(c)) for such purpose or under any other provision of that Act, there are authorized to be appropriated to the President, from amounts authorized to be appropriated under section 401, such sums as may be necessary for fiscal years 2004 through 2008 to carry out section 104C of the Foreign Assistance Act of 1961, as added by subsection (a), including for the development of anti-malarial pharmaceuticals by the Medicines for Malaria Venture.

(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.

(3) TRANSFER OF PRIOR YEAR FUNDS.—Unobligated balances of funds made available for fiscal year 2001, 2002, or 2003 under section 104(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b(c) (as in effect immediately before the date of enactment of this Act) and made available for the control of malaria shall be transferred to, merged with, and made available for the same purposes as funds made available for fiscal years 2004 through 2008 under paragraph (1).

(c) CONFORMING AMENDMENT.—Section 104(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b(c)), as amended by section 301 of this Act, is further amended by adding after paragraph (3) the following:

''(4) RELATIONSHIP TO OTHER LAWS.—Assistance made available under this subsection and sections 104A, 104B, and 104C, and assistance made available under chapter 4 of part II to carry out the purposes of this subsection and the provisions cited in this paragraph, may be made available notwithstanding any other provision of law that restricts assistance to foreign countries, except for the provisions of this subsection, the provisions of law cited in this paragraph, subsection (f), section 634A of this Act, and provisions of law that limit assistance to organizations that support or participate in a program of coercive abortion or involuntary sterilization included under the Child Survival and Health Programs Fund heading in the Consolidated Appropriations Resolution, 2003 (Public Law 108–7).''.

SEC. 304. PILOT PROGRAM FOR THE PLACEMENT OF HEALTH CARE PROFESSIONALS IN OVERSEAS AREAS SEVERELY AFFECTED BY HIV/AIDS, TUBERCULOSIS, AND MALARIA.

(a) IN GENERAL.—The President should establish a program to demonstrate the feasibility of facilitating the service of United States health care professionals in those areas of sub-Saharan Africa and other parts of the world severely affected by HIV/AIDS, tuberculosis, and malaria.

(b) REQUIREMENTS.—Participants in the program shall—

(1) provide basic health care services for those infected and affected by HIV/AIDS, tuberculosis, and malaria in the area in which they are serving;

(2) provide on-the-job training to medical and other personnel in the area in which they are serving to strengthen the basic health care system of the affected countries;

(3) provide health care educational training for residents of the area in which they are serving;

(4) serve for a period of up to three years; and

(5) meet the eligibility requirements in subsection (d).

(c) ELIGIBILITY REQUIREMENTS.—To be eligible to participate in the program, a candidate shall—

(1) be a national of the United States who is a trained health care professional and who meets the educational and licensure requirements necessary to be such a professional such as a physician, nurse, physician assistant, nurse practitioner, pharmacist, other type of health care professional, or other individual determined to be appropriate by the President; or

(2) be a retired commissioned officer of the Public Health Service Corps.

(d) RECRUITMENT.—The President shall ensure that information on the program is widely distributed, including the distribution of information to schools for health professionals, hospitals, clinics, and nongovernmental organizations working in the areas of international health and aid.

(e) PLACEMENT OF PARTICIPANTS.—

(1) IN GENERAL.—To the maximum extent practicable, participants in the program shall serve in the poorest areas of the affected countries, where health care needs are likely to be the greatest. The decision on the placement of a participant should be made in consultation with relevant officials of the affected country at both the national and local level as well as with local community leaders and organizations.

(2) COORDINATION.—Placement of participants in the program shall be coordinated with the United States Agency for International Development in countries in which that Agency is conducting HIV/AIDS, tuberculosis, or malaria programs. Overall coordination of placement of participants in the program shall be made by the Coordinator of United States Government Activities to Combat HIV/AIDS Globally (as described in section 1(f) of the State Department Basic Authorities Act of 1956 (as added by section 102(a) of this Act)).

(f) INCENTIVES.—The President may offer such incentives as the President determines to be necessary to encourage individuals to participate in the program, such as partial payment of principal, interest, and related expenses on government and commercial loans for educational expenses relating to professional health training and, where possible, deferment of repayments on such loans, the provision of retirement benefits that would otherwise be jeopardized by participation in the program, and other incentives.

(g) REPORT.—Not later than 18 months after the date of enactment of this Act, the President shall submit to the appropriate congressional committees a report on steps taken to establish the program, including—

(1) the process of recruitment, including the venues for recruitment, the number of candidates recruited, the incentives offered, if any, and the cost of those incentives;

(2) the process, including the criteria used, for the selection of participants;

(3) the number of participants placed, the countries in which they were placed, and why those countries were selected; and

(4) the potential for expansion of the program.

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—In addition to amounts otherwise available for such purpose, there are authorized to be appropriated to the President, from amounts authorized to be appropriated under section 401, such sums as may be necessary for each of the fiscal years 2004 through 2008 to carry out the program.

(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) are authorized to remain available until expended.

SEC. 305. REPORT ON TREATMENT ACTIVITIES BY RELEVANT EXECUTIVE BRANCH AGENCIES.

(a) IN GENERAL.—Not later than 15 months after the date of enactment of this Act, the President shall submit to appropriate congressional committees a report on the programs and activities of the relevant executive branch agencies that are directed to the treatment of individuals in foreign countries infected with HIV or living with AIDS.

(b) REPORT ELEMENTS.—The report shall include—

(1) a description of the activities of relevant executive branch agencies with respect to—

(A) the treatment of opportunistic infections;

(B) the use of antiretrovirals;

(C) the status of research into successful treatment protocols for individuals in the developing world;

(D) technical assistance and training of local health care workers (in countries affected by the pandemic) to administer antiretrovirals, manage side effects, and monitor patients' viral loads and immune status;

(E) the status of strategies to promote sustainability of HIV/AIDS pharmaceuticals (including antiretrovirals) and the effects of drug resistance on HIV/AIDS patients; and

(F) the status of appropriate law enforcement officials working to ensure that HIV/AIDS pharmaceutical treatment is not diminished through illegal counterfeiting and black market sales of such pharmaceuticals;

(2) information on existing pilot projects, including a discussion of why a given population was selected, the number of people treated, the cost of treatment, the mechanisms established to ensure that treatment is being administered effectively and safely, and plans for scaling up pilot projects (including projected timelines and required resources); and

(3) an explanation of how those activities relate to efforts to prevent the transmission of the HIV infection.

Subtitle B—Assistance for Children and Families

SEC. 311. FINDINGS.

Congress makes the following findings:

(1) Approximately 2,000 children around the world are infected each day with HIV through mother-to-child transmission. Transmission can occur during pregnancy, labor, and delivery or through breast feeding. Over ninety percent of these cases are in developing nations with little or no access to public health facilities.

(2) Mother-to-child transmission is largely preventable with the proper application of pharmaceuticals, therapies, and other public health interventions.

(3) The drug nevirapine reduces mother-to-child transmission by nearly 50 percent. Universal availability of this drug could prevent up to 400,000 infections per year and dramatically reduce the number of AIDS-related deaths.

(4) At the United Nations Special Session on HIV/AIDS in June 2001, the United States committed to the specific goals with respect to the prevention of mother-to-child transmission, including the goals of reducing the proportion of infants infected with HIV by 20 percent by the year 2005 and by 50 percent by the year 2010, as specified in the Declaration of Commitment on HIV/AIDS adopted by the United Nations General Assembly at the Special Session.

(5) Several United States Government agencies including the United States Agency for International Development and the Centers for Disease Control are already supporting programs to prevent mother-to-child transmission in resource-poor nations and have the capacity to expand these programs rapidly by working closely with foreign governments and nongovernmental organizations.

(6) Efforts to prevent mother-to-child transmission can provide the basis for a broader response that includes care and treatment of mothers, fathers, and other family members who are infected with HIV or living with AIDS.

(7) HIV/AIDS has devastated the lives of countless children and families across the globe. Since the epidemic began, an estimated 13,200,000 children under the age of 15 have been orphaned by AIDS, that is they have lost their mother or both parents to the disease. The Joint United Nations Program on HIV/AIDS (UNAIDS) estimates that this number will double by the year 2010.

(8) HIV/AIDS also targets young people between the ages of 15 to 24, particularly young women, many of whom carry the burden of caring for family members living with HIV/AIDS. An estimated 10,300,000 young people are now living with HIV/AIDS. One-half of all new infections are occurring among this age group.

SEC. 312. POLICY AND REQUIREMENTS.

(a) POLICY.—The United States Government's response to the global HIV/AIDS pandemic should place high priority on the prevention of mother-to-child transmission, the care and treatment of family members and caregivers, and the care of children orphaned by AIDS. To the maximum extent possible, the United States Government should seek to leverage its funds by seeking matching contributions from the private sector, other national governments, and international organizations.

(b) REQUIREMENTS.—The 5-year United States Government strategy required by section 101 of this Act shall—

(1) provide for meeting or exceeding the goal to reduce the rate of mother-to-child transmission of HIV by 20 percent by 2005 and by 50 percent by 2010;

(2) include programs to make available testing and treatment to HIV-positive women and their family members, including drug treatment and therapies to prevent mother-to-child transmission; and

(3) expand programs designed to care for children orphaned by AIDS.

SEC. 313. ANNUAL REPORTS ON PREVENTION OF MOTHER-TO-CHILD TRANSMISSION OF THE HIV INFECTION.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, and annually thereafter for a period of five years, the President shall submit to appropriate congressional committees a report on the activities of relevant executive branch agencies during the reporting period to assist in the prevention of mother-to-child transmission of the HIV infection.

(b) REPORT ELEMENTS.—Each report shall include—

(1) a statement of whether or not all relevant executive branch agencies have met the goal described in section 312(b)(1); and

(2) a description of efforts made by the relevant executive branch agencies to expand those activities, including—

(A) information on the number of sites supported for the prevention of mother-to-child transmission of the HIV infection;

(B) the specific activities supported;

(C) the number of women tested and counseled; and

(D) the number of women receiving preventative drug therapies.

(c) REPORTING PERIOD DEFINED.—In this section, the term ''reporting period'' means, in the case of the initial report, the period since the date of enactment of this Act and, in the case of any subsequent report, the period since the date of submission of the most recent report.

SEC. 314. PILOT PROGRAM OF ASSISTANCE FOR CHILDREN AND FAMILIES AFFECTED BY HIV/AIDS.

(a) IN GENERAL.—The President, acting through the United States Agency for International Development, should establish a program of assistance that would demonstrate the feasibility of the provision of care and treatment to orphans and other children and young people affected by HIV/AIDS in foreign countries.

(b) PROGRAM REQUIREMENTS.—The program should—

(1) build upon and be integrated into programs administered as of the date of enactment of this Act by the relevant executive branch agencies for children affected by HIV/AIDS;

(2) work in conjunction with indigenous community-based programs and activities, particularly those that offer proven services for children;

(3) reduce the stigma of HIV/AIDS to encourage vulnerable children infected with HIV or living with AIDS and their family members and caregivers to avail themselves of voluntary counseling and testing, and related programs, including treatments;

(4) provide, in conjunction with other relevant executive branch agencies, the range of services for the care and treatment, including the provision of antiretrovirals and other necessary pharmaceuticals, of children, parents, and caregivers infected with HIV or living with AIDS;

(5) provide nutritional support and food security, and the improvement of overall family health;

(6) work with parents, caregivers, and community-based organizations to provide children with educational opportunities; and

(7) provide appropriate counseling and legal assistance for the appointment of guardians and the handling of other issues relating to the protection of children.

(c) REPORT.—Not later than 18 months after the date of enactment of this Act, the President should submit a report on the implementation of this section to the appropriate congressional committees.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—In addition to amounts otherwise available for such purpose, there are authorized to be appropriated to the President, from amounts authorized to be appropriated under section 401, such sums as may be necessary for each of the fiscal years 2004 through 2008 to carry out the program.

(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.

SEC. 315. PILOT PROGRAM ON FAMILY SURVIVAL PARTNERSHIPS.

(a) PURPOSE.—The purpose of this section is to authorize the President to establish a program, through a public-private partnership, for the provision of medical care and support services to HIV positive parents and their children identified through existing programs to prevent mother-to-child transmission of HIV in countries with or at risk for severe HIV epidemic with particular attention to resource constrained countries.

(b) GRANTS.—

(1) IN GENERAL.—The President is authorized to establish a program for the award of grants to eligible administrative organizations to enable such organizations to award subgrants to eligible entities to expand activities to prevent the mother-to-child transmission of HIV by providing medical care and support services to HIV infected parents and their children.

(2) USE OF FUNDS.—Amounts provided under a grant awarded under paragraph (1) shall be used—

(A) to award subgrants to eligible entities to enable such entities to carry out activities described in subsection (c);

(B) for administrative support and subgrant management;

(C) for administrative data collection and reporting concerning grant activities;

(D) for the monitoring and evaluation of grant activities;

(E) for training and technical assistance for subgrantees; and

(F) to promote sustainability.

(c) SUBGRANTS.—

(1) IN GENERAL.—An organization awarded a grant under subsection (b) shall use amounts received under the grant to award subgrants to eligible entities.

(2) ELIGIBILITY.—To be eligible to receive a subgrant under paragraph (1), an entity shall—

(A) be a local health organization, an international organization, or a partnership of such organizations; and

(B) demonstrate to the awarding organization that such entity—

(i) is currently administering a proven intervention to prevent mother-to-child transmission

of HIV in countries with or at risk for severe HIV epidemic with particular attention to resource constrained countries, as determined by the President;

(ii) has demonstrated support for the proposed program from relevant government entities; and

(iii) is able to provide HIV care, including antiretroviral treatment when medically indicated, to HIV positive women, men, and children with the support of the project funding.

(3) LOCAL HEALTH AND INTERNATIONAL ORGANIZATIONS.—For purposes of paragraph (2)(A)—

(A) the term ''local health organization'' means a public sector health system, nongovernmental organization, institution of higher education, community-based organization, or nonprofit health system that provides directly, or has a clear link with a provider for the indirect provision of, primary health care services; and

(B) the term ''international organization'' means—

(i) a nonprofit international entity;

(ii) an international charitable institution;

(iii) a private voluntary international entity; or

(iv) a multilateral institution.

(4) PRIORITY REQUIREMENT.—In awarding subgrants under this subsection, the organization shall give priority to eligible applicants that are currently administering a program of proven intervention to HIV positive individuals to prevent mother-to-child transmission in countries with or at risk for severe HIV epidemic with particular attention to resource constrained countries, and who are currently administering a program to HIV positive women, men, and children to provide life-long care in family-centered care programs using non-Federal funds.

(5) SELECTION OF SUBGRANT RECIPIENTS.—In awarding subgrants under this subsection, the organization should—

(A) consider applicants from a range of health care settings, program approaches, and geographic locations; and

(B) if appropriate, award not less than 1 grant to an applicant to fund a national system of health care delivery to HIV positive families.

(6) USE OF SUBGRANT FUNDS.—An eligible entity awarded a subgrant under this subsection shall use subgrant funds to expand activities to prevent mother-to-child transmission of HIV by providing medical treatment and care and support services to parents and their children, which may include—

(A) providing treatment and therapy, when medically indicated, to HIV-infected women, their children, and families;

(B) the hiring and training of local personnel, including physicians, nurses, other health care providers, counselors, social workers, outreach personnel, laboratory technicians, data managers, and administrative support personnel;

(C) paying laboratory costs, including costs related to necessary equipment and diagnostic testing and monitoring (including rapid testing), complete blood counts, standard chemistries, and liver function testing for infants, children, and parents, and costs related to the purchase of necessary laboratory equipment;

(D) purchasing pharmaceuticals for HIV-related conditions, including antiretroviral therapies;

(E) funding support services, including adherence and psychosocial support services;

(F) operational support activities; and

(G) conducting community outreach and capacity building activities, including activities to raise the awareness of individuals of the program carried out by the subgrantee, other communications activities in support of the program, local advisory board functions, and transportation necessary to ensure program participation.

(d) REPORTS.—The President shall require that each organization awarded a grant under subsection (b)(1) to submit an annual report that includes—

(1) the progress of programs funded under this section;

(2) the benchmarks of success of programs funded under this section; and

(3) recommendations of how best to proceed with the programs funded under this section upon the expiration of funding under subsection (e).

(e) FUNDING.—There are authorized to be appropriated to the President, from amounts authorized to be appropriated under section 401, such sums as may be necessary for each of the fiscal years 2004 through 2008 to carry out the program.

(f) LIMITATION ON ADMINISTRATIVE EXPENSES.—An organization shall ensure that not more than 7 percent of the amount of a grant received under this section by the organization is used for administrative expenses.

TITLE IV—AUTHORIZATION OF APPROPRIATIONS

SEC. 401. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the President to carry out this Act and the amendments made by this Act $3,000,000,000 for each of the fiscal years 2004 through 2008.

(b) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations in subsection (a) are authorized to remain available until expended.

(c) AVAILABILITY OF AUTHORIZATIONS.—Authorizations of appropriations under subsection (a) shall remain available until the appropriations are made.

SEC. 402. SENSE OF CONGRESS.

(a) INCREASE IN HIV/AIDS ANTIRETROVIRAL TREATMENT.—It is a sense of the Congress that an urgent priority of United States assistance programs to fight HIV/AIDS should be the rapid increase in distribution of antiretroviral treatment so that—

(1) by the end of fiscal year 2004, at least 500,000 individuals with HIV/AIDS are receiving antiretroviral treatment through United States assistance programs;

(2) by the end of fiscal year 2005, at least 1,000,000 such individuals are receiving such treatment; and

(3) by the end of fiscal year 2006, at least 2,000,000 such individuals are receiving such treatment.

(b) EFFECTIVE DISTRIBUTION OF HIV/AIDS FUNDS.—It is the sense of Congress that, of the amounts appropriated pursuant to the authorization of appropriations under section 401 for HIV/AIDS assistance, an effective distribution of such amounts would be—

(1) 55 percent of such amounts for treatment of individuals with HIV/AIDS;

(2) 15 percent of such amounts for palliative care of individuals with HIV/AIDS;

(3) 20 percent of such amounts for HIV/AIDS prevention consistent with section 104A(d) of the Foreign Assistance Act of 1961 (as added by section 301 of this Act); and

(4) 10 percent of such amounts for orphans and vulnerable children.

SEC. 403. ALLOCATION OF FUNDS.

For fiscal years 2006 through 2008, not less than 55 percent of the amounts appropriated pursuant to the authorization of appropriations under section 401 for HIV/AIDS assistance for each such fiscal year shall be expended for therapeutic medical care of individuals infected with HIV, of which such amount at least 75 percent should be expended for the purchase and distribution of antiretroviral pharmaceuticals and at least 25 percent should be expended for related care.

The CHAIRMAN. No amendment to the committee amendment is in order except those printed in House Report 108–80. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

It is now in order to consider amendment No. 1 printed in House Report 108–80.

AMENDMENT NO. 1 OFFERED BY MR. TAUZIN

Mr. TAUZIN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. TAUZIN:

Page 2, in the table of contents at section 1(b), after the item relating to section 305, insert the following:

Sec. 306. Strategies to improve injection safety.
Sec. 307. Study on illegal diversions of prescription drugs.

Page 20, line 19, insert ''and reduce duplication'' after ''improve coordination''.

Page 20, line 25, strike ''resources; and'' and insert ''resources;''.

Page 21, line 3, strike ''research.'' and insert ''research;''.

Page 21, after line 3, insert the following:

(9) establish priorities for the distribution of resources based on factors such as the size and demographics of the population with HIV/AIDS, tuberculosis, and malaria and the needs of that population and the existing infrastructure or funding levels that may exist to cure, treat, and prevent HIV/AIDS, tuberculosis, and malaria; and

(10) include initiatives describing how the President will maximize the leverage of private sector dollars in reduction and treatment of HIV/AIDS, tuberculosis, and malaria.

Page 26, after line 13, insert the following:

(c) STUDY; DISTRIBUTION OF RESOURCES.—

(1) STUDY.—Not later than 3 years after the date of the enactment of this Act, the Institute of Medicine shall publish findings comparing the success rates of the various programs and methods used under the strategy described in subsection (a) to reduce, prevent, and treat HIV/AIDS, tuberculosis, and malaria.

(2) DISTRIBUTION OF RESOURCES.—In prioritizing the distribution of resources under the strategy described in subsection (a), the President shall consider the findings published by the Institute of Medicine under this subsection.

Page 34, line 21, strike ''in the fiscal year 2004'' and insert ''for the period of fiscal year 2004 beginning on January 1, 2004''.

Page 36, after line 13, insert the following:

(iii) If at any time the President determines that the expenses of the Governing, Administrative, and Advisory Bodies (including the Partnership Forum, the Foundation Board, the Secretariat, and the Technical Review Board) of the Global Fund exceed 10 percent of the total expenditures of the Fund for any 2-year period, the United States shall withhold from its contribution for the next fiscal year an amount equal the to the average annual amount expended by the Fund for such 2-year period for the expenses of the Governing, Administrative, and Advisory Bodies in excess of 10 percent of the total expenditures of the Fund.

(iv) The President may waive the application of clause (iii) if the President determines that extraordinary circumstances warrant such a waiver. No waiver under this clause may be for any period that exceeds 1 year.

Page 36, line 14, strike ''(B) Any amount made available under this subsection that is

withheld by reason of subparagraph (A)'' and insert ''(B)(i) Any amount made available under this subsection that is withheld by reason of subparagraph (A)(i)''.

Page 36, after line 19, insert the following:

(ii) Any amount made available under this subsection that is withheld by reason of subparagraph (A)(iii) shall be transferred to the Activities to Combat HIV/AIDS Globally Fund and shall remain available under the same terms and conditions as funds appropriated pursuant to the authorization of appropriations under section 401 for HIV/AIDS assistance.

Page 39, after line 9, insert the following:

(f) PROVISION OF INFORMATION TO CONGRESS.—The Coordinator of United States Government Activities to Combat HIV/AIDS Globally shall make available to the Congress the following documents within 30 days of a request by the Congress for such documents:

(1) All financial and accounting statements for the Global Fund and the Activities to Combat HIV/AIDS Globally Fund, including administrative and grantee statements.

(2) Reports provided to the Global Fund and the Activities to Combat HIV/AIDS Globally Fund by organizations contracted to audit recipients of funds.

(3) Project proposals submitted by applicants for funding from the Global Fund and the Activities to Combat HIV/AIDS Globally Fund, but which were not funded.

(4) Progress reports submitted to the Global Fund and the Activities to Combat HIV/AIDS Globally Fund by grantees.

Page 69, after line 3, insert the following:

SEC. 306. STRATEGIES TO IMPROVE INJECTION SAFETY.

Section 307 of the Public Health Service Act (42 U.S.C. 242l) is amended by adding at the end the following:

''(d) In carrying out immunization programs and other programs in developing countries for the prevention, treatment, and control of infectious diseases, including HIV/AIDS, tuberculosis, and malaria, the Director of the Centers for Disease Control and Prevention, in coordination with the Coordinator of United States Government Activities to Combat HIV/AIDS Globally, the National Institutes of Health, national and local government, and other organizations, such as the World Health Organization and the United Nations Children's Fund, shall develop and implement effective strategies to improve injection safety, including eliminating unnecessary injections, promoting sterile injection practices and technologies, strengthening the procedures for proper needle and syringe disposal, and improving the education and information provided to the public and to health professionals.''.

SEC. 307. STUDY ON ILLEGAL DIVERSIONS OF PRESCRIPTION DRUGS.

Not later than 180 days after enactment of this Act, the Secretary of Health and Human Services, in coordination with other agencies, shall submit a report to the Congress that includes the following:

(1) A thorough accounting of evidence indicating illegal diversion into the United States of prescription drugs donated or sold for humanitarian efforts, and an estimate of the extent of such diversion.

(2) Recommendations to increase the administrative and enforcement powers of the United States to identify, monitor, and prevent the illegal diversion into the United States of prescription drugs donated or sold for humanitarian efforts.

(3) Recommendations and guidelines to advise and provide technical assistance to developing countries on how to implement a program that minimizes diversion into the United States of prescription drugs donated or sold for humanitarian efforts.

The CHAIRMAN. Pursuant to House Resolution 210 the gentleman from Louisiana (Mr. TAUZIN) and a Member opposed each will control 10 minutes.

Does the gentleman from California (Mr. LANTOS) claim the time in opposition?

Mr. LANTOS. Mr. Chairman, I rise to claim the time in opposition.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Louisiana (Mr. TAUZIN).

Mr. TAUZIN. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I rise today to urge all Members of the House to support the passage of the Tauzin-Brown amendment to H.R. 1298, the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003. I want to commend my colleague from the Committee on Energy and Commerce, the gentleman from Ohio (Mr. BROWN) for his assistance and support and advocacy of this amendment.

First, the Tauzin-Brown amendment strengthens H.R. 1298 by adding additional accountability measures to ensure that our fight against HIV/AIDS and TB and malaria has a greater chance of success. That is what we all want.

Our amendment establishes priorities to be followed by the global AIDS coordinator for the distribution of resources based on factors such as size and demographics of specific nations to ensure that the countries who need assistance the most receive it first.

Next, our amendment utilizes an independent third party to examine the success of strategies implemented by the global AIDS coordinator. The Institutes of Medicine, the IOM, will be responsible for examining the achievements of the programs funded by the global AIDS coordinator and then comparing the success rates of various methods that have been used by the coordinator.

Second, the Tauzin-Brown amendment also strengthens the existing authority and the accountability measures in H.R. 1298. Our amendment specifically states that if at any point administrative expenses within the Global Fund exceed 10 percent of total expenditures of the fund for any 2-year period, then the U.S. will withhold an equal amount from its contribution the following year. This is to ensure that this fund does not get gobbled up in bureaucrats and administrative expenses. We believe this is fair and, at the same time, will ensure that the Global Fund remains fiscally responsible to its purpose. That is, getting dollars in to actually combat AIDS, malaria, and tuberculosis in the world.

These two accountability measures represent provisions ensure our approach to this problem is not only morally responsible, it is fiscally responsible as well.

Finally, the amendment requires that the HIV/AIDS coordinator make available to Congress basic information on the Global Fund. Specifically, the coordinator is required to submit to Congress a detailed report outlining all financial and accounting statements, copies of the reports provided to the Global Fund by organizations contracted to audit recipients, and project proposals submitted by applicants and grantees. In the past we have had great difficulty getting this information from the Global Fund. We are confident the coordinator will do a wonderful job in delivering this information to Congress. I urge my colleagues to support the Tauzin-Brown amendment.

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

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

Mr. Chairman, I want to thank my good friend from Louisiana (Mr. TAUZIN) and my good friend from Ohio (Mr. BROWN) for their thoughtful contribution to our legislation. Their amendment includes a number of complex initiatives, many of which reflect improvements to the bill. For example, I believe that the amendment's efforts to explicitly prioritize U.S. programs authorized by this Act to countries based on the size and demographics of the HIV/AIDS populations and the needs of those populations is a wise measure.

I am concerned about several other provisions in the amendment. For example, the limitation on administrative expenditures of the Global Fund is well meaning, but when the fund may be going through a massive expansion of operations, there may be a need for some significant investments to make sure that the Global Fund can properly administer its programs.

I was pleased that the sponsors added a waiver, and I believe that the President should consider the actual operations of the fund as he applies this provision.

Finally, Mr. Chairman, I remain concerned regarding the provision requiring numerous reports to be provided to Congress within 30 days of the request. I am uncertain whether any Member could make this request or whether it must be a relevant committee or by resolution. Moreover, my experience with international organizations is that some of the documents may be considered confidential, such as unfunded proposals, and it may not be possible to get these documents within the time frame provided in the amendments. Nevertheless, Mr. Chairman, I am prepared to accept the amendment, and I look forward to working with the sponsors to clarify and further refine these provisions.

Mr. Chairman, I ask unanimous consent to yield the balance of my time to my friend, the gentleman from Ohio (Mr. BROWN) for the purposes of controlling time.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BROWN of Ohio. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I rise in support of the Tauzin-Brown amendment. I thank the gentleman from Louisiana (Mr. TAUZIN) for his good faith and bipartisan work in drafting this amendment, especially his staff, Patrick Ronan, for his hard work and others on his staff.

The Committee on Energy and Commerce has jurisdiction over agencies that play a pivotal role in successful efforts to reduce the spread of HIV/AIDS, TB, and malaria in our country and worldwide. Some of the world's most promising research and best treatment on these diseases are carried out by agencies within the Department of Health and Human Services. CDC provides technical and scientific support for international agencies like USAID as well as national infectious disease programs in developing countries, in addition to the work that NIH and other agencies do.

Secretary Thompson is the newly appointed chairman of the Global Fund to fight AIDS, TB, and malaria, the best tool this world has to fight three diseases that kill 6 million people every year. The success of this bipartisan Global AIDS Initiative depends on collaboration of the world's most important and best resources. One of the reasons why the Global Fund is such a critical component of the U.S. Global AIDS Initiative and a crucial part of the bill we are considering today, is it recognizes the need to fight tuberculosis, a lesser known infectious disease that has been around longer and kills 2 million people a year, including 1,100 people every day in the country of India.

□ 1215

TB infects one-third of the world's population. Two million people carry the TB bacteria, and it is the leading killer of young women and people with HIV worldwide.

HIV and TB form a lethal combination, each speeding the other's progress. HIV promotes rapid progression of primary TB infection to active disease. It is the most powerful known risk factor for reactivation of latent TB infection to active disease. Most HIV patients, in fact, will actually die of TB before they succumb to AIDS. The intersection of AIDS and TB is like the perfect storm.

The Global Fund is a public-private partnership which draws contributions from governments, from private corporations, from faith-based organizations and foundations. The Global Fund has shown signs that it works. Government entities, in coordination with nongovernment organizations, submit 5-year plans. Each plan is unique to each country, not a one-size-fits-all that comes from Washington or Geneva or any other country. The Global Fund recognizes cultural differences. What works in Christian Uruguay may not work the same in Muslim Bangladesh.

No overriding, international political agenda is attached to the Global Fund's assistance. No litmus test, only a judgment by the Global Fund, in collaboration with local citizens and health workers of what works best for each country. The Global Fund demands results, quantifiable results. The money supports activities, including access to health care services, purchasing of drugs, training of personnel, and training of community workers. If a country fails or an NGO fails to show results within 2 years, the money is cut off.

About 60 percent of the Global Fund's money goes to HIV/AIDS, about 20 to TB, about 20 to malaria. Fighting these diseases together, which the Global Fund does, is a cost-effective approach. For example, the infrastructure created in the treatment of TB, having health workers in place who sit with patients every day for about 6 months, has been proven, that infrastructure, to help in the treatment of HIV/AIDS, of malaria and other public health issues.

If we can fully commit to the Global Fund, and fully commit means at least $1 billion every year, 2 million patients will be treated for TB, a half million AIDS orphans will receive support, and 16 million new malaria nets will be distributed over the next few years.

Access to these lifesaving treatments means children will not be pulled out of school to work or to care for a sick parent. It means an HIV-positive father in the developing world has a few more years of life to provide for his family. It means children with TB, otherwise facing a virtual death sentence, will live.

What AIDS and TB experts know, but policymakers consistently underestimate, is that preventing and treating HIV/AIDS without preventing and treating TB is a virtual death sentence for the developing world. If HIV does not kill you, TB might or malaria might. The Global Fund is the best tool in the world to address all three of these infectious diseases together.

Our investment in the Global Fund, rather than a unilateral or bilateral U.S.-waged effort, will help leverage support from other countries. Funneling U.S. dollars through U.S. programs alone will do nothing to promote a united global front against these killers. If we put in money to the Global Fund, so will other nations and so will major philanthropists.

In a short time, the Global Fund has shown it is capable of tremendous progress. In just two rounds of grants, the fund has approved 160 proposals in 94 low- income countries. With significant U.S. funding the fund will continue to support countries committed to addressing the epidemic killing their people. Without U.S. leadership, it will be a fund in name only. AIDS, TB, and malaria would remain a virtual death sentence in the developing world.

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

Mr. TAUZIN. Mr. Chairman, I am honored to yield 1 minute to the distinguished gentleman from Illinois (Mr. HYDE), the chairman of the Committee on International Relations.

Mr. HYDE. Mr. Chairman, I am pleased to say we are very pleased with this amendment. We are happy to accept it. It adds to the bill, and so I will not repeat what the other people have already said in outlining its terms. But it is a good amendment, and we hope everyone accepts it.

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

Mr. BROWN of Ohio. Mr. Chairman, I yield 2½ minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Chairman, I thank the gentleman from Ohio (Mr. BROWN) for yielding me this time and for his leadership. Also I want to thank the gentleman from Louisiana (Mr. TAUZIN) for this amendment, and with the cautions which our ranking member laid out, I rise in support of this amendment.

I would like to just briefly mention the history and our debate here in Congress with regard to the background of this Global Fund. The idea for the Global Fund really started back somewhere around 1998 and 1999, when my friend and former colleague, Congressman Ron Dellums, had the vision and the foresight for an AIDS Marshall Plan in Africa. Refined under the leadership of our good friend, the gentleman from Iowa (Mr. LEACH), who was then Chair of the Committee on Banking and Financial Services, we introduced the World Bank AIDS Trust Fund, and this fund became the basis for the Global Fund. This fund was signed into law in, I believe it was August of 2000, under the Global AIDS and Tuberculosis Relief Act of 2000, signed by President Bill Clinton.

I cite this history because I think it is important for us to remember how important this fund is and that we fully debated this fund, and on a bipartisan basis voted it out and it was signed into law. So I think this amendment really strengthens the fund and its accountability.

The United Nations, in I believe it was June 2001, picked up the idea of the fund, and Secretary General Kofi Annan made an impassioned plea for the creation of a Global Fund to fight AIDS, TB, and malaria, which again moved forward the World Bank AIDS Trust Fund, in terms of the foundation, the parameters and the guidelines. So this fund was established in 2002 and really has made significant strides in over just a year of operation. Not only has it created a novel approach to grant-making and approval-processing, but it has also made really a very determined commitment to maintain as lean an operation as possible in order to focus its activities on getting money out to those in need.

The current system that the fund has set up provides several layers of accountability. On a country level, the

proposals are gathered and voted upon by an advisory body that represent government, civil society, the private sector, faith-based groups, and non-governmental organizations. Proposals that are submitted to the Global Fund then undergo a technical review from an independent body composed of leading global health experts. And now our own Secretary of Health and Human Services Tommy Thompson is leading this effort.

So I believe this amendment will help further strengthen the Global Fund system of accountability, and I encourage Members to vote for its inclusion. And also, with regard to the comments of the gentleman from California (Mr. LANTOS), I hope we can move forward, as he has so eloquently outlined, and fix what he thinks needs to be fixed in it.

Mr. TAUZIN. Mr. Chairman, I yield 2 minutes to the gentleman from the great State of Michigan (Mr. UPTON), the distinguished chairman of the Subcommittee on Telecommunications and the Internet.

Mr. UPTON. Mr. Chairman, I rise for many reasons in support of this amendment. One of the main reasons that I rise in support of this amendment is because of language that I was able to get inserted as part of it, and I thank my chairman, the gentleman from Louisiana (Mr. TAUZIN), and the gentleman from Ohio (Mr. BROWN) for accepting this language so we did not need a separate amendment but make this as part of a comprehensive amendment.

Part of this amendment reads, the language I was able to insert, says this: ''In carrying out immunization programs and other programs in developing countries for the prevention, treatment, and control of infectious diseases, including HIV/AIDS, TB, and malaria, the director of the CDC and Prevention, in coordination with the coordinator of the U.S. Government to combat AIDS globally, the National Institutes of Health, national and local government, and other organizations such as the World Health Organization, and the United Nations Children's Fund, shall development and implement effective strategies to improve injection safety, including eliminating unnecessary injections.''

Now, why is this important? A couple of years ago I participated in a bipartisan lunch here in the Capitol, and they talked about many villages in Africa that are really led by children because there are no more adults there. It became quite clear that for many of these injections they used syringes that were used over and over and over again. As a consequence, if one person had HIV/AIDS in that community, they all got it. They all died. They all got this terrible disease.

In fact, we know from data provided by the Safe Injection Global Network, an organization affiliated with the WHO, that unsafe injection practices in developing countries cause 8 to 16 million hepatitis B infections, 2 to almost 5 million Hepatitis C infections, and the original 1976 Ebola epidemic in Zaire was traced to the reuse of three syringes.

This language that was included will prevent that. I look forward to its adoption, and I again compliment the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Ohio (Mr. BROWN) for including the language.

Mr. BROWN of Ohio. Mr. Chairman, I thank the gentleman from Michigan (Mr. UPTON) for his comments, and I yield the balance of my time to the gentleman from Minnesota (Mr. GUTKNECHT).

The CHAIRMAN. The gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 30 seconds.

Mr. GUTKNECHT. Mr. Chairman, with 30 seconds, I will be very brief.

Mr. Chairman, there is a term ''illegal diversion'' used twice in section 307. I just want to make clear that the authors have the intent to keep us from reimporting drugs that are being donated for AIDS in central Africa; that this will not be used to block what we may do in the future in terms of allowing Americans to have access to drugs from other countries.

Mr. TAUZIN. Mr. Chairman, will the gentleman yield?

Mr. GUTKNECHT. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Mr. Chairman, the intent of the language is to study the question of the illegal diversion of drugs for improper purposes, that is, for resale and that sort of thing. We describe the purposes within that amendment. So the gentleman is accurate in his statement.

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

I simply wanted to thank the gentleman from Ohio (Mr. BROWN) and the members of the Committee on Energy and Commerce who worked on this amendment, as I said, to help coordinate the fine work done by the chairman and the gentleman from California (Mr. LANTOS) on this underlying bill. This is an excellent piece of legislation. I hope we have improved it.

I will commit to the gentleman from California (Mr. LANTOS) that we will continue to work with him to clarify the concerns he has. We do not want to create those problems. We are simply trying to add more accountability, not less; and more clarity, less confusion.

Finally, let me point out to the gentleman from Ohio (Mr. BROWN) that it has obviously come to our committee's attention that a great deal of work is going on domestically by a number of pharmaceutical companies in testing, et cetera, in attempts to find some sort of vaccine to combat HIV/AIDS and some of these other diseases, particularly HIV/AIDS. And when and if that discovery is made, as we all hope it is, we will be back on the floor with legislation to establish some sort of national framework for us to utilize that scientific breakthrough, when and if it does occur, in a way that humanely administers that kind of a hope and expectation of cure and prevention to all Americans without regard to the Americans' capabilities or financial capabilities to take advantage of it.

We will have to think that through, how do we make sure everybody gets to take advantage of those scientific breakthroughs when they occur. We have done some preliminary work on it; and I invite my colleague from Ohio, and others, to stay in touch with us as we move forward. As we see these breakthroughs coming, we will want to talk with the gentleman and others on the committee to see if we cannot advance legislation to make sure that every American has the advantage of those breakthroughs when they occur.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

Mr. TAUZIN. I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. Mr. Chairman, I appreciate the efforts of the gentleman from Louisiana (Mr. TAUZIN) and appreciate his offer. And I think the work we are doing with the gentleman from Illinois (Mr. HYDE), the gentleman from Louisiana (Mr. TAUZIN), the gentleman from California (Mr. LANTOS), the gentlewoman from California (Ms. LEE), and the gentleman from Iowa (Mr. LEACH) today is outstanding, especially because with the Global Fund and with all of these efforts we can address all of these diseases, encourage philanthropists and other governments to contribute and make a difference in people's lives.

Mr. TAUZIN. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. GREEN).

(Mr. GREEN of Texas asked and was given permission to revise and extend his remarks.)

Mr. GREEN of Texas. Mr. Chairman, I thank the chairman and the ranking member on our subcommittee, and I rise in support of the legislation.

Mr. Chairman, I rise today in support of H.R. 1298, the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003.

The global devastation caused by these three diseases cannot be understood. The HIV/AIDS pandemic has killed more than 25 million of the 65 million individuals affected by this disease worldwide.

More than 14 million children have been orphaned because of this awaful disease.

Tuberculosis, the leading killer of individuals with HIV/AIDS, is an equally serious threat. An estimated 2 billion persons—one third of the world's population—are infected with the bacteria that cause TB, and approximately 2 million persons die each year from TB.

This isn't just a problem overseas—after years of decline in the United States, the number of reported TB cases increased 20 percent during 1985–1992.

It is particularly problematic in my home State of Texas. According to the Centers for Disease Control and Prevention, we rank 5th in the country in TB case rates.

With approximately 264 million persons crossing the United States-Mexico border northbound annually, and 23 percent of all

U.S. foreign-born tuberculosis, TB, patients in the United States originating from Mexico, the implications are clear—we have to act on a global level if we are going to win the battle against this killer.

That is why I am pleased to support H.R. 1298, important legislation which will provide $3 billion annually for global AIDS, TB and malaria in 2004–2008.

The legislation provides up to $1 billion specifically for the Global Fund to Fight AIDS, TB and Malaria in 2004—a key multilateral mechanism for expanding prevention and treatment.

This bill also allows the U.S. share of total contributions to the Global Fund of up to 33 percent, which solidifies our commitment to eradicating these diseases worldwide.

This legislation is carefully crafted, bipartisan, and will be truly effective in our efforts to combat HIV/AIDS, Tuberculosis and Malaria.

I urge my colleagues to support this bill, and oppose any efforts to weaken or amend it.

Mr. TAUZIN. Mr. Chairman, I yield myself such time as I may consume, and let me again offer my sincere thanks to the chairman and to the gentleman from California (Mr. LANTOS) for accepting this legislation and urge adoption of it.

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

The CHAIRMAN. All time on this amendment has expired. The question is on the amendment offered by the gentleman from Louisiana (Mr. TAUZIN).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 108–80.

AMENDMENT NO. 2 OFFERED BY MR. CROWLEY

Mr. CROWLEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. CROWLEY:

Page 22, after line 22, insert the following (and redesignate subsequent paragraphs accordingly):

(F) a description of the specific strategies developed to encourage men to be responsible in their sexual behavior, child rearing and to respect women including the reduction of sexual violence and coercion;

(G) a description of the specific strategies developed to increase women's access to employment opportunities, income, productive resources, and microfinance programs;

Page 43, line 10, after ''sexual partnering,'' insert ''reducing sexual violence and coercion, including child marriage, widow inheritance, and polygamy,''.

Page 43, after line 21, insert the following (and redesignate subsequent paragraphs accordingly):

(C) assistance for the purpose of encouraging men to be responsible in their sexual behavior, child rearing, and to respect women;

Page 44, line 7, strike ''and'' at the end.

Page 44, line 10, strike the period at the end and insert ''and''.

Page 44, after line 10, insert the following:

(G) assistance for the purpose of increasing women's access to employment opportunities, income, productive resources, and microfinance programs, where appropriate.

The CHAIRMAN. Pursuant to House Resolution 210, the gentleman from New York (Mr. CROWLEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I rise in support of my amendment on preventing women's vulnerability. The social empowerment of women and girls is critical to reducing the spread of HIV worldwide. Today, heterosexual sex is the primary factor in HIV transmission worldwide.

□ 1230

Women and girls now make up more than 50 percent of those infected with HIV worldwide and more than 58 percent of those in sub-Saharan Africa. Women and girls often are not able to control when and with whom they have sex, or to influence the behavior of their partners. In fact, each year millions of monogamous married women are infected by their husbands or their partners.

Irrefutable evidence now links a range of discriminatory practices that violate the fundamental human rights of women and girls and lead to high rates of HIV infection. These include, but are not limited to, sexual violence and coercion, child marriage, widow inheritance in which male relatives of the deceased gain sexual access to the widow, polygamy, and the practice in which men engage in sex with virgins as a ''cure'' for HIV-AIDS.

During a visit to Malawi, I personally saw some of the horrific realities confronting women and girls today. I know many of us have heard the awful stories of babies raped in South Africa to cure themselves of AIDS. U.S. programs must work at every level to change the beliefs that support these life-threatening traditions and behaviors.

My amendment would begin to address this appalling problem and require a curriculum of gender equity in HIV/AIDS training, so that adolescent boys and men learn to respect women and not just view them as sex partners.

While men and boys learn about HIV/AIDS prevention, including abstinence, being faithful and using condoms, ABC as it is called, they also learn what we call the big R, respect, respect for girls and women as their co-equals.

This is a great bill. My amendment can make it better by adding this curriculum to HIV/AIDS prevention education programs under the Global Fund. I urge passage of the Crowley amendment.

Mr. LANTOS. Mr. Chairman, will the gentleman yield?

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

Mr. LANTOS. Mr. Chairman, I strongly support this amendment introduced by the gentleman from New York (Mr. CROWLEY).

There is no question that the HIV/AIDS pandemic is disproportionately affecting women and compounding the egregious inequalities poor women live with all over the world. It is absolutely necessary that we deal with both genders if we are to reduce the impact of this disease on women's life and offer them opportunities to live with respect and dignity, free from sexual violence and coercion.

The Crowley amendment requires that we include in the 5-year strategy a plan to make sure that men take responsibility for their sexual behavior and that they do respect women. It will also increase opportunities for women seeking access to employment. I urge Members to support this amendment.

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

Mr. HYDE. Mr. Chairman, I claim the time in opposition; however, I do not oppose the amendment.

The CHAIRMAN pro tempore (Mr. SWEENEY). Without objection, the gentleman from Illinois (Mr. HYDE) is recognized for 5 minutes.

There was no objection.

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

This is a good amendment, a thoughtful amendment. It adds to the bill, so we are pleased to accept this amendment.

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

Mr. CROWLEY. Mr. Chairman, I yield 1½ minutes to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Chairman, I rise in strong support of the Crowley amendment, and I commend my colleague for his leadership on this important issue.

The amendment addresses one of the core issues driving HIV/AIDS infection rates in the hardest hit countries: The disproportionate vulnerability of women to contracting HIV.

The facts speak for themselves, women and adolescent girls make up more than 50 percent of those infected with HIV worldwide, more than 58 percent of those infected in sub-Saharan Africa. The reasons for this are clear, gender violence and sexual coercion make it difficult, and even impossible, for women to say no to sex with an infected person. Widespread poverty has turned many younger women to having sex with older men in return for the food and shelter their families cannot provide. Poverty, as well, is a factor in the prevalence of early marriage, subjecting adolescent girls to marriages with unfaithful partners who often bring HIV home.

The Crowley amendment would provide a solution requiring U.S. programs to prevent HIV/AIDS to work toward empowering women to negotiate their sexual activity, and working with men to understand and respect women's rights. I urge adoption of this amendment.

Mr. CROWLEY. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Chairman, I thank the gentleman from New York (Mr. CROWLEY) for yielding me this time, and

thank the gentleman for this amendment. It is very important to this bill. I thank the gentleman from Illinois (Chairman HYDE) for accepting the amendment.

The empowerment of women is critical in developing an AIDS strategy that is effective. In many parts of the developing world, women are still treated as second-class citizens. They lack basic protections of civil rights laws in their own country, and oftentimes are left at a disadvantage when it comes to accessing resources, owning land and in their general relationships to men.

The Crowley amendment would fix this by encouraging men to develop a healthy relationship that treats women with respect. That is so important as we address this pandemic. In addition, it supports the development of specific strategies to increase women's access to employment, land and financial resources like microfinance programs that, in many instances, have encouraged women to set up their own small businesses and avoid having to turn to a life of prostitution in order to make ends meet.

I urge Members to thank the gentleman from New York (Mr. CROWLEY) for his wisdom in moving forward with this amendment. I thank the gentleman from Illinois (Mr. HYDE) for accepting this very important amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from New York (Mr. CROWLEY).

The amendment was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 3 printed in House Report 108–80.

AMENDMENT NO. 3 OFFERED BY MRS. BIGGERT

Mrs. BIGGERT. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mrs. BIGGERT:

Page 33, after line 20, insert the following:

(a) FINDINGS.—The Congress finds as follows:

(1) The establishment of the Global Fund in January 2002 is consistent with the general principles for an international AIDS trust fund first outlined by the Congress in the Global AIDS and Tuberculosis Relief Act of 2000 (Public Law 106–264).

(2) Section 2, Article 5 of the bylaws of the Global Fund provides for the International Bank for Reconstruction and Development to serve as the initial collection trustee for the Global Fund.

(3) The trustee agreement signed between the Global Fund and the International Bank for Reconstruction and Development narrows the range of duties to include receiving and investing funds from donors, disbursing the funds upon the instruction of the Global Fund, reporting on trust fund resources to donors and the Global Fund, and providing an annual external audit report to the Global Fund.

Page 33, line 20, strike ''(a)'' and insert ''(b)''.

Page 34, line 5, strike ''(b)'' and insert ''(c)''.

Page 34, line 14, strike ''(c)'' and insert ''(d)''.

Page 37, line 18, strike ''(d)'' and insert ''(e)''.

Page 38, line 25, strike ''(e)'' and insert ''(f)''.

Page 39, after line 9, insert the following:

(g) SENSE OF THE CONGRESS REGARDING ENCOURAGEMENT OF PRIVATE CONTRIBUTIONS TO THE GLOBAL FUND.—It is the sense of the Congress that the President should—

(1) conduct an outreach campaign that is designed to—

(A) inform the public of the existence of—

(i) the Global Fund; and

(ii) any entity that will accept private contributions intended for use by the Global Fund; and

(B) encourage private contributions to the Global Fund; and

(2) encourage private contributions intended for use by the Global Fund by—

(A) establishing and operating an Internet website, and publishing information about the website; and

(B) making public service announcements on radio and television.

The CHAIRMAN pro tempore. Pursuant to House Resolution 210, the gentlewoman from Illinois (Mrs. BIGGERT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Illinois (Mrs. BIGGERT).

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

Mr. Chairman, first of all, let me thank the gentleman from Illinois (Mr. HYDE) for all of his work on this necessary initiative. I also applaud the bipartisan manner in which he and the ranking member, the gentleman from California (Mr. LANTOS), have completed this difficult task.

In addition, the gentleman from Iowa (Mr. LEACH) and the gentlewoman from California (Ms. LEE) should be commended for the groundwork that they laid with their previous efforts in creating a World Bank/AIDS Trust Fund.

This amendment does two things: First, it states that the World Bank, or the IBID, the International Bank for Reconstruction and Development, is the trustee for contributions made by sovereign nations. This makes the underlying bill consistent with both the charter of the Global Fund and with legislation previously passed and signed into law concerning the global fight against HIV/AIDS. This amendment in no way restricts the movement of the trustee role to any other financial institution if the board of the Global Fund deems it necessary some time down the road.

Second, it expresses the sense of Congress that we wish to encourage individuals and private entities to make contributions to the Global Fund. The President, in his State of the Union address, specifically requested that $1 billion of emergency relief for AIDS go towards the Global AIDS Fund over a 5-year period. The Hyde bill has authorized $1 billion in the first year alone and more money to be authorized in subsequent years, if necessary.

While we all agree that government contributions on a multilateral level should be the main source of funding for the Global Fund, we also must agree that individual and private entity donations should not be discounted, discouraged, or dismissed. They should be encouraged. Governments alone cannot concur this enemy. There is so much more that individual citizens and charitable foundations can and will do if we give them the avenue, the information and the opportunity.

To illustrate my point, we are all aware of the $100 million contribution made by two very well known and generous Americans from the Bill and Melissa Gates Foundation. This single contribution from an American-based foundation is roughly half the amount that was pledged by the governments of Italy and Japan combined to this Global Fund.

The amendment seeks to encourage and enable other foundations and generous individuals, even those who might be thinking more in the neighborhood of a $10 or $100 contribution to contribute to the Global AIDS Fund to combat the HIV/AIDS pandemic. These funds promote expansion of public-private partnerships.

Mr. HYDE. Mr. Chairman, will the gentlewoman yield?

Mrs. BIGGERT. I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, we certainly accept the amendment. It is an excellent addition to the bill, and congratulate the gentlewoman from Illinois (Mrs. BIGGERT).

Mr. LANTOS. Mr. Chairman, will the gentlewoman yield?

Mrs. BIGGERT. I yield to the gentleman from California.

Mr. LANTOS. Mr. Chairman, we are in complete agreement with the gentlewoman on the value of the Global Fund and on the importance of private contributions to the fund. Contributions from the Gates Foundation and others significantly enhance the functioning of the fund, and we agree that the President should do even more to encourage private donations here.

I am not aware of any objections to the gentlewoman's amendment on this side of the aisle. We would be pleased to accept it. I commend the gentlewoman from Illinois (Mrs. BIGGERT) for her important initiative.

Ms. LEE. Mr. Chairman, will the gentlewoman yield?

Mrs. BIGGERT. I yield to the gentlewoman from California.

Ms. LEE. Mr. Chairman, I want to thank the gentlewoman from Illinois (Mrs. BIGGERT) for this amendment. I think it strengthens the bill. It strengthens the fund.

One point I would like to make about the Global Fund which has been mentioned is the leveraging ability of the fund. $1 billion could leverage up to $4 to $5 billion. It has been estimated that $9 to $10 billion is needed just to begin to scratch the surface on this pandemic. The importance of the fund cannot be overstated, and I thank the gentlewoman for this amendment. Now

that Secretary Tommy Thompson is chair of the executive board, both sides should feel confident that he will move forward. And once we insist that our side put $1 billion in, at least we know that should lead to $4 to $5 billion immediately. I offer my support of the amendment.

Mrs. BIGGERT. Mr. Chairman, I thank the gentlewoman from California (Ms. LEE) and thank the chairman and the ranking member for their support of this amendment. I urge its passage.

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

The CHAIRMAN pro tempore. The question is on amendment offered by the gentlewoman from Illinois (Mrs. BIGGERT).

The amendment was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 4 printed in House Report 108–80.

AMENDMENT NO. 4 OFFERED BY MR. STEARNS

Mr. STEARNS. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. STEARNS:

Page 36, after line 13, insert the following:

(iii) If, at any time during any of the fiscal years 2004 through 2008, the President determines that the salary of any individual employed by the Global Fund exceeds the salary of the Vice President of the United States (as determined under section 104 of title 3, United States Code) for that fiscal year, then the United States shall withhold from its contribution for the next fiscal year an amount equal to the aggregate amount by which the salary of each such individual exceeds the salary of the Vice President of the United States.

Page 36, line 14, strike ''(B)'' and insert ''(B)(i)''.

Page 36, beginning on each of lines 15 and 17, strike ''subparagraph (A)'' and insert ''subparagraph (A)(i)''.

Page 36, after line 19, insert the following:

(ii) Any amount made available under this subsection that is withheld by reason of clause (ii) or (iii) of subparagraph (A) is authorized to be made available to carry out section 104A of the Foreign Assistance Act of 1961 (as added by section 301 of this Act). Amounts made available under the preceding sentence are in addition to amounts appropriated pursuant to the authorization of appropriations under section 401 of this Act for HIV/AIDS assistance.

The CHAIRMAN pro tempore. Pursuant to House Resolution 210, the gentleman from Florida (Mr. STEARNS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. STEARNS).

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

Mr. Chairman, I appreciate the opportunity to offer this simple amendment. It will ensure that the money that the United States spends, which is taxpayers' money, to address the AIDS crisis will be spent treating patients rather than spent in bureaucratic, administrative costs.

It requires that at the Global Fund, individual salaries may not exceed the salary of the Vice President of the United States. The criteria that I came up with, being the Vice President's salary, is because in the Homeland Security Act, we specified that no Federal employee may earn a salary in excess of the vice presidential salary. So that is the criteria I used. I think it is pretty simple, and back in our districts, $192,000 is a lot of money.

Given that the Global Fund's mission is to help people dying from AIDS and prevent others from getting and eventually dying from AIDS, it would seem reasonable that administrative costs should be held to a minimum so that every dollar that taxpayers spend overseas will move to the patients and to the people who need it. As long as the U.S. Government is the largest single contributor to the fund, it is appropriate that we place this modest restriction on the salaries. We do it for our Federal employees here in the United States, why not do it in the Global Fund. With hundreds of millions of dollars at risk, it is the responsibility of all of us to ensure that dollars are spent wisely. Mr. Chairman, I think the amendment is pretty simple. I could point out a lot more.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. STEARNS. I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, we are prepared to accept the amendment.

Mr. STEARNS. Mr. Chairman, I thank the gentleman.

Mr. LANTOS. Mr. Chairman, will the gentleman yield?

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

Mr. LANTOS. Mr. Chairman, we expect the Global Fund to recruit and hire the most competent and competitive international experts to manage this very complex organization.

□ 1245

I feel strongly that exorbitant executive salaries would only go to undermine the credibility of the organization. There are lots of skeptics who oppose the Global Fund and wish it to fail. These naysayers are looking for any means to discredit the work of the Global Fund. It is very important that the Global Fund salaries should be realistic and competitive and attract the most competent professionals in the world, but they should not be set at levels that would undermine the credibility of the good work that we hope to accomplish.

I urge my colleagues to support my friend's amendment.

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

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

I just will conclude by saying we all want this bill to save lives. That is why we are here. But I think we must have some kind of strict accountability with this organization sanctioned by the world to meet this dire need, and I thank the gentleman from California (Mr. LANTOS) and the gentleman from Illinois (Mr. HYDE), distinguished chairman and ranking member. I appreciate their support. We must have confidence that these organizations are using American taxpayers' dollars wisely.

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

The CHAIRMAN pro tempore (Mr. SWEENEY). The question is on the amendment offered by the gentleman from Florida (Mr. STEARNS).

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

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

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida (Mr. STEARNS) will be postponed.

It is now in order to consider amendment No. 5 printed in House Report 108–80.

AMENDMENT NO. 5 OFFERED BY MR. BALLANCE

Mr. BALLANCE. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. BALLANCE:

Page 55, after line 10, insert the following:

(g) SENSE OF CONGRESS RELATING TO FOOD ASSISTANCE FOR INDIVIDUALS LIVING WITH HIV/AIDS.—

(1) FINDINGS.—Congress finds the following:

(A) The United States provides more than 60 percent of all food assistance worldwide.

(B) According to the United Nations World Food Program and other United Nations agencies, food insecurity of individuals infected or living with HIV/AIDS is a major problem in countries with large populations of such individuals, particularly in African countries.

(C) Although the United States is willing to provide food assistance to these countries in need, a few of the countries object to part or all of the assistance because of fears of benign genetic modifications to the foods.

(D) Healthy and nutritious foods for individuals infected or living with HIV/AIDS are an important complement to HIV/AIDS medicines for such individuals.

(E) Individuals infected with HIV have higher nutritional requirements than individuals who are not infected with HIV, particularly with respect to the need for protein. Also, there is evidence to suggest that the full benefit of therapy to treat HIV/AIDS may not be achieved in individuals who are malnourished, particularly in pregnant and lactating women.

(2) SENSE OF CONGRESS.—It is therefore the sense of Congress that United States food assistance should be accepted by countries with large populations of individuals infected or living with HIV/AIDS, particularly African countries, in order to help feed such individuals.

Page 69, line 19, strike ''The drug nevirapine reduces'' and insert ''Certain antiretroviral drugs reduce''.

The CHAIRMAN pro tempore. Pursuant to House Resolution 210, the gentleman from North Carolina (Mr. BALLANCE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. BALLANCE).

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

Mr. Chairman, I am thankful for this opportunity to offer this amendment to the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003. I would like to commend the efforts of my friends and colleagues on both sides of the aisle. I thank the gentleman from Illinois (Chairman HYDE) and the gentleman from California (Mr. LANTOS), ranking member, for their leadership; but I also want to take a moment to point my finger at the honorable gentlewoman from California (Ms. LEE), our good friend and long-time leader in this effort who has stood tall on this issue for so many years, and I would like to take the opportunity to commend our President for getting involved in this issue.

I have been in this Congress now for about 4 months, and there have not been many issues that have touched me. This one has. So I have come today to add my voice on behalf of a growing problem compounding the HIV/AIDS crisis in many African nations. America stands ready to help provide food assistance to our brothers and sisters in Africa suffering from this devastating disease, HIV/AIDS. We already provide more than 60 percent of all food aid around the world, and yet some parts of the world question the quality of our foods on the basis of unscientific concerns. Thus it is that some nations object to our food aid; and one I would point out, Zambia, has completely rejected our help.

Mr. Chairman, I am concerned that America may not be doing enough to educate foreign countries about genetically modified foods. Many poor nations lack infrastructure to determine if food is safe. With images on television of epidemics like Mad Cow Disease, many African leaders are very hesitant to go on the findings of food safety inspections and research services of another nation.

With many countries in Africa dealing with HIV/AIDS, their leaders are hesitant to introduce any item into the food supply that they suspect might further complicate health problems. Without adequate information, it is no wonder many of these countries have come to different conclusions about food products they allow into their country.

Mr. Chairman, if we asked most HIV/AIDS victims in Africa what they need most, I would venture to say that they will tell us that they need food. More than any medication, providing proper nutrition to regions without adequate food can prolong lives. The most at risk in this debilitating crisis are women and children. The links between malnutrition and AIDS deaths is undeniable. Malnutrition accelerates the progression from HIV to AIDS and leaves those with HIV/AIDS vulnerable to opportunistic infections that often are fatal.

The devastation that this disease causes in Africa, the hundreds of thousands of orphans, the decimated communities and the economic damage can be alleviated with a combined program of medical aid and good nutrition.

Food is much less expensive than antiretroviral drugs, and good nutrition can prolong the lives of AIDS victims for many years and sometimes decades. According to the recently published Demographic Health Survey and the 2000 Census of Population and Housing by the United Nations, children born between 1970 and 1975 in Zambia could expect to live 47.2 years. That same study now has shown that their life expectancy has decreased to 40.5 years.

Unfounded fears should not hold up food aid. This amendment I believe will go a long way to alleviate those concerns, and I would urge my colleagues to adopt this amendment.

Mr. LANTOS. Mr. Chairman, will the gentleman yield?

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

Mr. LANTOS. Mr. Chairman, I strongly support the amendment introduced by the gentleman from North Carolina (Mr. BALLANCE), and I want to commend him for his initiative. We think this is a significant improvement to the underlying bill. We have no objections, and we strongly support it.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. BALLANCE. I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, I am delighted to associate myself with the remarks of the distinguished gentleman from California (Mr. LANTOS). This is an excellent amendment, and I urge all our colleagues to support it.

Mr. BALLANCE. Mr. Chairman, reclaiming my time, one other thing I wanted to say which was not in my prepared remarks was we grow a lot of corn in North Carolina.

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

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from North Carolina (Mr. BALLANCE).

The amendment was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 6 printed in House Report 108–80.

It is now in order to consider amendment No. 7 printed in House report 108–80.

AMENDMENT NO. 7 OFFERED BY MR. LANTOS

Mr. LANTOS. Mr. Chairman, I offer an amendment as the designee of the gentlewoman from California (Ms. MILLENDER-MCDONALD).

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. LANTOS:

Page 74, after line 10, insert the following (and redesignate subsequent paragraphs accordingly):

(4) ensure the importance of inheritance rights of women, particularly women in African countries, due to the exponential growth in the number of young widows, orphaned girls, and grandmothers becoming heads of households as a result of the HIV/AIDS pandemic;

Page 75, line 4, add at the end the following new sentence: ''Such report should include a description of activities undertaken to carry out subsection (b)(4).''.

Page 75, line 11, add at the end the following new sentence: ''A significant percentage of the amount appropriated pursuant to the authorization of appropriations under the preceding sentence for a fiscal year should be made available to carry out subsection (b)(4).''.

The CHAIRMAN pro tempore. Pursuant to House Resolution 210, the gentleman from California (Mr. LANTOS) and a Member opposed each will control 5 minutes.

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

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

Mr. Chairman, the amendment offered by the gentlewoman from California (Ms. MILLENDER-MCDONALD), my good friend and colleague, deals with a very important issue. The HIV/AIDS pandemic has had a frightening impact on women, particularly in Africa where 55 percent of all HIV/AIDS victims are women. Unequal inheritance rights all over the world, but particularly in Africa, favor men over women. Poor women are abandoned because of their HIV/AIDS status, widowed by the premature death of a husband, or left as orphans by the death of parents. Left with nothing but their desperation, these women and girls are exploited by sex traffickers, pimps, and abusive employers.

Mr. Chairman, it is crucial that programs funded by this emergency program include the promotion and protection of women's inheritance rights, but we should not stop there. Women's equal rights across the board are absolutely essential to overcoming the poverty that underpins the seeming hopelessness of this disease.

Mr. Chairman, I urge all of my colleagues to support this amendment.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. LANTOS. I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, I thank the gentleman for yielding. I am pleased to say that the majority accepts the amendment. It is an excellent addition to what I think is an excellent bill. So we are pleased to accept it.

Ms. MILLENDER-McDONALD. Mr. Chairman, I want to take this time to thank Chairman HYDE and Ranking Member LANTOS for being the driving force behind such an important bill, H.R. 1298, United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003. This bill embodies true leadership on the part of the United States, dramatically increasing the U.S. participation in addressing the pandemic that is ravaging whole regions and millions upon millions of people. This unprecedented bill acknowledges our moral responsibility to address the pandemic that has already resulted in the deaths of millions. I am so proud to be a part of this legislation, this distinguished body and this country.

The bill as reported out of the International Relations Committee contains a provision of mine included in the Committee markup which my good friend, Congresswoman NAPOLITANO, offered for me as a member of that Committee. While much attention is being paid to preventing mother-to-child transmission (MTCT) of HIV/AIDS, we must turn to addressing the needs and rights of that child to grow up with parents, so that millions more are not orphaned before he or she can even walk. My language gives priority preference for federal funds to groups that are currently administering a program with non-federal funds to: prevent mother-to-child transmission; and provide life-long care and treatment in family-centered programs so that children do not grow up as orphans.

This would benefit programs such as the MTCT-Plus Initiative, which is supported by United Nations Secretary General Kofi Annan and the First Ladies of Africa, and which has $50 million in funding from several private philanthropic foundations including the Bill and Melinda Gates, the William and Flora Hewlett, the Robert Wood Johnson and other foundations. Such family-survival programs are critical to address the issues of millions of children orphaned by HIV/AIDS on a scale unrivaled in history. In sub-Saharan Africa, family and societal structures are breaking down because of the deaths of a generation of parents. The number of children in the developing world who have been orphaned by the AIDS pandemic will nearly double from 13.4 million to 25.4 million by the end of this decade. Today, 5.5 million children in Africa have lost both parents and in most cases, at least one of them to AIDS, and that number will rise to 7.9 million by 2010. Older women are also profoundly affected since the responsibility for caring for and supporting grandchildren orphaned by AIDS infected parents often falls on the shoulders of the elderly.

Thank you again, Chairman HYDE and Ranking Member LANTOS, for agreeing to include my amendment in the bill as reported, and to Congresswoman NAPOLITANO for agreeing to offer my amendment during the Committee markup.

Mr. Chairman, my amendment today concerns Section 314 which calls for a pilot program of assistance for children and families affected by HIV/AIDS. My amendment requires that pilot program to ensure the importance of inheritance rights of women, particularly women in African countries are included in this program. The relationship of the denial of inheritance rights for women, increased HIV/AIDS infection in women and the resulting exponential growth in the numbers of young widows, orphaned girls, and grandmothers becoming heads of households needs to be further studied and documented. My amendment does just that.

My amendment is necessary because a majority of those infected by HIV/AIDS in Africa are women of all classes, ethnic groups, and levels of education. Women with AIDS are condemned to an early death when their homes, lands, and other property are taken. They not only lose assets they could use for medical care, but also the shelter they need to endure this disease.

The failure to ensure equal property and inheritance rights upon separation or divorce discourages women from leaving violent marriages. HIV risk is especially high for women in situations of domestic violence, which often involves coercive sex, diminished ability to negotiate with partners for safer sex, and impede women from seeking health information and treatment.

In some places, widows are forced to undergo sexual practices such as ''wife inheritance'' or ritual ''cleansing'' in order to keep their property. ''Wife inheritance'' occurs when a male relative of the dead husband takes over the widow as a wife, often in a polygamous environment. ''Cleansing'' usually involves sex with a social outcast who is paid by the dead husband's family, supposedly to cleanse the women of her dead husband's evil spirits. In both of these rituals, safe sex is seldom practiced and often forced. Such women are at increased risk of contracting and spreading HIV.

For example, there are areas in Kenya where the wife inheritance and cleansing practices have created an alarmingly high rate of HIV/AIDS infection. Fully 22 percent of the population between ages 15 and 49 in the Nyanza province are infected, and 35 percent of ante-natal women in one district within that province are infected. Girls and young women in the Nyanza province are infected at six times the rate of their male counterparts.

The underlying bill calls for the President to report on this pilot program, as described under Section 314(c). My amendment calls for that report to include in it a description of activities undertaken to ensure that the inheritance rights of women as just described are part of this program.

Finally, in the last Congress, Rep. Eva Clayton and I introduced H. Con. Res. 421, recognizing the importance of inheritance rights of women in Africa, and its relationship to the HIV/AIDS pandemic. I have also chaired two briefings on this issue. Our resolution was very strongly supported by this body. It had 90 original cosponsors with bipartisan support. My amendment today to the underlying bill includes the crux of H. Con. Res. 421.

Thank you so much and I hope you support my amendment to H.R. 1298.

Mr. LANTOS. Mr. Chairman, we have no further requests for time, and we yield back the balance of our time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from California (Mr. LANTOS).

The amendment was agreed to.

□ 1300

The CHAIRMAN pro tempore (Mr. SWEENEY). It is now in order to consider Amendment No. 8 printed in House Report 108–80, as modified by the order of the House of earlier today.

AMENDMENT NO. 8 OFFERED BY MS. MCCOLLUM

Ms. MCCOLLUM. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Ms. MCCOLLUM:

Page 83, line 14, strike ''For'' and insert ''(a) THERAPEUTIC MEDICAL CARE.—For''.

Page 83, after line 22, add the following new subsection:

(b) ORPHANS AND VULNERABLE CHILDREN.—For fiscal years 2006 through 2008, not less than 10 percent of the amounts appropriated pursuant to the authorization of appropriations under section 401 for HIV/AIDS assistance for each such fiscal year shall be expended for assistance for orphans and vulnerable children affected by HIV/AIDS, of which such amount at least 50 percent shall be provided through non-profit, nongovernmental organizations, including faith-based organizations, that implement programs on the community level.

The CHAIRMAN pro tempore. Pursuant to House Resolution 210, the gentlewoman from Minnesota (Ms. MCCOLLUM) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Minnesota (Ms. MCCOLLUM).

Ms. MCCOLLUM. Mr. Chairman, I yield myself of such time as I may consume.

Mr. Chairman, I want to begin by thanking once again the gentleman from Illinois (Chairman HYDE) and the ranking member, the gentleman from California (Mr. LANTOS), for their hard work on this critical legislation. President Bush should also be congratulated for his leadership on this important legislation. This bill is a huge step forward in our global leadership to respond to the AIDS pandemic.

The gentleman from Illinois (Chairman HYDE) and the gentleman from California (Mr. LANTOS) have recognized AIDS orphans and vulnerable children and have included them in this historic bill expressing the sense of Congress that they receive a portion of funding. Nonetheless, I believe we can and we must do more to ensure that some of our planet's most vulnerable children are protected.

The amendment I am offering today would ensure that 10 percent of the appropriated funds in this bill be expended for HIV—AIDS assistance for millions of orphans and vulnerable children affected by AIDS.

As we prepare to authorize this groundbreaking legislation, I urge my colleagues to join me in committing this funding for children who are being left behind to survive on their own as a result of the AIDS pandemic.

This funding will go far in providing the most basic health, education and economic needs to millions of children throughout the work of community and faith-based groups, as well as NGOs and host country governments.

Today there are more than 12 million children, 12 million children in Africa, that have lost one or both parents to HIV—AIDS. By the year 2005, there will be more than 20 million AIDS orphans around the world.

Children in Africa are suffering the loss of parents, extended family members, teachers, health care providers and peers. Every community affected by AIDS is being robbed of a generation of adults in their most productive years, leaving behind children to be raised by relatives, left on their own in households headed by other children, or, even worse, to be totally left alone to forage in rural villages and on the streets of cities across the continent of Africa.

The scope and complexity of the challenges facing children affected by AIDS cannot be overstated. Children become responsible for their own survival while providing care for dying parents. They are forced to abandon school and face the stigma and isolation far too frequently associated with AIDS. Tragically, orphan children who are the most vulnerable are often forced into labor, sexual exploitation, and the hopelessness of a life of mere survival.

This amendment can help transform the future of communities filled with AIDS orphans by committing to reinvest into communities that have faith-based organizations and other groups that are committed to working with orphans. We are ensuring by doing this that an entire generation of children in Africa will not be lost.

We have the responsibility today to make a firm commitment to ensure that the resources in this bill go to provide the most basic needs of every child; food, shelter, safety, medicine, education, and, most importantly of all, hope for the future.

I urge my colleagues to join me today in supporting the millions of children orphaned by AIDS. I respectfully ask my colleagues to support this amendment and to make a strong commitment to the millions of AIDS orphans and vulnerable children who desperately need our help today.

Mr. HYDE. Mr. Chairman, will the gentlewoman yield?

Ms. MCCOLLUM. I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, the children and orphans who are affected by this scourge could have no better champion than the gentlewoman from Minnesota, and we are very pleased to accept her excellent amendment.

Mr. LANTOS. Mr. Chairman, will the gentlewoman yield?

Ms. MCCOLLUM. I yield to the gentleman from California.

Mr. LANTOS. Mr. Chairman, I want to congratulate and commend my friend from Minnesota for offering this most important amendment, which dramatically improves the underlying bill. On this side we are proud and pleased to accept her amendment.

Ms. MCCOLLUM. Mr. Chairman, reclaiming my time, I am very honored to have this amendment accepted, and I thank both my mentors for their help in preparing this amendment.

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

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentlewoman from Minnesota (Ms. MCCOLLUM).

The amendment was agreed to.

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

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. GREEN of Wisconsin) having assumed the chair, Mr. SWEENEY, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1298) to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, and for other purposes, had come to no resolution thereon.

MAKING IN ORDER CONSIDERATION OF AMENDMENT NO. 6 OUT OF SEQUENCE DURING FURTHER CONSIDERATION OF H.R. 1298, UNITED STATES LEADERSHIP AGAINST HIV/AIDS, TUBERCULOSIS, AND MALARIA ACT OF 2003

Mr. SMITH of Michigan. Mr. Speaker, I ask unanimous consent that Amendment No. 6 in House Report 108–80 be considered out of sequence in the Committee of the Whole.

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

There was no objection.

UNITED STATES LEADERSHIP AGAINST HIV/AIDS, TUBERCULOSIS, AND MALARIA ACT OF 2003

The SPEAKER pro tempore. Pursuant to House Resolution 210 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 1298.

□ 1306

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 1298) to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, and for other purposes, with Mr. SWEENEY (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose earlier today, Amendment No. 8 printed in House Report 108–80 offered by the gentlewoman from Minnesota (Ms. MCCOLLUM) had been disposed of.

Under the recent order of the House, it is now in order to consider Amendment No. 6 printed in House Report 108–80.

AMENDMENT NO. 6 OFFERED BY MR. SMITH OF MICHIGAN

Mr. SMITH of Michigan. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. SMITH of Michigan:

Page 81, beginning on line 22, strike ''$30,000,000,000 for each of the fiscal years 2004 through 2008'' and insert ''$2,000,000,000 for fiscal year 2004, $2,500,000,000 for fiscal year 2005, $3,000,000,000 for fiscal year 2006, $3,500,000,000 for fiscal year 2007, and $4,000,000,000 for fiscal year 2008''.

The CHAIRMAN pro tempore. Pursuant to House Resolution 210, the gentleman from Michigan (Mr. SMITH) and a Member opposed each will control 5 minutes.

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

Mr. SMITH of Michigan. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, this amendment brings back the level of funding for the first year to the level recommended by the President, the amount of $2 billion, which is the amount that is also in our budget resolution.

The third reason is I would like to document and persuade to my colleagues, expert witnesses from Africa that are suggesting that it is going to be much more effective to start gradually and then increase the spending over the year.

My amendment does not decrease the total 5 year commitment of $15 billion, but, rather, is consistent with what the President has requested, starting at $2 billion and then growing each year.

I would like to read a letter from a former United States ambassador to several of those African countries.

''As the son of a medical missionary to Africa, a career State Department diplomat with over 28 years of service, mainly in Africa, and as the former United States Ambassador to Rwanda and Mali, I am well aware of the problems making foreign aid genuinely benefit the populations it was intended to impact. Throughout my career, I have been involved in rural health initiatives in Africa, and while there is great need to meet the challenge of AIDS in Africa, front-loading a program might well do more harm than good. There is great risk in squandering precious funds when expenditures are made without adequate controls or accountability. We also risk forcing our big-ticket solutions on Africans who may need more modest help in finding local solutions and building up their own capacity to deal with the challenge in the early year.

''Accordingly, I support the original emergency plan for AIDS relief proposed by the President that would launch this new initiative to $2 billion in '04 and steadily escalate spending over 5 years.''

Again, because we can maximize this money over the 5-year period, because it would be consistent with the President and the budget resolution, I hope Members support the amendment.

Mr. LANTOS. Mr. Chairman, I claim the time in opposition to this amendment.

The CHAIRMAN pro tempore. The gentleman from California (Mr. LANTOS) is recognized for 5 minutes.

Mr. LANTOS. Mr. Chairman, I am delighted to yield such time as he may consume to my distinguished friend the gentleman from California (Mr. HYDE).

Mr. HYDE. Mr. Chairman, I thank the distinguished gentleman from California for yielding me time.

Mr. Chairman, it is with extreme regret that I must oppose the amendment offered by my good friend, the gentleman from Michigan (Mr. SMITH). He never offers an amendment, but what it is not well thought out, and this is a well thought-out amendment. But, unfortunately, it disturbs the balance that we have carefully, and as I have said, painstakingly negotiated with the many different elements of our body who have particular points of view.

The $2 billion limitation which the gentleman from Michigan would impose is indeed what the President said in his budget, but I hasten to point out that the President supports our bill, and our bill authorizes, and I stress the word ''authorizes,'' $3 billion for 5 years.

The gentleman from Michigan's formula does not, in any way, deduct this money, the total is still $15 million over 5 years, but it is a question of how much for the first year and how much for the succeeding years.

I respectfully request that this amendment be defeated, because it would unbalance what has been very carefully put together. I suggest that the President does support our bill and has issued a statement this morning doing so.

Mr. Chairman, I thank the gentleman for his contribution. We considered the gentleman's amendment in committee and it was defeated, and, with great respect and admiration, I hope this is defeated too.

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

Mr. Chairman, our distinguished chairman, the gentleman from Illinois (Mr. HYDE), expressed my views. In order to save time, I merely concur with his comments. I also oppose the amendment.

Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Chairman, I rise in strong opposition to this amendment. As our chairman indicated, we did defeat this amendment in committee.

Several days ago at the White House, the President illustrated quite well the cost of delaying these funds to those who are so desperately in need. As President Bush said, time is not on our side. Since the State of the Union address, he said that an estimated 760,000 people have died from AIDS, 1.2 million people have become infected and more than 175,000 babies have been born with the virus.

Imagine how many more will die and become infected if we accept this amendment and deny the $1 billion in funding this year to those who desperately need this help? Clearly we cannot wait. There are programs out there that can use our funding immediately. Even the executive director of UNAIDS, Dr. Piot, has said Africa could absorb $6.57 billion in AIDS funding without any improvements toward infrastructure.

Therefore, I urge all my colleagues to vote against this bill and to maintain the compromise that we worked so hard to negotiate with the gentleman from Illinois (Chairman HYDE).

Mr. SMITH of Michigan. Mr. Chairman, I yield 1 minute to the gentlewoman from North Carolina (Mrs. MYRICK).

Mrs. MYRICK. Mr. Chairman, I rise today in support of the amendment offered by my friend and colleague, the gentleman from Michigan (Mr. SMITH), and, in deference to my chairman, for whom I have great respect, I am still speaking.

I think that this would ensure that we stay within the President's plan originally and within the budget. He did say on the 29th of April that, with the approval of Congress, this plan will direct $15 billion to fight AIDS abroad over the next 5 years, but beginning with $2 billion in 2004.

□ 1315

The reason I think it is important to stay within our budget is because due to the war and the economic downturn we, unfortunately, are running the largest budget deficits in American history this year and next. We cannot continue to just overspend every year, piling debt on our children and grandchildren. It does not mean this program is not important. I support it. But there are many important programs, and there is a limited amount of money.

So passing the President's proposal, with this amendment, is still a huge increase in our commitment to this problem.

The CHAIRMAN pro tempore (Mr. SWEENEY). The Chair would inform Members that the gentleman from California (Mr. LANTOS) has 2 minutes remaining, and the gentleman from Michigan (Mr. SMITH) has 2 minutes remaining.

Mr. LANTOS. Mr. Chairman, I am delighted to yield 1 minute to my good friend, the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Chairman, I rise in opposition to this amendment. I understand the good heart of the gentleman from Michigan (Mr. SMITH) and where he is coming from. But, Mr. Chairman, this is money that is needed now.

The President has stated, ''Seldom has history offered a greater opportunity to do so much for so many.'' This year, the President made an unprecedented commitment to fight HIV/AIDS on a global scale, and we must not thwart that momentum by cutting this year's authorization by a third.

The President has stated that his HIV/AIDS initiative is intended to prevent 7 million new infections, treat 2 million HIV-infected people, and care for 10 million HIV-infected individuals and AIDS orphans. There is no reason I can think of to limit the immediate flow of money. There are children in Africa going to school without teachers and then going to a home without parents, and we have to deal with that.

Mr. Chairman, I commend President Bush for taking such a bold step in committing these funds and the gentleman from Illinois (Chairman HYDE) and the ranking member, the gentleman from California (Mr. LANTOS), for moving it through this Chamber. I think we need to maintain the full $3 billion authorization as it is.

Mr. SMITH of Michigan. Mr. Chairman, I would just say that this is exactly what the President recommended. My amendment is what the President recommended.

Mr. Chairman, I yield 1 minute to the gentleman from Arizona (Mr. FLAKE).

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

I too rise in reluctance to support this amendment in that the chairman does not support it. But I respect the gentleman from Michigan (Mr. SMITH), and I believe that we need to take into account that this is the first bill of the year, I believe, that actually goes over budget. We are 50 percent over budget. What the President asked for was $2 billion in the first year. We are going for $3 billion. I think it sets a bad precedent for the rest of the year if we are starting out this way.

As the gentleman from Michigan (Mr. SMITH) also pointed out, the U.N. Global Fund and others that will absorb this money may have a hard time absorbing it that quickly anyway, and I believe that is why the President only asked for $2 billion in the first place.

We should note that the Global Fund has been criticized by its head, who is currently Secretary Tommy Thompson, who said that it has some inefficiencies. One thing that has been noted is that the Office of the Secretariat spent $11 million on salaries last year for 65 staff members. That is an average of $170,000 per employee.

I would challenge those who say that we need to put this money in that quickly. We ought to go with the original request from the President, and I would urge support of the amendment.

Mr. LANTOS. Mr. Chairman, I yield the remaining 1 minute of our time to my good friend, 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. Chairman, I want to express my great appreciation for the leadership of the gentleman from Illinois (Chairman HYDE) and the ranking member, the gentleman from California (Mr. LANTOS), and the Members of the Committee on International Relations. Might I remind this body that the Global Fund was implemented in 2000, signed by President Clinton, and worked on very hard by Members of this body, Democrats, and certainly we were joined by members of the Republican Conference.

Mr. Chairman, 40 million children will be orphaned in sub-Saharan Africa on the basis of losing their parents to

HIV/AIDS. This is a time when we cannot wait. It is imperative that the funding be as it is designated in the legislation to begin fighting this crisis now. I join with the chairman and the ranking member to say we are fighting an epidemic, a pandemic, a crisis; lives are being lost. Absolutely we cannot stop one moment to defer funding to this Global Fund and the necessity of moving on this as fast as we can.

Mr. Chairman, I ask my colleagues to reject this amendment.

Mr. SMITH of Michigan. Mr. Chairman, I yield myself the remaining time.

Let me conclude by simply saying that this is what the President suggested, starting at $2 billion. It is consistent with our budget resolution that we passed just 2 weeks ago. It still maintains the $15 billion over 5 years. So there is no disagreement; there is no reduction in total funding.

Again, I quote from Ambassador Rawson who says, ''While there is great need to meet the challenge of AIDS in Africa, front-loading a program might well do more harm than good,'' and he recommends that we support the Smith amendment, which is the President's suggestion, to launch this new initiative at $2 billion in 2004 and steadily escalating that spending.

Mr. Chairman, I also am reluctant to go against my chairman on this amendment, but I thought sure that the gentleman from Illinois would support this amendment with all of the good, rational, logical reasons that I have. I yield my remaining time to the gentleman from Illinois (Mr. HYDE).

Mr. HYDE. Mr. Chairman, it is always a pleasure to engage with the gentleman from Michigan in debates, but the gentleman keeps citing the President. That has been overtaken by a statement of position from the White House supporting our version and in opposition to yours. The fact is, under the Smith amendment, there is no net saving. There is a reshuffling of money within the 5-year framework, but it still adds up to $15 billion. With respect, I hope the gentleman loses the amendment.

The CHAIRMAN pro tempore. The time of the gentleman from Michigan (Mr. SMITH) has expired.

Mr. SMITH of Michigan. Mr. Chairman, I ask unanimous consent for 5 additional seconds.

The CHAIRMAN pro tempore. That request may not be entertained.

All time has expired. The question is on the amendment offered by the gentleman from Michigan (Mr. SMITH).

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

Mr. SMITH of Michigan. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Michigan (Mr. SMITH) will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment No. 4 offered by Mr. STEARNS of Florida and amendment No. 6 offered by Mr. SMITH of Michigan.

The Chair will reduce to 5 minutes the time for the second vote in this series.

AMENDMENT NO. 4 OFFERED BY MR. STEARNS

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on amendment No. 4 printed in House Report 108–80 offered by the gentleman from Florida (Mr. STEARNS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 276, noes 145, not voting 13, as follows:

[Roll No. 155]

AYES—276

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

NOES—145

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldwin
Ballance
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boucher
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Crowley
Cummings
Davis (AL)
Davis (FL)
Davis (IL)
Davis, Tom
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Filner
Frank (MA)
Frost
Gonzalez
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kolbe
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Majette
Maloney
Markey
Matsui
McCarthy (NY)
McDermott
McGovern
McNulty
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Olver
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Rodriguez
Rothman
Roybal-Allard
Rush
Ryan (OH)
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Scott (VA)
Serrano
Solis
Stark
Strickland
Tauscher
Thompson (CA)
Thompson (MS)
Towns
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey

NOT VOTING—13

Becerra
Boyd
Buyer
Combest
Conyers
Dreier
Gephardt

McCarthy (MO)
Ortiz
Owens
Sandlin
Slaughter
Whitfield

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. SWEENEY) (during the vote). The Chair wishes to inform Members that there are 2 minutes remaining on this vote.

□ 1343

Mrs. NAPOLITANO and Messrs. DEUTSCH, LANGEVIN, and MENENDEZ changed their vote from ''aye'' to ''no.''

Ms. MCCOLLUM and Messrs. BACA, DAVIS of Tennessee, RUPPERSBERGER, ROSS, CRAMER, SHERMAN, TIERNEY, and MEEHAN changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, the remaining question will be a 5-minute vote.

AMENDMENT NO. 6 OFFERED BY MR. SMITH OF MICHIGAN

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Michigan (Mr. SMITH) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 130, noes 288, not voting 16, as follows:

[Roll No. 156]

AYES—130

Alexander
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Berry
Bilirakis
Bishop (UT)
Blackburn
Boehner
Bonilla
Boozman
Brady (TX)
Brown-Waite, Ginny
Burgess
Burr
Burton (IN)
Camp
Cannon
Cantor
Carter
Chabot
Chocola
Coble
Collins
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, M.
Doolittle
Duncan
Ehlers
Everett
Feeney
Flake
Foley
Forbes
Fossella
Franks (AZ)
Garrett (NJ)
Gillmor
Gingrey
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hoekstra
Hostettler
Hulshof
Isakson
Istook
Jenkins
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
King (IA)
Kingston
Kirk
Kolbe
LaHood
Lewis (KY)
Linder
Lucas (OK)
Manzullo
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Norwood
Nussle
Otter
Paul
Pence
Petri
Pitts
Pombo
Putnam
Radanovich
Rehberg
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Sensenbrenner
Sessions
Shadegg
Sherwood
Shimkus
Shuster
Smith (MI)
Souder
Stearns
Stenholm
Sullivan
Tancredo
Tanner
Taylor (MS)
Terry
Thornberry
Tiahrt
Tiberi
Toomey
Upton
Vitter
Wamp
Weldon (FL)
Wicker

NOES—288

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Ballance
Ballenger
Bell
Berkley
Berman
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boehlert
Bonner
Bono
Boucher
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Burns
Calvert
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Clay
Clyburn
Cole
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart, L.
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Dunn
Edwards
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Fletcher
Ford
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gerlach
Gibbons
Gilchrest
Gonzalez
Gordon
Goss
Green (TX)
Greenwood
Grijalva
Gutierrez
Hall
Harman
Harris
Hart
Hastings (FL)
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hunter
Hyde
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kleczka
Kline
Knollenberg
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Nunes
Oberstar
Obey
Olver
Osborne
Ose
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Platts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Regula
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Sweeney
Tauscher
Tauzin
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Walden (OR)
Walsh
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—16

Becerra
Boswell
Boyd
Buyer
Combest
Conyers
Cox
Dreier
Gephardt
McCarthy (MO)
Ortiz
Owens
Sandlin
Slaughter
Whitfield
Wilson (SC)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The CHAIRMAN pro tempore (Mr. SWEENEY) (during the vote). The Chair will advise Members that there are less than 2 minutes remaining in the vote.

□ 1350

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. KIRK. Mr. Chairman, on May 1, 2003, on rollcall vote No. 156, an amendment by Mr. NICK SMITH of Michigan to H.R. 1298, I voted ''yea'' in error mistaking this amendment which I opposed for one by Mr. SMITH of New Jersey, which I support. I meant to vote ''no''.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 9 printed in House Report 108–80.

AMENDMENT NO. 9 OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Ms. JACKSON-LEE of Texas:

At the end of the bill, add the following (and conform the table of contents accordingly):

SEC. 404. ASSISTANCE FROM THE UNITED STATES PRIVATE SECTOR TO PREVENT AND REDUCE HIV/AIDS IN SUB-SAHARAN AFRICA.

It is the sense of Congress that United States businesses should be encouraged to provide assistance to sub-Saharan African countries to prevent and reduce the incidence of HIV/AIDS in sub-Saharan Africa. In providing such assistance, United States businesses should be encouraged to consider the establishment of an HIV/AIDS Response Fund in order to provide for coordination among such businesses in the collection and distribution of the assistance to sub-Saharan African countries.

The CHAIRMAN pro tempore. Pursuant to House Resolution 210, the gentlewoman from Texas (Ms. JACKSON-LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself 5 minutes.

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Chairman, to the ranking member and

the chairman, I am not sure how momentous a day or how historic a day this will eventually be, whether or not it translates to the American psyche or the international psyche.

This is probably a day long in coming. And that is this bipartisan but very responsible response to a devastating deadly disease permeating the entire world, if you will. I think it is appropriate to thank the ranking member and chairman of this committee and all of the negotiators, including my good friend, the gentlewoman from California (Ms. LEE) for where we are today.

All I would like to do with this amendment, Mr. Chairman, is to be helpful, to be able to move the process along. And what I think is so innovative and so particularly unique about this particular initiative, H.R. 1298, is that we are dealing with HIV, tuberculosis and malaria.

One of the challenges that many of us who have dealt with this issue for a long period of time was the conflicting themes that may have been throughout to have been coming from sub-Saharan Africa. I recall a period of time in our history when the head of state of South Africa, the present president, made a very, very startling point, and that is how nutrition impacts on the condition of individuals. I recall the debate about nutrition. Here we have come full circle to understand that there are many variables that impact the devastation of HIV/AIDS malaria and tuberculosis.

This legislation goes right to the heart and understands the interrelatedness of the crisis in sub-Saharan Africa. It applauds nations that have been able to move forward such as the Ugandan effort, the ABC. It recognizes that we must do this collaboratively. And it also acknowledges, as I said on the floor of the House just a few minutes earlier, 40 million sub-Saharan children will be orphaned by this disease; but more importantly, Mr. Chairman, businesses, industries, are being devastated because young and vibrant workers are being cut down by AIDS.

This is sub-Saharan Africa, Mr. Chairman. I have been to India. It is growing there. China, it is growing there. So this amendment is based upon my experience in history that there are many who want to contribute to the finality of this disease, and that is by encouraging the business community to be able to contribute to the U.N. Global Fund, in particular, and to contribute to a resource pool that will shuttle those monies to the U.N. Global Fund, as I indicated, a fund established just a few years ago in 2000 by many of us who worked on this with the leadership of this Committee on International Relations, President Clinton and many Members of Congress. This amendment that will engage the business community in a very real way.

Mr. HYDE. Mr. Chairman, will the gentlewoman yield?

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

Mr. HYDE. Mr. Chairman, I thank the gentlewoman for yielding. We are very pleased to accept this amendment which adds to the quality of bill. I thank the gentlewoman and we are pleased to accept it.

Mr. LANTOS. Mr. Chairman, will the gentlewoman yield?

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

Mr. LANTOS. Mr. Chairman, I want to commend my friend, the gentlewoman from Texas (Ms. JACKSON-LEE) for her excellent amendment. We are delighted to accept it on this side.

Ms. JACKSON-LEE of Texas. Reclaiming my time, I thank both the chairman and the ranking member.

I close by simply saying that this language squarely places a very firm hand of encouragement on our business community and a firm hand toward the U.N. Global Fund and a firm hand to finally or maybe moving towards stamping out this terrible devastation of HIV/AIDS, along with tuberculosis and malaria. I ask my colleagues to support it.

Mr. Chairman, I offer this amendment to the ''United States Leadership Against HIV/AIDS, Tuberculosis, and malaria Act of 2003'' to encourage American businesses to help sub-Saharan African governments and communities fight the spread of HIV/AIDS in their countries.

Many U.S. corporations operate in sub-Saharan Africa. From my home State of Texas, the oil industry conducts business operations in Africa. Businesses such as pharmaceutical companies, computer companies, food companies, and businesses from practically every economic segment of the country operate in Africa.

These companies earn substantial profits from their operations in Africa. Accordingly, they should be encouraged to provide financial assistance to sub-Saharan communities and participate in fighting the spread of HIV/AIDS.

I fully support and applaud the efforts of the Global Fund. My amendment, which establishes a Response Fund, will neither conflict with the activities and mission of the Global Fund, nor create unnecessary bureaucracy. The Global Fund was established by the United Nations Secretary General in April of 2001. The stated purpose is to, ''attract, manage and disburse additional resources through a new public-private partnership that will make a sustainable and significant contribution to the reduction of infections, illness and death, thereby mitigating the impact caused by HIV/AIDS, tuberculosis, and malaria in countries in need.''

The Response Fund that I propose in my amendment will work in conjunction with the Global Fund not in opposition to it. My Response Fund will create more flexibility for corporations to contribute to the fight against HIV/AIDS, and give corporations more options. My Response Fund will be a vehicle to getting funds to sub-Saharan communities, medical facilities and patients with utmost speed.

The Response Fund and the Global Fund will share the same goal, and they would certainly have opportunities to collaborate and work together in the fight against infectious diseases. I want to be clear that the Response Fund will not create an extra step in getting funds to sub-Saharan Africans suffering from HIV/AIDS.

I encourage U.S. businesses to contribute to both the Response Fund established in my amendment and also to the United Nations Global Fund.

Mr. Chairman, I offer this amendment because the fight against HIV/AIDS should be waged by the Congress, the sub-Saharan African community, and the American business community as well. I encourage the American business community to contribute needed funds to both the Response Fund in my amendment and The United Nations Global Fund.

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

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The amendment was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 10 printed in House Report 108–80.

AMENDMENT NO. 10 OFFERED BY MR. SMITH OF NEW JERSEY

Mr. SMITH of New Jersey. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. SMITH of New Jersey:

Page 54, line 21, insert before the period the following: '', or to endorse, utilize, or participate in a prevention method or treatment program to which the organization has a religious or moral objection''.

The CHAIRMAN pro tempore. Pursuant to House Resolution 210, the gentleman from New Jersey (Mr. SMITH) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Chairman, I yield myself such time as I may consume.

First of all, let me begin by thanking the gentleman from Illinois (Mr. HYDE), our chairman, for the extraordinary job he as done in this legislation. This has been a work in progress as we all know for several months, over last year and into this year. This legislation, in the end, is something that will save millions of lives and something we can be proud of.

I have an amendment that is co-sponsored by the gentleman from Illinois (Mr. HYDE), the gentleman from Michigan (Mr. STUPAK) and the gentleman from Arizona (Mr. RENZI) that I think is a critical clarification needed to make sure that the many successful and compassionate organizations are not inadvertently disqualified from participating in our international HIV/AIDS prevention and treatment efforts.

The amendment is a one-phrase all-important clarification of the existing language in the bill. It will ensure that a qualified grantee that does not want to participate in all aspects of a treatment or prevention strategy is not disqualified from participating in our HIV/AIDS efforts. For example, if a Muslim or Catholic organization is excellent in abstinence education or

AIDS testing, they should not be disqualified from U.S. funding because they have a moral objection to condoms.

The bill already says, I would point out, that organizations shall not be required as a condition of receiving the assistance to endorse or utilize a multi-sectorial approach to combatting HIV/AIDS. While this language is intended to protect organizations that are qualified in one phase of prevention or treatment from being disqualified if they have a moral or religious objection, the concern is that the language might be too vague. The word ''multisectorial'' has many meanings and might not protect organizations. That ambiguity—that infirmity—in the underlying bill is remedial by our amendment.

Thus the amendment which we are offering today would clarify, according to the original intent of the bill, that organizations should not be disqualified if they have moral or religious objections to one part of a treatment or prevention strategy. The one phrase that would be added is this: ''To endorse, utilize or participate in a prevention method or treatment program to which the organization has a religious or moral objection.''

□ 1400

It could not be more clear. It could not be more transparent.

Some of my colleagues may say faith-based organizations do not need this protection, but I assure them that the problem is real. In one case, a Catholic doctor who worked in sub-Saharan Africa for 31 years, caring for thousands of young people suffering from AIDS, was approached by USAID in Uganda and asked to draw up a program to prevent HIV/AIDS. Her group presented a project proposal which involved AIDS awareness and behavior change programs. In the project proposal, the emphasis was on abstinence and faithfulness as a way of preventing the spread of HIV and was for people of all faiths. USAID, however, responded by asking them to put in a component of promoting and distributing condoms. When this organization said they were not prepared to do so because of a religious objection, they were denied funding.

This is one of many stories. And the ones who are harmed when this kind of action takes place are those who are suffering the most and are at greatest risk and need services. This provision would not require, I would say to my colleagues, a change in the overall strategy to fight HIV/AIDS. The overall strategy would stay the same even if certain groups only worked on parts of that strategy where they are qualified and successful.

Let me say, finally, the Catholic Church, today, cares for one out of every four AIDS patients. One out of every four. If the bill remains unclear, this could potentially prohibit, could proscribe the funding of many of the initiatives of the Church, and I said earlier Muslim groups or Catholic Relief Services, which today cares for about 2 million people who are at risk or perhaps have been affected by AIDS, mostly in Africa but around the world as well. Two million by one Catholic agency alone

We want inclusion. We want more people involved. I ask that this amendment be approved. This conscience protection is real and it would be impossible for anyone, at anytime to misconstrue Congressional intent.

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

Mr. LANTOS. Mr. Chairman, I claim the time in opposition.

The CHAIRMAN pro tempore (Mr. SWEENEY). The gentleman from California (Mr. LANTOS) is recognized for 10 minutes.

Mr. LANTOS. Mr. Chairman, I yield myself such time as I may consume, and I rise in opposition to the Smith amendment.

First, I would like to thank the gentleman from New Jersey (Mr. SMITH) for his long-standing leadership on human rights' matters and for his support for this critically important legislation. His vote in committee in favor of H.R. 1298 was greatly appreciated.

I would also like to note that the amendment being offered today is different from the one that was offered in committee. The amendment offered in committee during markup was deeply offensive in that consciences were only granted to faith-based organizations.

The amendment before us today builds upon language already in H.R. 1298. The bill currently states that an organization receiving funds under this act shall not be required to endorse or utilize a multisectoral approach to combating HIV/AIDS. In other words, a group does not need to endorse condom use or hand out condoms or endorse abstinence and promote abstinence education to receive money under this act.

The Smith amendment adds a new clause to the current language. It states that groups shall not be required to endorse, utilize, or participate in a prevention method or treatment program to which the organization has a religious or moral objection. I certainly agree, Mr. Chairman, that no organization should be required to have anything to do with a program to which it has religious or moral objections. However, I remain concerned that some organizations will use this clause to implement programs designed to undermine other HIV/AIDS prevention strategies, including effective condom use.

I am also concerned that groups utilizing one approach to HIV/AIDS prevention and treatment will refuse to refer someone to another organization which offers a different method of HIV/AIDS prevention.

Mr. Chairman, it is critically important that organizations which receive HIV/AIDS funds from the United States work closely and collaboratively supporting each other's work. Abstinence-only groups should not use United States' funds to tell men and women in Uganda that condoms do not work and are morally wrong and condoms-only groups should not use U.S. funds to denigrate abstinence.

Mr. Chairman, I greatly respect the work of faith-based organizations around the world, which are playing a critical role in battling HIV/AIDS; but until we clarify these questions, I cannot support the amendment in its current form.

Mr. Chairman, I would like to ask my good friend, the gentleman from New Jersey (Mr. SMITH), whether he would be willing to add the following words at the end of his amendment by unanimous consent: ''Except that such organization may not undermine interventions that it does not endorse, utilize or participate in.''

Mr. SMITH of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. LANTOS. I yield to the gentleman from New Jersey.

Mr. SMITH of New Jersey. Mr. Chairman, I thank my friend, and with all due respect, and I have a great deal of respect for the gentleman from California (Mr. LANTOS), I would have to respectfully decline.

Earlier we had spoken, and the gentleman had indicated he wanted to do a colloquy on identical language. The problem is the word ''undermine.'' If a group opposes a certain type of prevention such as condom use that could be construed in the eyes of someone who is making a grant or letting a grant, that organization should not get funded. The proposed Lantos language nullifies any conscience clause so I must reject it.

Our hope with our amendment is that we empower the maximum army of volunteers and professional people to care and assist people who are at risk of HIV/AIDS as well as people who have already contracted this horrific disease. We should not limit our response to this crisis; we need to have a more flexible response. Be reminded, we are talking about grant money. So it is still up to the grantor—the United States Government—to decide whether or not the grant request that we are in receipt of meets the criteria in terms of what the project is all about, whether it be dealing with actual treatment of AIDS patients or hospice care or some prevention strategy or mother to child transmission initiatives.

So with all due respect, I would have to decline.

Mr. LANTOS. Reclaiming my time, Mr. Chairman, I want to thank my good friend from New Jersey for his very clear answer.

Mr. Chairman, the sponsor's unwillingness to make this clarification makes me even more concerned about the amendment as it is drafted. I believe that this amendment could be used by some organizations to undermine and denigrate the effective use of condoms and other HIV prevention strategies overseas.

Mr. Chairman, use of condoms is an effective way to prevent HIV/AIDS. If we allow this clause, conceivably scientific misinformation could be disseminated and it would undermine a proven prevention strategy, which means people would die. I must, therefore, reluctantly oppose the passage of the Smith amendment and ask all of my colleagues to join me in voting ''no.''

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

Mr. SMITH of New Jersey. Mr. Chairman, I yield 1 minute to the gentleman from Arizona (Mr. RENZI), one of the sponsors of the amendment.

Mr. RENZI. Mr. Chairman, I thank the gentleman from New Jersey for yielding me this time, and I am grateful for his leadership on this important amendment.

It is said to those that have been given much, much will be expected. It is with this sense of duty and obligation that the President has turned the Nation's attention, America's attention, to the realization that our Nation can use a portion of its wealth to help eradicate the devastating effects of AIDS in some of the most impoverished portions and regions of our world.

Yet without passage of the Smith amendment, certain worthy organizations, who have proven themselves successful in taking on this fight, organizations who have been there from day one on the front lines, would not qualify, possibly would be disqualified if they have moral or religious objections to just one part of a three-part strategy. This amendment makes necessary distinctions which ensure that faith-based organizations can continue to educate and change people's hearts, minds, and souls towards a more moral way of life.

While it has been said they undermine, the fact is, again, reiterating, these faith-based organizations, particularly the Catholic-based organizations, care for one out of every four AIDS sufferers in the world. I urge support of the amendment.

Mr. LANTOS. Mr. Chairman, I yield the balance of my time to the gentlewoman from California (Ms. LEE), and I ask unanimous consent that she be allowed to control that time.

The CHAIRMAN pro tempore (Mr. DUNCAN). Without objection, the gentlewoman from California (Ms. LEE) is recognized for the balance of the time.

There was no objection.

Ms. LEE. Mr. Chairman, I yield myself such time as I may consume, and I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in opposition to this amendment offered by my colleague, the gentleman from New Jersey (Mr. SMITH). Early on in the drafting of this bill, we decided really not to let ideology drive the process and drive the contents of this bill. I believe, as our ranking member said, that the language we worked on and negotiated in committee addresses the issues and concerns raised in this amendment, and it addresses it quite well.

Now, it seems to me, quite frankly, that social conservatives are looking at a way to carve out a specific exemption. All of us support faith-based organizations, but it looks like one group of individuals in this country wants to carve out for religious organizations a specific exemption. The amendment looks tame on its face, but I really think there is another motive behind this amendment.

I do not believe that we should subject this very important piece of legislation to the ideological whims of either side. The compromise that we negotiated in the bill was specifically intended to avoid this. Both sides made some major concessions with an understanding that the needs of those who are living and dying with AIDS would trump our political differences. It appears now that this amendment would give an organization the ability to affirmatively tell those suffering and dying of AIDS not to use one method over another. This could be deadly.

Now, there were several amendments that I would have offered to shape the bill more to my liking, more to many of my colleagues' liking on our side; but we refrained from doing this because we felt quite strongly that the delicate balance established in the bill should not be upset. So I would encourage Members to oppose this amendment. The language in the bill is very clear with regard to faith-based organizations, and I ask the gentleman to withdraw his amendment.

Mr. SMITH of New Jersey. Mr. Chairman, will the gentlewoman yield?

Ms. LEE. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN pro tempore. The gentlewoman from California has 2 minutes remaining.

Ms. LEE. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Chairman, first of all, I just want to make it very clear, and I wish the gentlewoman had not gone the route of saying there is another motive here. The motive—my motive—is to say that there are a vast array of other people who are very competent in mitigating this crisis called AIDS, and maybe even ending it some day who are on the ground providing essential services as we speak. Others—if the wherewithal exists—will soon join them.

I mentioned Catholic Relief Services earlier in the debate. Catholic Relief Services, today, provides HIV/AIDS services to 2 million people. They do it without a brass band or self promoting press releases and are very much underheralded. These saints who care for the afflicted are on the ground, village after village, heavily embedded in Africa, helping people with this horrible scourge and helping the people who are trying to cope with it and prevent it. Catholic Relief Services is made up of the most caring and compassionate people on earth. Let's hope they apply for more funding.

I mentioned earlier the one case of a diocese, five dioceses in Uganda in the 1990s that had hoped to develop an AIDS plan with some funding augmented by the United States Government. And because the organization said they did not want to embrace the condom part, they were precluded from U.S. funding. So there is a real world tragedy and dark consequence as a direct result of not having an air-tight conscience clause.

Again, we can fund condoms till the cows come home in this bill; but we are saying there are providers among the best an earth—the CRS—who are deeply respected in the community, with access to the at risk populations, yet who would not get funding without real conscience clause protection. Catholic and Muslim groups are the ones we are mostly talking about, and it seems to me that it is counterproductive in the extreme to everything we are trying to do here—to prevent their full participation.

I thank the gentlewoman for yielding to me.

Ms. LEE. Mr. Chairman, I yield myself the balance of my time, and I thank the gentleman for his comments, but let me just say that the language that was negotiated that is in the base bill, in the bill before us today, takes care of all of the issues that we care about in terms of allowing for a multifaceted, multisectoral approach to addressing this pandemic.

What we do not want to do, and what I believe will happen with the gentleman's amendment, is that organizations now will be allowed to say ''do not use one method versus the other.'' We crafted the language in a way that would allow organizations, if for whatever reasons decided that they were not going to promote abstinence, to be faithful, or condom use, that they would not necessarily have to promote it.

□ 1415

But what I believe the gentleman's amendment will do will be to allow organizations to tell individuals that one approach is not going to work, or there is danger in an approach that allows for the distribution of condoms. I think that is downright wrong. The ABC approach is the approach that works. Organizations can choose whichever approach they want to address.

Mr. SMITH of New Jersey. Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Mr. Chairman, I rise in strong support of the Smith amendment.

Mr. Chairman, in Congress we talk. It is what we do. But in Africa at this very hour, as the gentleman from New Jersey (Mr. SMITH) just said with passion, there are Catholic Relief workers and Christian missionaries in medical missions elbow deep in a crisis that has struck 42 million souls and rising, the

AIDS pandemic. Only by passing the Smith amendment will we make certain that not only those who would be willing to come to the aid of people, but the overwhelming majority of those who are thanklessly, and without the klieg lights of publicity or public support, are coming to their aid at this very hour.

Only by creating a conscience exception for faith-based organizations to say that they can accept some of this $15 billion that will avalanche from Washington, D.C. into Africa without violating their own moral conscience, will we ensure that those who do the work continue.

Mr. SMITH of New Jersey. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. Mr. Chairman, I am on the floor here today to support an amendment that will simply clarify existing language in this bill. Our amendment is short and simple. It says that otherwise qualified organizations shall not be required as a condition of receiving assistance to endorse, utilize or participate in a prevention method or treatment program to which the organization has a religious or moral objection.

We should all be working together, Muslims and Catholics, to fight AIDS. In fact, Catholic organizations alone are caring for one in every four AIDS victims in the world. It makes no sense to disqualify them.

Our language will give organizations of all faith an opportunity to join in this monumental effort to fight the pandemic. This provision will make sure that we do not arbitrarily disqualify organizations that have proven their ability to provide excellent care to those afflicted with this dreaded disease. I congratulate my colleagues for joining together to address this tragedy that can no longer be ignored.

Mr. SMITH of New Jersey. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Chairman, I rise to support this conscience protection amendment. Faith-based organizations are often the most effective in preventing the spread of HIV; and despite their effectiveness in caring for millions with the disease and working to prevent the spread of it, many relief organizations continue to disregard the right of faith-based organizations to object to condom distribution.

In the hearing we had, we cited the quotations from the U.N. representatives in this regard. This amendment will provide protection for faith-based groups, like the Catholic Church, who apply for Federal funds but who object to distributing condoms as a form of HIV prevention. It is meant to make sure that we do not arbitrarily disqualify any organization from one part of our strategy because they do not participate in another.

We should have the best organizations working within our overall plan on parts of the plan that they do best. We should not discriminate against organizations that are saving lives. I urge Members to support the amendment.

Mr. SMITH of New Jersey. Mr. Chairman, I yield the balance of my time to the gentleman from Illinois (Mr. HYDE) to close debate on the bill.

The CHAIRMAN pro tempore (Mr. DUNCAN). The gentleman from Illinois (Mr. HYDE) is recognized for 2 minutes.

Mr. HYDE. Mr. Chairman, this is an effort to make the army in opposition, the army that is fighting AIDS as inclusive as possible. Just think for a moment, put biases aside. Here is an organization that takes care of 1 in 4 people afflicted with AIDS, the Catholic Relief Services. Without this amendment, they stand very much in jeopardy of being excluded from this program. Why should we hobble ourselves as we are attacking the deadly scourge of AIDS?

There are religious people who do not believe in condoms who can teach, who can go from village to village administering medicines. There are so many things that need to be done on the human level, and why should we exclude them because they have moral scruples against condoms. This is a 3-part attack: Abstinence, as well as being faithful and using condoms. We can certainly do some good teaching abstinence, teaching fidelity in the family, and many other creature comforts that can be administered by Muslim groups that do not support condoms. Why exclude people from this force that is going to attack AIDS?

I think it is irrational. The purpose of the bill is to get as many forces together to attack AIDS. If we exclude people because they do not believe in condoms, we are tying our hands and it is a big mistake. I hope this amendment passes. It in no way at this diminishes the efficacy of this bill. It simply says there are people who do not subscribe to the ''C'' of the ABC, but they do to the ''A'' and ''B,'' and we need all of the people we can muster in this struggle. I hope the Smith amendment passes.

The CHAIRMAN pro tempore. All time has expired.

The question is on the amendment offered by the gentleman from New Jersey (Mr. SMITH).

The amendment was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 11 printed in House Report 108–80.

AMENDMENT NO. 11 OFFERED BY MR. PITTS

Mr. PITTS. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. PITTS:

Page 83, line 10, insert before the semicolon the following: '', of which such amount at least 33 percent should be expended for abstinence-until-marriage programs''.

Page 83, line 22, add at the end the following new sentence: ''For fiscal years 2006 through 2008, not less than 33 percent of the amounts appropriated pursuant to the authorization of appropriations under section 401 for HIV/AIDS prevention consistent with section 104A(d) of the Foreign Assistance Act of 1961 (as added by section 301 of this Act) for each such fiscal year shall be expended for abstinence-until-marriage programs.''.

The CHAIRMAN pro tempore. Pursuant to House Resolution 210, the gentleman from Pennsylvania (Mr. PITTS) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, H.R. 1298 endorses Uganda's ABC model that focuses on abstinence, but it does not ensure that money is actually directed to abstinence programs.

Abstinence works. In Uganda, which has been cited as the ABC model, ''A'' for abstinence first; ''B'' for being faithful to one partner; and ''C,'' condom use, and this focus on abstinence first lowered HIV infection rates from 21 percent in 1991 to 6 percent in 2000. The ABC model saves lives, and this amendment will ensure that these funds save more lives by moving taxpayer dollars to life-saving strategies that have been proven to work.

It mandates a percentage: 33 percent of the prevention funds disbursed under the bill for abstinence. Now that is not all of the bill, that is just prevention funds, and one-third of those.

Other countries have begun implementation of the ABC model and are already showing great success, as they did dramatically in Uganda. But countries like Kenya, which have stuck mainly to the social marketing of condoms, are experiencing huge increases in HIV prevalence rates, and this amendment takes that fact seriously.

It makes sense to guarantee that this money will fund what works. This amendment makes sure that there is sufficient flexibility for the AIDS coordinator. It only mandates 33 percent of the prevention funds to go to abstinence. It leaves the remaining 67 percent of prevention money to be disbursed as the coordinator sees fit.

Opponents claim that abstinence just is not possible. Dr. Edward Green, a researcher at Harvard University was an opponent of the ABC model, in particular abstinence, until he saw what happened in Uganda. He testified before the Committee on Energy and Commerce, and he said, ''Many of us in the AIDS and public health communities did not believe that abstinence, or delay, and faithfulness, were realistic goals. It now seems we were wrong.''

In Uganda the proportion of young males age 15 to 24 reporting premarital sex decreased from 60 percent in 1989 to 23 percent in 1995. For females, the decline was 53 percent to 16 percent. The program actually changed the behavior in women and men, a fact I hope my colleagues take seriously.

This amendment will make sure that funds get to what works. It maintains

flexibility, makes the bill better. It will save lives. I urge Members to support this amendment.

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

Mr. LANTOS. Mr. Chairman, I claim the time in opposition.

The CHAIRMAN pro tempore. The gentleman from California (Mr. LANTOS) is recognized for 10 minutes.

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

Mr. Chairman, I had the honor on Tuesday to join Senators LUGAR and BIDEN and the gentleman from Illinois (Chairman HYDE) at the White House as the President called for Congress to quickly approve comprehensive HIV/AIDS legislation. The President has since announced his strong support for our bill. When the President spoke to us, he asked that Congress make the ABC strategy used in Uganda and elsewhere as the model for our prevention efforts. I could not agree more with the President. To quote him, ''The ABC strategy is effective by emphasizing abstinence, marital fidelity as well as condoms to prevent HIV transmission.''

Mr. Chairman, I quote President Bush on the ABC strategy because there is some confusion in Washington as to what it means. Some Members of Congress attribute the dramatic success of Uganda's HIV/AIDS prevention program solely to abstinence and marital fidelity programs. While these components of the ABC strategy have been effective, Ugandans also use an average of 80 million condoms per year, and that figure is increasing.

While I certainly respect the fact that some religions may have moral objections to the use of condoms, many other faiths actively promote their use as a medically proven way to stop the transmission of HIV. The legislation before us explicitly authorizes the use of funds to promote programs which promote abstinence and faithfulness. However, the Pitts amendment would require that one-third of the HIV/AIDS prevention funds be set aside for the exclusive use of abstinence before marriage programs.

Mr. Chairman, I agree with the President of the United States. The ABC approach does work, but the Pitts amendment undermines the ABC approach by earmarking funds solely for the abstinence program. The Pitts amendment also raises a whole series of very disturbing questions to which we have been given no answers.

□ 1430

Does the Pitts amendment seek to replicate certain abstinence-only programs under which educators are explicitly prohibited from giving full and complete information about condoms to high-risk populations? Under these abstinence set-aside programs, will people who are already sexually active be given any information about condoms? Will any information provided about condoms be medically accurate and complete? Will faith-based groups such as the Anglican Church of Uganda be eligible to receive these abstinence funds if their priests discuss condom use in the context of abstinence education? Do abstinence programs that are part of a multisectoral approach count towards this set-aside? And questions along these lines too numerous to mention.

Mr. Chairman, all of these questions remain unanswered. I therefore urge all of my colleagues to support the ABC approach to HIV/AIDS prevention and to oppose the Pitts amendment. I also want to call my colleagues' attention to the fact that today in an editorial, the Washington Times, no liberal publication, says, ''The revision expected to be offered by Representative Joe Pitts, Pennsylvania Republican, which would set aside up to one third of the money specifically for abstinence and monogamy programs, seems less wise since such decisions should be made by the experts in the field.''

I fully agree on this issue with the Washington Times, the President of the United States, and the experts working in the field; and I urge all of my colleagues to reject the Pitts amendment.

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

Mr. PITTS. Mr. Chairman, the Uganda model was developed by Ugandans themselves.

Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Chairman, I rise in strong support of the Pitts amendment. According to the World Health Organization data, abstinence education programs work to reduce the premarital sex rate for Ugandan males, as the gentleman from Pennsylvania earlier said, in 1989 60 percent to 23 percent. For females the decline was 53 percent to 16 percent. The proportion of males reporting three or more sexual partners fell from 15 percent to 3 percent. With each successive sexual partner one has, their probability of contracting HIV goes up proportionally and by reducing the income of sexual partners, increasing the age of sexual debut, by increasing the incidence of abstinence before marriage, faithfulness in marriage, the rate in Uganda declined by half.

I think this is a very modest amendment. I actually think we should be putting substantially more money than he is proposing into abstinence education because it has been shown scientifically to be the most effective way and cost-effective way to prevent the spread of this disease. I strongly urge all of my colleagues on both sides of the aisle to support the Pitts amendment, a very well-thought-out amendment.

Mr. LANTOS. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. LEE), who has led this fight on our side.

Ms. LEE. Mr. Chairman, I thank the gentleman from California (Mr. LANTOS) for yielding me this time.

I rise in strong and very vigorous opposition to this amendment offered by the gentleman from Pennsylvania (Mr. PITTS) and the gentleman from Illinois (Mr. HYDE). Again, we see attempts to unravel the delicate compromise established by our negotiations on this bill. We have already dealt with this issue in another forum in the Committee on International Relations when the gentleman from Pennsylvania (Mr. PITTS) pushed for the prioritization of abstinence over condom use in the ABC model of prevention. Abstinence, fidelity, and the use of condoms should all be placed on equal footing; and that is what we agreed to in committee. So I hope that we similarly defeat this amendment. Even the Washington Times, as the gentleman from California (Mr. LANTOS) points out, agrees that a balanced approach should be implemented and should be part of this bill.

The Uganda model is based upon the ABC approach, which is prevention, abstinence, and condoms. In fact, the former director of the largest organization in Uganda dealing with HIV and AIDS treatment says that that is what has worked and that it is wrong for those who want only one approach to pull out one element of a bigger picture. And she said this is a very small percentage of the whole picture. What works is what worked in Uganda, and that is abstinence, be faithful, condoms; and that is the only strategy that makes sense.

Mr. PITTS. Mr. Chairman, I yield 1 minute to the gentlewoman from Colorado (Mrs. MUSGRAVE).

Mrs. MUSGRAVE. Mr. Chairman, as we look at a disaster such as this, it is hard to comprehend the misery and the suffering. We look at women and the children and the men that are dying such horrible deaths, and it is hard to take it all in. But what we look for in Africa is a ray of hope, a ray of hope for these people; and we see this ray of hope in Uganda. And we see a ray of hope with abstinence education. Abstinence is not just a moral issue. It is an issue of whether or not we will teach people what the healthy life-style is. If we are compassionate about the people in Africa, if our hearts go out to the people that are dying, that are in incredible suffering and misery, we want to do something that works. We want to have something that will give these people hope, that will give them life; and I am in strong support of this amendment.

Mr. LANTOS. Mr. Chairman, I yield 1 minute to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

Mrs. CHRISTENSEN. Mr. Chairman, I rise in strong opposition to this amendment. My colleagues and the chairman have worked very hard to ensure a proven approach to HIV and AIDS funding which is based on the successful Ugandan model. The President himself has seen the wisdom of this approach and supports it. We agree that abstinence is a great approach,

but it cannot be used alone, and it cannot be dictated where it absolutely cannot work. And where it works best is in a comprehensive educational program. Our own CDC experience attests to this; and as a family physician who has worked in family planning and HIV and AIDS, I know this is the best approach. It is the one that delays sexual activity, reduces partners, and more importantly saves lives.

I strongly urge all of my colleagues, no matter what their personal or religious convictions might be, not to impose them on others but to allow these funds that are so very important to the lives of millions of people to be used how and where they can be most effective. And this needs to be done globally as well as in our domestic programs.

Mr. Chairman, I urge my colleagues to reject this amendment and do a great thing here today by passing H.R. 1298 with the good amendments that have already been passed.

Mr. PITTS. Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. PENCE).

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

Mr. PENCE. Mr. Chairman, I rise in strong support of the Pitts amendment, and along with the gentleman from California (Mr. LANTOS), ranking member, whom I have labored with on other issues and will labor still, I was there in the East Room of the White House when the President of the United States described a compelling and compassionate vision for addressing this pandemic AIDS crisis in Africa. The President insisted that we not just send billions of dollars to Africa, but we send values that work; and he encouraged us in this Congress to put a priority on the values of abstinence and monogamy before condom distribution in that room. In fact, in a statement of administration policy, Mr. Chairman, the administration said they, quote, ''support additional provisions that would prioritize the abstinence component of the ABC approach which has been successfully implemented in Uganda.''

The administration supports the Pitts amendment; and those who would embrace this vision of abstinence and endorsement of faithfulness in marriage and then condom distribution must, and by all means should, support the Pitts amendment to this bill.

Mr. LANTOS. Mr. Chairman, I yield 45 seconds to the gentlewoman from New York (Mrs. LOWEY).

(Mrs. LOWEY asked and was given permission to revise and extend her remarks.)

Mrs. LOWEY. Mr. Chairman, I strongly oppose this amendment. Abstinence or monogamy or condom use, it just does not work. What worked in Uganda was abstinence and be faithful and condom use. It is essential to pursue all approaches to prevention. Promote and value abstinence, encourage monogamy in both men and women, and teach that lifesaving use of condoms works. Using all three options, men and women can be approached differently according to the cultural values of a village or religion or a region. United States policy reflects that by funding faith-based organizations as well as secular organizations that may focus on one area or health concern.

Abstinence, be faithful and condom use worked in Uganda.

Each approach is different, and may be suitable at different stages in life. But each approach can and does work together.

Many of us believe that abstinence is most realistic in the years before sexual activity begins—because it can delay sexual activity, and that's important. But abstinence may not be an appropriate message for a girl who has no say in the extent of her sexual activity.

Once sexual activity begins—keeping in mind that the sexual activity may not be consensual—it's critical that accurate information about condoms and other prevention methods be available, to limit exposure to sexually transmitted diseases, including HIV.

It is essential to pursue all approaches to prevention. Promote and value abstinence, encourage monogamy in both men and women and teach the life saving use of condoms. And, if married, monogamy is both a social and a public health value, and it should be strongly promoted for both men and women.

Using all three options, men and women can be approached differently, according to the cultural values of a village, a religion, or a region. U.S. policy reflects that, by funding faith-based organizations as well as secular organizations that may focus on one area or health concern.

Many Members have spoken about Uganda, a country in east central Africa. But I want to focus on another part of Africa—the West African region, and the countries of Cote d'Ivoire and Burkina Faso. About 10 percent of the population in each of these countries is infected with HIV.

In both countries, the health care infrastructure is poor and strained—18 months ago, Cote d'Ivoire was in better shape than Burkina Faso, but the civil war has had a devastating impact on its health care sector. In Burkina Faso, a HIV diagnosis has been akin to a death certificate, because there has been no access to treatment at all.

In these countries, it's not uncommon to arrive in a village and see that the local business is coffinmaking.

In these countries, it's not unusual to see children who are raising each other because there are no parents.

In West Africa, many villages are politically, culturally, and economically dominated by men. Women are married as young as 12 or 13, and begin bearing children immediately. The cultural values of these villages enforce monogamy for women, but positively encourage men to have multiple partners. Men make all the decisions, and the community reinforces that tradition.

Economic realities also impact behavior. Men often travel to find employment—even work in another country, hitchhiking up and down major roadways, looking for work in trade centers where prostitutes gather. He might be away for months, or seasons, at a time. Whether single or married, these men often have sexual encounters while on the road, and subsequently bring HIV into their home villages.

In fact, HIV can be tracked from cities, to major highways, and into completely rural, isolated villages, simply by following the travels of the men who call those villages home.

Many women in Africa infected with HIV were abstinent before marriage, and monogamous in it, and yet still they are wasting away from AIDS.

That's today's reality. And to combat that reality, we believe it's essential to pursue all approached to prevention—promote and value abstinence, encourage monogamy in both men and women, and teach about the life-saving use of condoms.

Each of those approaches involves education. People must learn that it's possible to refuse sexual activity. And if refusing isn't realistic, they can learn to negotiate with their partner to wear a condom. In West Africa, health workers put on plays for villages and at trading centers, to show an audience gathered by music and comedy how a wife might persuade her husband to wear a condom, or how a migrant worker can use condoms to protect himself—and his wife—from devastating disease. Villagers of all ages, men and women, attend. Local cafes offer condoms, alongside information about monogamy and abstinence.

This kind of education is respectful of local tradition, but it's also appropriate to the public health emergency that is AIDS in Africa. It will take years of sustained effort to make it easier for women to negotiate more equally with men, because it's an issue that goes well beyond sexual relationships. It will take years of effort to end prostitution as a means of supporting a family, because in some places, it's all there is.

While these societies work to change behavior, and the world unites to help them—young women bear 5, 6, 7 children in rapid succession by a husband who may have infected her with HIV.

Again, she's married, she's faithful . . . she's dying.

We can have it all—we can have monogamy and condoms, we can have abstinence before marriage and access to condoms too. It's just a matter of deciding that saving lives matters more than how it's done.

Because abstinence works. Monogamy works. Condom use works. Together.

Mr. PITTS. Mr. Chairman, I yield 45 seconds to the gentleman from Kansas (Mr. RYUN).

Mr. RYUN of Kansas. Mr. Chairman, the global HIV epidemic issue cannot and must not be ignored. People are dying from this disease, and we know how to help them. Our duty is to promote good public policy that saves lives, and we have an opportunity today to do that. As we look for the method of reducing HIV/AIDS infection rate, we have to look no further than to Uganda to find a very successful program. Uganda has led the way in drastically reducing its infection rate of HIV/AIDS from 21 percent in 1991 to 5 percent in 2001. This has been accomplished through the ABC program, a model of behavior that we need to follow. First of all, abstinence; second, be faithful; and, third, using a condom. The stunning drop in HIV proves that

the behavior can change and save lives, and I encourage my colleagues to support this Pitts amendment.

Mr. LANTOS. Mr. Chairman, I yield 45 seconds to the distinguished gentleman from Pennsylvania (Mr. GREENWOOD).

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

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

I agree with my colleague from Pennsylvania on the value of abstinence. I would be opposed to a penny of this money going to any program that did not preach and teach abstinence. It is absolutely necessary. My concern with the amendment is it would allow money to go to programs that do abstinence only. The problem with that, and I have friends from Africa who are with us today who have just explained to us, if we take a woman whose husband has contracted HIV and she needs a condom and the only program in her community is a program that simply does abstinence and nothing else, then we have done nothing for her and it will cost her her life, and it will cost the lives of the children that she bears. If every program provided abstinence, I would be for the Pitts amendment completely. But the Pitts amendment, by allowing a third of the money to go to programs that provide abstinence, will allow programs that provide abstinence only and that certainly is insufficient, as everyone has agreed.

Mr. PITTS. Mr. Chairman, I yield 45 seconds to the gentleman from Missouri (Mr. AKIN).

Mr. AKIN. Mr. Chairman, I think we all serve here with the same purpose. Each of us in our own hearts would like somehow to make the world a better place and we have before us an amendment, and the technology of this amendment is very straightforward. It is very simple. Abstinence is the only tool we have that works 100 percent. So it is not a matter of whether we like the morality of abstinence or not. The fact is that technology-wise it works. It is the only thing that is 100 percent effective. We are only talking about one third of the money. So we could pass a law here to repeal the law of gravity, but it would not do us much good. The scientific fact is a flat fact that abstinence works, and that is why we have to use the very best tool with at least a portion of this money to deal with this serious crisis.

Mr. LANTOS. Mr. Chairman, I yield 45 seconds to the distinguished gentleman from Maryland (Mr. CUMMINGS), chairman of the Congressional Black Caucus.

Mr. CUMMINGS. Mr. Chairman, I rise in opposition to the Pitts amendment which detracts from this consensus bill.

This bill endorses the successful ABC Ugandan model of abstinence, be faithful, and condom. This system works, and it should be the only prevention program that receives funding. The Pitts amendments would devote 33 percent of precious prevention resources to disproportionately fund an abstinence-until-marriage model that has not proven to be effective.

Mr. Chairman, we do not have time to play Russian Roulette with millions of lives while testing politically charged prevention methods. In fact, a 2001 report issued by the National Institutes of Health concluded that beyond mutual lifelong monogamy among uninfected couples, condom use is the only method for reducing the risk of HIV infection and STDs available to sexually active individuals.

I urge my colleagues to oppose this amendment.

Mr. PITTS. Mr. Chairman, I yield 1 minute to the gentleman from Louisiana (Mr. TAUZIN), the distinguished chairman of the Committee on Energy and Commerce.

Mr. TAUZIN. Mr. Chairman, I rise in strong support of the Pitts amendment.

The Federal program on abstinence is not a mandated program on the States. In fact, States have to put up dollars to get into the abstinence program. And States readily do. Do my colleagues know why? Because it works. We have heard story after story after story before the Committee on Energy and Commerce that abstinence works. Not only does it help prevent the kinds of disease we are talking about, but it literally is the best way to make sure that other venereal diseases are not spread and other cases of awful calamity are avoided for young women as they are growing up.

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We learned, for example, that condoms do not stop the spread of many new venereal diseases that are viral in nature, and nevertheless ruin a woman's chance of reproduction as they grow up and try to become young married women and have a family.

We learned a great deal in the Committee on Energy and Commerce. The most important thing we learned is that abstinence works. It works in our States, it works in this country, and it can work in this program.

The second thing to keep in mind is that every time we have promoted abstinence programs in this country, the argument on the other side is abstinence-only should not be the deal. This is not abstinence-only, this is abstinence as one-third of the program.

I urge Members to support the Pitts amendment.

Mr. LANTOS. Mr. Chairman, I am delighted and honored to yield the balance of my time to my good friend and neighbor, the gentlewoman from California (Ms. PELOSI), the distinguished Democratic Leader.

Ms. PELOSI. Mr. Chairman, I rise in strong opposition to the Pitts amendment. First I want to commend the gentleman from Illinois (Chairman HYDE) and the ranking member, the gentleman from California (Mr. LANTOS), for the strong, and effective bipartisan bill they produced in the Committee on International Relations.

I also want to acknowledge the tireless efforts of the gentlewoman from California (Ms. LEE), who has fought for years to strengthen our efforts in the fight against the AIDS pandemic, both domestically and internationally.

We know the statistics. They are staggering, and they should move us to action. Every day, over 16,000 people become infected with HIV, primarily in the developing world. This crisis is too severe and our response is too important to let our efforts be undermined by politics.

We must support what works. We are talking about saving lives. If we do, experts say that a strong global response could prevent nearly two-thirds of the 45 million new infections that are projected by 2020, saving tens of millions of lives.

The successes are there for us to replicate. We can look to Uganda as a model and for inspiration. We can learn a lot from their experience. Over the past decade, Uganda's infection rates have dropped from 30 percent to 5 percent. It can be done. This success was achieved using the model of prevention that is a key component of the Hyde-Lantos bill, a model that gives equal weight to the full range of options and relies on the best scientific information.

H.R. 1298 is not anti-abstinence. It supports a balanced approach to HIV-AIDS prevention. This is a debate about whether or not we use the model that has been effective in Uganda and that gives flexibility to those fighting this disease on the ground.

In July 2001, NIH confirmed the effectiveness of condoms in preventing HIV transmission. The Pitts amendment asks us to abandon what we know and has been proven to work.

H.R. 1298 is a bipartisan bill that we can all proudly support. It is a bill that President Bush supports. Why sacrifice that broad support in the name of politics, especially when so many lives are at stake?

Keeping information from people does not keep them safe. And when that information is about AIDS, it can be a death sentence.

I strongly urge my colleagues to oppose the Pitts amendment and to support the original Hyde-Lantos bill, and again commend the gentleman from Illinois (Mr. HYDE), the distinguished chairman, the very distinguished chairman, the about-to-have-his-picture-unveiled chairman, and the gentleman from California (Mr. LANTOS), for their very important contribution to saving lives.

The CHAIRMAN pro tempore (Mr. DUNCAN). All time of the gentleman from California (Mr. LANTOS) has expired.

Mr. PITTS. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. DELAY), the distinguished majority leader.

Mr. DELAY. Mr. Chairman, I have heard a lot of speeches on this floor supporting the President's program and supporting ABC and the program of Uganda, yet being opposed to the Pitts amendment. The Pitts amendment is the Uganda program. It is the President's program. So we should support the Pitts amendment because it is what the President is asking us to do.

Every day, 2,000 more children are infected with the HIV/AIDS virus. Entire generations of communities in Sub-Saharan Africa are being obliterated by a preventible disease.

AIDS in Africa is not just an epidemic, it is an emergency. But there is something we can do about it. President Bush, I wish Members on the other side of the aisle would listen, has called upon us to marshal the virtue and resources of the American people to help save a continent in crisis. This is his initiative, and, as such, our legislation should reflect his ideals for it.

Mr. Chairman, abstinence-based prevention programs work, and the President supports the Pitts amendment. After years of trial and error and research, the facts, and the striking success of Uganda's abstinence program, are very clear. No other method has produced the success rates or saved as many lives as Uganda's ABC approach.

Because of this, the discovery of a new and effective weapon in the war against AIDS, the President has endorsed the Uganda model. So have experts in the field, who were once skeptical of abstinence as a solution.

Despite the evidence, some still suspect proponents of abstinence-based prevention of simply being on a moral crusade. I would say in response that this entire bill is a moral crusade. Not to impose our values on anyone, but to save a continent of the Great Plague of our age.

This debate is not about supporting one political agenda over another. It is about supporting proven methods of AIDS prevention over the failed policies that have tragically contributed to the infection of 30 million Africans. The disease is running rampant across Sub-Saharan Africa, and the only places returning encouraging news are those nations committed to abstinence-based prevention programs. It works, and we cannot let the fog of politics obscure that fact.

In Uganda, 10 years of the abstinence-based approach have slowed the march of the disease, and in Zambia recent results are showing similar success.

To meet the moral responsibility of this crisis, we must promote policies that work, not ones that have been proven failures.

So, Mr. Chairman, I believe this amendment is a test of our seriousness about this issue. People are dying and politics will not save them. The United States has a real chance to do good in the world with this bill, but only if we do the job right.

Mr. PITTS. Mr. Chairman, I yield the balance of my time to the gentleman from Illinois (Chairman HYDE), the cosponsor of this amendment, to close.

The CHAIRMAN pro tempore. All time of the gentleman from Pennsylvania has expired.

Mr. LANTOS. Mr. Chairman, I ask unanimous consent that the gentleman from Illinois (Mr. HYDE), the distinguished chairman of the Committee on International Relations, be granted such time as he may consume to make a concluding statement.

The CHAIRMAN pro tempore. By unanimous consent, the Chair will provide an equal amount of time on both sides.

The gentleman from Illinois (Mr. HYDE) is recognized for 2 minutes.

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

Needless to say, I am very moved by the generosity of my friend from California.

Mr. Chairman, I have just a couple of simple thoughts in closing on the Pitts amendment. First of all, please note what the amendment actually does. It simply says 33 percent of the funds to be expended for prevention under this total program shall go to support abstinence. That is all it says. It does not downgrade or denigrate condoms or family fidelity, marital fidelity. It simply says as we move forward in this war, do not forget abstinence, which is the one sure preventative for AIDS. One need not be a microbiologist to know that if abstinence were practiced, you would have far less of a serious problem.

So, this amendment does not distort the balance of ABC. This amendment reinforces the balance by saying abstinence, family fidelity and condoms, but to not forget abstinence. That is all it says.

I hope those of you who are convinced with me that this is a bill that has to pass, that this is a statement that has to be made, will understand that this amendment does not distort the spirit nor the principle nor the thrust of our bill in chief. It actually reinforces the balance.

I hope Members will support this so we can pass this bill this afternoon and say we did a great day's work.

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

The CHAIRMAN pro tempore. The time of the gentleman from Illinois (Mr. HYDE) has expired.

All time of the gentleman from Pennsylvania (Mr. PITTS) has expired.

The gentleman from California (Mr. LANTOS) is recognized for 2 minutes under the unanimous consent request.

Mr. LANTOS. Mr. Chairman, I yield such time as she may consume to my friend, 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. Chairman, with great respect for the chairman of this committee, I humbly oppose this amendment, because I do believe in abstinence and I believe in options, and I believe in options to save lives. We need to pass this legislation with the ABC in place and the flexibility in place in order to save lives.

Mr. Chairman, I rise in opposition to the amendment offered by Mr. PITTS and Mr. HYDE to H.R. 1298, the "United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003." I oppose this amendment because it severely diminishes the flexibility and choices available to those suffering from infectious diseases by allocating funds to organizations that only promote abstinence until marriage programs.

I am a strong proponent of the ABC Model used in Uganda. The elements of the ABC Model are: Abstinence, Being Faithful, and Condom use. The ABC Model recognizes that in communities worldwide, whether in sub-Saharan Africa, India, China, or the United States, there are different approaches and different preferences for fighting HIV/AIDS and other infectious diseases. When the patient and the health care administrator cannot agree on the method of prevention, yet another life may be lost to HIV/AIDS.

The amendment offered by Mr. PITTS and Mr. HYDE will limit the prevention methods available to those suffering with infectious diseases. Organizations that only promote abstinence and refuse to promote condom use deny those at risk with a reliable prevention tool. I agree with the sponsors of this amendment that abstinence is the only 100 percent effective means of preventing the transmission of infectious diseases, and should be fully endorsed by the House of Representatives as a prevention tool.

However, for many in sub-Saharan Africa and around the world, abstinence is not a reasonable option. In the cases of those individuals, health care advocates should present several prevention methods as options. The ABC Model provides those options, the amendment sponsored by Mr. PITTS and Mr. HYDE does not.

I am a proponent of HIV/AIDS prevention. I am a proponent of abstinence, and I am a proponent of options, flexibility, and choice. The amendment offered by Mr. PITTS and Mr. HYDE will allocate one-third of the funds allocated under H.R. 1298 to programs that do not promote condom use. By doing so, the amendment limits the infectious disease prevention options available to millions of people at risk to contract HIV/AIDS. I do not support limiting life-saving prevention methods to anyone at risk.

For that reason, Mr. Chairman, I oppose the amendment offered by Mr. PITTS and Mr. HYDE, and I urge my colleagues to do the same.

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

Mr. Chairman, I want to thank my colleagues on all sides. Particularly I want to thank my friend, the gentleman from Illinois (Chairman HYDE), I want to thank the gentleman from Iowa (Mr. LEACH) on the other side, and I want to pay tribute to the gentlewoman from California (Ms. LEE), who has done an outstanding job.

We are on the verge of passing one of the most significant pieces of legislation in this session. I am deeply grateful for the contribution of all of my

friends on the Republican and the Democratic side.

Ms. SLAUGHTER. Mr. Chairman, I rise today to express my opposition to the Pitts/Hyde amendment to H.R. 1298, the Global AIDS bill. The President's commitment to supporting Global AIDS outreach is commendable, and this bill, without amendments, has the approval of the Bush Administration. It is widely supported by Republicans and Democrats.

However, some of my colleagues want to ''improve'' this bill with a controversial amendment that further wages war against family planning and reproductive health. At the heart of my concern with the ''abstinence-only'' curricula is its insistence that a ''mutually faithful monogamous relationship in the context of marriage is the expected standard of human sexual activity.'' This program emphasizes that sex outside of marriage is physically and psychologically harmful and should be avoided for these reasons.

Abstinence-only education is simply not effective. Many of the women who are infected with HIV/AIDS are in monogamous marital relationships. Abstinence education that elevates the marital relationship as the only place where sex is appropriate would still leave these women vulnerable to infection. Abstinence education would also ignore the needs of women involved in the sex trade. Prostitution is a reality in all parts of the world, and it is one of the most vicious vehicles for spreading diseases. The Pitts amendment would do nothing for these women and for the children they will bear.

Abstinence-only education has been proven to be ineffective time and time again, while only truly comprehensive sex education really prevents unwanted pregnancies and deadly diseases. There is no scientific evidence that abstinence-only education is effective. Congress should not tie the hands of health care professionals as they attempt to stop the spread of AIDS.

This discussion is about more than promoting ''proper'' sexual behavior. This is a matter of life and death. We should not be willing to gamble with the lives of millions of men, women, and children across the globe.

It is pure common sense that if you are trying to prevent a disease, you apply the remedy that has been shown to work, rather than fueling millions of dollars into an idea that has been proven not to work. If what we care about is AIDS prevention, then we should put our money into programs, like the Ugandan ABC program, where it might actually be effective.

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

The CHAIRMAN pro tempore. All time has expired.

The question is on the amendment offered by the gentleman from Pennsylvania (Mr. PITTS).

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 220, noes 197, not voting 18, as follows:

[Roll No. 157]

AYES—220

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

NOES—197

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Bass
Bell
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Clay
Clyburn
Conyers
Cooper
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gilchrest
Gonzalez
Gordon
Green (TX)
Greenwood
Grijalva
Gutierrez
Harman
Hastings (FL)
Hinchey
Hinojosa
Hobson
Hoeffel
Holt
Hooley (OR)
Houghton
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kilpatrick
Kind
King (NY)
Kirk
Kleczka
Kolbe
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Olver
Ose
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (GA)
Sensenbrenner
Serrano
Shays
Sherman
Simmons
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Sweeney
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Walden (OR)
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—18

Becerra
Boyd
Buyer
Combest
Dreier
Gephardt
Gibbons
Honda
McCarthy (MO)
McHugh
Obey
Ortiz
Owens
Ros-Lehtinen
Sandlin
Scott (VA)
Slaughter
Whitfield

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. DUNCAN) (during the vote). The Chair announces that there are 2 minutes remaining in this vote.

□ 1519

Mr. RYAN of Ohio changed his vote from ''aye'' to ''no.''

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

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore. There being no further amendments in order, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SWEENEY) having assumed the chair, Mr. DUNCAN, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1298) to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and

malaria, and for other purposes, pursuant to House Resolution 210, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

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

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted in the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

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

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

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

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

RECORDED VOTE

Mr. LANTOS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 375, noes 41, not voting 19, as follows:

[Roll No. 158]

AYES—375

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bass
Beauprez
Bell
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonner
Bono
Boozman
Boswell
Boucher
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Burns
Burr
Burton (IN)
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goodlatte
Gordon
Goss
Granger
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
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
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Nunes
Nussle
Oberstar
Olver
Osborne
Ose
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
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
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Scott (GA)
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—41

Bartlett (MD)
Barton (TX)
Bishop (UT)
Bonilla
Brown-Waite, Ginny
Burgess
Carter
Culberson
Davis, Jo Ann
Deal (GA)
Duncan
Everett
Feeney
Flake
Franks (AZ)
Garrett (NJ)
Goode
Graves
Hayes
Hostettler
Istook
Jenkins
Johnson, Sam
Jones (NC)
Keller
King (IA)
Miller (FL)
Miller, Gary
Musgrave
Norwood
Otter
Paul
Petri
Schrock
Sensenbrenner
Sessions
Shadegg
Smith (MI)
Stearns
Tancredo
Taylor (MS)

NOT VOTING—19

Becerra
Berman
Boyd
Brown (OH)
Buyer
Combest
Dreier
Gephardt
Green (TX)
McCarthy (MO)
McHugh
Obey
Ortiz
Owens
Ros-Lehtinen
Sandlin
Scott (VA)
Slaughter
Whitfield

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SWEENEY) (during the vote). The Chair reminds Members that there are less than 2 minutes remaining in this vote.

□ 1537

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

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BROWN of Ohio. Mr. Speaker, on rollcall vote 158, I was unavoidably detained. Had I been present, I would have voted ''yes.''

PERSONAL EXPLANATION

Ms. SLAUGHTER. Mr. Speaker, I was unable to be present for rollcall votes 155, 156, 157, and 158 due to medical reasons. Had I been present, I would have voted ''aye'' on rollcall vote 158 and ''nay'' on rollcall votes 155, 156, and 157.

PERSONAL EXPLANATION

Mr. OWENS. Mr. Speaker, because of an emergency in my district, I missed rollcall votes Nos. 155, 156, 157, and 158. If present I would have voted ''nay'' on rollcall votes Nos. 155, 156, and 157. I would have voted ''yea'' on rollcall No. 158.

ANNOUNCEMENT BY COMMITTEE ON RULES REGARDING AMENDMENTS TO H.R. 1261, WORKFORCE REINVESTMENT AND ADULT EDUCATON ACT OF 2003

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

Mr. LINDER. The Committee on Rules may meet the week of May 5 to grant a rule which could limit the amendment process for floor consideration of H.R. 1261, the Workforce Reinvestment and Adult Education Act of 2003. The Committee on Education and the Workforce ordered the bill reported on March 27, 2003, and filed the report with the House today, May 1, 2003.

Any Member wishing to offer an amendment should submit 55 copies of the amendment and one copy of a brief explanation of the amendment to the Committee on Rules in room H–312 of the Capitol by 5 p.m. on Tuesday, May 6th. Members should draft their amendments to the text of the bill as reported by the Committee on Education and the Workforce, which is available for their review on the Web sites of both the Committee on Education and the Workforce and the Committee on Rules today.

Members should use the Office of Legislative Counsel to ensure that their amendments are drafted in the most appropriate format. Members are also advised to check with the Office of the Parliamentarian to be certain their

amendments comply with the rules of the House.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1119

Mr. PETRI. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 1119.

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

There was no objection.

LEGISLATIVE PROGRAM

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

Mr. LEWIS of Georgia. Mr. Speaker, I rise to inquire about the schedule for next week.

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

Mr. LEWIS of Georgia. I yield to the gentleman from Missouri.

Mr. BLUNT. Mr. Speaker, I would like to respond to the gentleman that the House will convene on Tuesday at 12:30 for morning hour and at 2 p.m. for legislative business. We will consider several measures under suspension of the rules. A final list of those bills will be sent to the Members' offices by the end of this week. Any votes called on those measures will be rolled until 6:30 p.m.

On Wednesday we may consider additional bills under suspension of the rules, as well as H.R. 766, the Nanotechnology Research and Development Act. On Thursday and the balance of the week, we plan to consider H.R. 1261, the Workforce Reinvestment and Adult Education Act and the President's economic growth and jobs package that the Committee on Ways and Means will mark up early next week.

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank my friend for the information, but I would like to have additional information, and I will continue to yield for that information.

Our side would be interested in knowing will the tax bill come up next week? The gentleman is calling the economic growth proposal the tax bill, right?

Mr. BLUNT. The President's economic growth bill, which will do things that stimulate the economy and create jobs by reducing people's tax burden, will come up next Friday. My understanding is that the chairman and the ranking member of the Committee on Ways and Means have reached an understanding and will be marking that bill up on Tuesday, file the report on Thursday, and we will have floor action on that bill on Friday.

Mr. LEWIS of Georgia. Mr. Speaker, could the gentleman tell us whether the minority side will be allowed to offer a substitute on the floor?

Mr. BLUNT. Mr. Speaker, I appreciate my friend's request. I think I should leave that up to the Committee on Rules, but tradition would certainly indicated that that would be normally the case.

Mr. LEWIS of Georgia. If we deal with the tax bill on Friday, does the gentleman think our work will be completed 2 p.m. on Friday?

Mr. BLUNT. We would hope to be done by 2 p.m. I hope as the week progresses we may get agreement to start Friday an hour earlier, at 9, but that will be something we will work out with our friends on the other side during the week. And if that is the case, I do not see any reason to believe that we would not be done by 2 o'clock or so on Friday.

Mr. LEWIS of Georgia. On the Workforce Investment Act, will you allow a substitute on this bill on the floor?

Mr. BLUNT. Again, I think that will be left up to the Committee on Rules. I think an announcement was just made about that Act by a member of Committee on Rules, and that will be a decision that they will make pursuant to the announcement that was just made.

Mr. LEWIS of Georgia. I will continue to yield to the gentleman for additional information for the body. I notice the comp time bill is not on the schedule for next week in your announcement, but we keep hearing that this bill is coming. Can you tell us when the bill might come to the floor.

Mr. BLUNT. My friend, it is one of those many things that are out there now. Our committees are doing their work. There are several bills that are ready through the committee process. We are trying to find time on the floor for several bills and that is one of them.

Mr. LEWIS of Georgia. Mr. Speaker, I thank the Whip.

ADJOURNMENT TO MONDAY, MAY 5, 2003

Mr. BLUNT. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. on Monday next.

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

There was no objection.

HOUR OF MEETING ON TUESDAY, MAY 6, 2003

Mr. BLUNT. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, May 5, 2003, it adjourn to meet at 12:30 p.m. on Tuesday, May 6, for morning hour debates.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. BLUNT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

□ 1545

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. FEENEY). Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

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

(Mr. PALLONE. addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. BURTON of Indiana. addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

THE NATIONAL DAY OF PRAYER 2003

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

Mr. JONES of North Carolina. Mr. Speaker, today is the National Day of Prayer. On the first Thursday of each May, people across our Nation gather together to pray to the God who is the very foundation of this great country. Without any court challenge or liberal protestors to avoid, praying Americans meet on courthouse steps, town squares, and in local parks to praise God for his blessing and ask God to continue to bless America.

This year I can assure my colleagues that millions of prayers will be offered in appreciation for our men and women in uniform who have paid the highest price for our freedom. Yet even as we stand today in prayer for our heroes, there are those who stand against the freedom that we enjoy.

Even though the Founding Fathers spoke of ''Nature's God'' and of the ''Creator'' in the Declaration of Independence, the Federal courts are increasingly trying to drive every vestige of faith from public life. Yesterday, April 30, was the most recent example, coming from the Fourth Circuit Court of Appeals. And I will read from the Boston Globe, which said, ''Judges bar prayer at public colleges. In a precedent-setting ruling against prayer at a State college, a Federal appeals court has barred the Virginia Military Institute from writing and reciting a prayer before cadets eat their evening meals.''

In addition, Mr. Speaker, the Citadel, down in South Carolina, is reviewing its policy since that Federal court ruling. And also, Mr. Speaker, I hate to even mention this, but the academy in Annapolis is also reviewing its policy. The American Civil Liberties Union of Maryland is calling on the academy to review its practices of leading the students in prayer.

Mr. Speaker, let me also share with my colleagues that it was just a few months ago that the Ninth Circuit Court of Appeals ruled to have ''under God'' taken from our Pledge of Allegiance.

How much longer will we stand by and allow others to ignore the very God upon whom our Nation was founded? Our Constitution demands the freedom to worship freely; and our future leaders, our men and women in the military academies across the country, are now being denied the very freedom that many have died to ensure for all of us.

Mr. Speaker, it is not just sad; it is completely detestable. And on this National Day of Prayer, let us honor our heroes, those who have returned home and those who sacrificed their lives, by standing against those liberals who would seek to challenge their God-given right to pray for a living Lord.

In closing, Mr. Speaker, I believe this quote says it best, and it comes from the days of Jefferson and Adams. And the quote is this, Mr. Speaker: ''Religion can survive in the absence of freedom. But freedom without religion is dangerous and unstable.''

Mr. Speaker, I have three military bases in my district, Camp Lejeune, Cherry Point, and Seymour Johnson Air Force Base. I want to close by asking God to please bless our men and women in uniform and their families, and the families of those who have lost loved ones defending freedom in this country. I close by asking three times, ''God, please, God, please, God, please continue to bless America.

COMING HOME: WELCOMING OUR TROOPS WITH CUTS IN VETERANS PROGRAMS

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

Mr. FILNER. Mr. Speaker, I rise to express my concern for the men and women of our armed services who will be returning and are returning from Iraq. My colleagues are aware that our troops were funded during the period of fighting last month at the rate of about $1 billion, $1 billion, every 2 or 3 days.

Now, we did not want our troops to go without having everything that they needed for success, but if we have the money to send our troops to war, we must, Mr. Speaker, have the money for them when they return. To abandon them upon their return shows disrespect for those who have willingly risked all when their Nation called them to serve.

In the next few months, Congress will be voting on the veterans budget. The House Republican budget that came through this House was outrageous. It cut veterans benefits by $25 billion over the next 10 years, and they took that vote right after a resolution expressing support for our troops. Now, the final budget resolution we passed corrected some of the most glaring problems in that budget, but it is still $1 billion less for the health care for our veterans in the coming year. One billion dollars. That would fund approximately 5,000 doctors, 10,000 nurses, or three million additional outpatient visits.

Over the next 10 years, the budget falls far short of what will be needed to keep up with inflation and with the growing number of veterans who were using the veterans health care system. We must fight during the appropriation process for a budget that is worthy of our returning veterans. We cannot ignore their rights and their needs. Veterans health care is one of the most important issues that we fund.

We hope and pray that we do not have veterans from the current conflict who become ill with Gulf War illness, but we must prepare for that possibility. And we must not forget the warriors of the first Gulf War who are sick, tens of thousands of them, and are still waiting to learn the cause and the cure for their illnesses.

Of course, Mr. Speaker, we need to change the whole process of funding our veterans health care. Right now, each year in Congress, as we are doing this year, we have to fight for a health care budget. In the last session, there was legislation to change VA health care funding so that the amount of funding would automatically, automatically rise each year to accommodate inflation and new enrollees, that is, for example, to accommodate the returning veterans from Iraq. I will again, and I urge all my colleagues, to cosponsor this bill when it is reintroduced this session. And we must work hard for its passage.

Right now, Mr. Speaker, 200,000 veterans are waiting more than 6 months for their first health care appointment. In fact, veterans will die while waiting for that first appointment. We must resolve to change this immoral situation.

When our active-duty soldiers from the war in Iraq leave service, many are qualified for educational benefits under the Montgomery GI bill. This is an earned benefit that allows them to reenter civilian life as educated and productive members. But the current GI bill benefits are woefully inadequate to do the job. Back in 1944, this bill paid for the full cost of college tuition. But now it barely pays for two-thirds of the average cost of attending a 4-year public college. We must work to provide funding for the full cost of tuition fees, books, and supplies for those who do serve 4 years of active duty in the military service.

I could go on and on, Mr. Speaker, because there are so many other areas that need more funding than is currently budgeted. We will soon be commemorating Memorial Day. We will be hearing words of support for our veterans from all Members of Congress as they speak to Memorial Day crowds. But words can be cheap. What is important is how we vote.

We have the money. We have the resources. It is a question of priorities. It is a question of will. Let us make our veterans, who are returning from war, proud of us.

There is one final thing I want to say. A substantive way we can assist our veterans is to guarantee them jobs with companies that are awarded government contracts to rebuild Iraq, and I have introduced a bill to do just that. It is called the Let U.S. Veterans Rebuild Iraq Act, which will treat our veterans with the respect they deserve and provide a tangible way to better their lives. They fought for freedom in Iraq, who better to get involved in securing the future for Iraq?

H.R. 361, THE SPORTS AGENT RESPONSIBILITY AND TRUST ACT (SPARTA)

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

Mr. OSBORNE. Mr. Speaker, last weekend, the National Football League draft was conducted. Over 200 players were selected in the draft. Each player eventually will be represented by an agent. The difficult thing is that many of these people who call themselves agents have no special qualifications.

We find that many of them have no legal training, no expertise in writing contracts, some misrepresent themselves, some offer illegal inducements, particularly to undergraduates, such as cars, cash, clothes, and sometimes even drugs, to get young people to commit to a contract while they still have eligibility, which makes them ineligible, of course. A few even have criminal records. Most of them will tell a player that they will get them drafted higher.

The NFL committee will say, well, you are going to be a fourth-round pick; and these agents say, well, if you come with me, I will get you a trainer and a nutritionist, and we will make you a first-round pick, which obviously does not happen. And then some even get the power of attorney, which sometimes bankrupts these individuals.

The National Football League Players Association currently says that roughly one-half of the players leaving the National Football League have no money. The minimum salary is several hundred thousand dollars. Some guys make millions of dollars; some sign for $10 million or $11 million. Yet at the end of their career, nearly one-half have no money left. A lot of that is due simply to the issue of the way they are treated by their agents.

Every coach and athletic director that I know says this is a huge problem and that we need some type of uniform standards and regulations to govern sports agents. One of the biggest problems that we have is these people come on the campus and nobody knows they are there. They see the players in the dorms; they harass them and call them on the phone. Some of the better players end up having to get unlisted phone numbers because of all the harassment.

Currently, Mr. Speaker, there are only 15 States that have tough laws regulating actions by sports agents. There are 17 States, including my home State of Nebraska, that have no laws at all regulating sports agents, and then there are 18 States remaining that have some laws. It is kind of a hodgepodge, a patchwork; and there is no consistency and no teeth in the regulations. So the majority of young people coming out of college really are not protected by any laws that would govern sports agents.

With this problem in mind, the gentleman from Tennessee (Mr. GORDON) and I have introduced H.R. 361, the Sports Agent Responsibility and Trust Act, which is also known as SPARTA. SPARTA protects student athletes by making it illegal for sports agents to entice student athletes with false or misleading information, promises, or representations in order to lure them into a contract. SPARTA would protect student athletes when they travel to other States.

Some student athletes are in States with some laws, but once they go home for the summer in another State or go to a bowl game, sometimes they are preyed upon by sports agents in those areas. So this provides a uniform Federal backstop. It does not supplant State laws, and we feel it is a very sound piece of legislation.

As of April 2002, the National Football League Players Association reported 1,200 certified football agents. Eight hundred of those represent no clients. Now, those are the guys that are really not very well qualified, and they are particularly dangerous because they are desperate to represent somebody. So they will make almost any kind of a deal, any kind of a promise to get someone committed.

We think, of course, that this is obviously a huge problem. But let me just cite two cases from my own experience. One: we were getting on the bus to go to the Orange Bowl, and I could not find my quarterback two hours before kickoff. I finally located him in one corner of the lobby cornered by two agents that he had never seen before, I had never heard of before, and were obviously unscrupulous; and they are hammering this guy to try to get him to sign a contract right before a kickoff. Well, of course, this did not do the quarterback any good, and it did not do me any good either.

In one other case we had a young man who was contacted at his home during the summer and he signed a contract. He did not really understand what he signed, but buried in the fine print was a 13 percent commission for the agent. So the agent got several hundred thousand dollars from this young man. Fortunately, the agent was from a State that did have some laws governing agents, and this agent had not registered. So we were able to recover $300,000 of this young man's money because of some sports agent legislation.

So what we are saying is we need this kind of protection for all athletes in all States. It is a Federal backstop. We think this is sound legislation, and I urge my colleagues to cosponsor H.R. 361, the Sports Agent Responsibility and Trust Act.

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.)

PEACE RETURNS TO VIEQUES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Puerto Rico (Mr. ACEVEDO-VILÁ) is recognized for 5 minutes.

Mr. ACEVEDO-VILÁ. Mr. Speaker, a couple of years ago, I met a young girl from Vieques by the name of Marakiani Olivencia. She came up to me with a small container of sand in her hand and shared with me her desire to return that sand to Vieques with me after the Navy bombing practices ended.

With passion and sincerity this girl represented what so many had felt for so long. I told her that sooner or later such a day would come, and we would return that sand to Vieques together.

□ 1600

Indeed, such a day is upon us. As of today, Vieques is no longer a Navy bombing range, and has become the newest addition to the National Wildlife Refuge System. I have with me a copy of the letter and memorandum of agreement signed between the Navy and the Fish and Wildlife Service making official that land transfer and ask that it be made part of the RECORD.

For the first time in over 60 years, Viequeses awoke this morning, their island not having been bombed last night, the island not to be bombed today, and knowing for certain that the island shall never be bombed again. Now the shore of Vieques will be dominated only by the sound of the surf, the birds, and the wind. The thousands of Puerto Ricans living in Vieques achieved their long-sought peace. Today ''Pas para Vieques'' is a reality.

For generations, the Viequeses have not known life without bombing. Thousands of families have lived their whole life with the concussion of bombs and shells upon their island at night, during the day, in the coastal waters.

Vieques became a bombing and training range for the Navy in the 1940s during World War II. Without a doubt, much has been changed since then. While the bombing has continued, awareness about the island of Vieques has grown. Viequeses and Puerto Ricans reached out, and shared with people what was happening to their island. Well, over a hundred Members of Congress actively supported bringing an end to the bombing. I must note a few of them, particularly the members of the Congressional Hispanic Caucus and my colleagues, the gentleman from Illinois (Mr. GUTIERREZ), the gentlewoman from New York (Ms. VELÁZQUEZ) and the gentleman from New York (Mr. SERRANO). I must also thank the gentleman from Missouri (Mr. SKELTON), ranking member of the Committee on Armed Services, the Congressional Black Caucus, activists, and many common citizens of the United States and elsewhere who became involved in the effort to return peace and to end bombing of the island of Vieques.

Puerto Ricans also enjoyed strong leadership on this issue by President Bill Clinton and President Bush, who both realized that this was an issue of human rights and the citizens of Puerto Rico have suffered for too long. Having worked with the White House and both Commanders-in-Chief on this issue, I know that our national security and the well-being of thousands of citizens in Vieques were taken into consideration when making this determination.

On behalf of Puerto Rico, I thank President Clinton and President Bush for ending the bombing of Vieques. Puerto Rico will never forget your resolute commitment. Today is a day of discovery, wonderment and joy.

Unfortunately, last night a small group of people rushed the fence of the range and recklessly overturned vehicles, set fires and destroyed government property. It is unfortunate that some have undermined the peaceful protest of the past. Prayers of thanks, fireworks, parades and excitement will accompany the joy of today. I strongly condemn those few who have shown disrespect to the United States, Puerto Rico and Vieques. All must know that the overwhelming majority of Puerto Ricans are proud of their bond with the United States, and our support for the common defense is resolute.

While we celebrate the end of the bombing, much work remains. Over 60 years of explosions, bombings, waste disposal and burning have left much of the Vieques range littered with a deadly combination of unexploded ordnance and toxic chemicals. I am confident that in cooperation with EPA, Fish and Wildlife, the Pentagon, the Puerto Rican government and Vieques, we will be able to reclaim this land.

So to Markiani, the young girl who brought me the sand from Vieques, I

say our day is upon us and we may return to the free shores of Vieques and take with us the sand to fulfill the dream you shared with me. But Markiani, you cannot yet play safely on all of the beaches until the cleanup is completed. Your ultimate dream is that the lands be returned finally to the people of Vieques. One day all of Vieques will be reclaimed, safe for the people to fully enjoy without fears of bombing or the residue of Naval training. As one era ends and another begins, we celebrate the long-awaited peace for Vieques.

The aforementioned letter is as follows:

DEPARTMENT OF THE NAVY,
OFFICE OF THE SECRETARY,
Washington, DC, April 30, 2003.

Hon. CRAIG MANSON,
Assistant Secretary of the Interior for Fish, Wildlife and Parks, U.S. Department of the Interior, Washington, DC.

DEAR MR. MANSON: Public Law 106–398, as amended by Public Law 107–107, directs that upon termination of Navy and Marine Corps operations on the Island of Vieques, the Secretary of the Navy shall transfer to the Secretary of the Interior, without reimbursement, approximately 14,572.791 acres located on the eastern end of Vieques Island, Puerto Rico. A description of the property is attached. Note that this transfer excludes the approximately 96-acre parcel known as Parcel C, which was acquired on April 29, 2003 by the Department of the Interior.

As agreed to by Mr. Sam Hamilton, Southeast Regional Director, Fish and Wildlife Service, all Navy and Marine Corps operations on the Island of Vieques will terminate at noon, April 30, 2003, and the Department of the Navy hereby transfers its interests in and jurisdiction over the approximately 14,572.791 acres of East Vieques to the Department of the Interior at that time.

The Commander, Atlantic Division, Naval Facilities Engineering Command is responsible for implementing this transfer on behalf of the Department of the Navy. He may be reached at the following address and phone number: Rear Admiral Michael K. Loose, CEC, USN, Commander, Atlantic Division, Naval Facilities Engineering Command, 1510 Gilbert Street, Norfolk, Virginia 23511–2699, 757–322–8000.

I request that you acknowledge the Department of the Interior's acceptance of jurisdiction, custody, and control for this property by signing and returning a copy of this letter. Please do not hesitate to contact my staff or me with any questions on this transfer.

Sincerely,

HANSFORD T. JOHNSON,
Secretary of the Navy Acting.

Attachment.

ATTACHMENT

Acknowledgement of the Acceptance of transfer for Jurisdiction over, Custody of, and Control for approximately 14,572.791 acres located on the eastern end of Vieques Island, Puerto Rico. This transfer shall be effective at 11:59 A.M., EDT April 30, 2003.

CRAIG MANSON,
Assistant Secretary of the Interior for Fish, Wildlife and Parks.

RECOGNIZING NATIONAL AUCTIONEERS DAY

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

Mr. GUTKNECHT. Mr. Speaker, I rise today as a proud lifetime Member of the National Auctioneers Association. We want to recognize today National Auctioneers Day, which takes place annually on the third Saturday of April. This year it fell on April 19. And I suppose some of my colleagues are wondering can he really do that? Yes, I do a lot of auctions even today: ''And now 35, I'll give you 40, now 5. Anybody bid 45? I'll give you 50.''

I have had the privilege of auctioneering events to raise money for the American Cancer Society, the Boys and Girls Club, Safari Club, Ducks Unlimited, the list goes on and on. As a matter of fact, since I was elected to Congress, I have raised almost $2 million for charity. Every year billions of dollars are poured into our economy from auctions of estates, of vehicles, thoroughbred horses, antiques and other goods. And auctions of homes and other real estate are increasingly more important as more and more realtors and homeowners see the advantages of selling by auction as their first choice.

On Auctioneer's Day this year, auctioneers across the country held a special fund-raiser for the Saint Jude Children's Hospital in Memphis, Tennessee, the chosen charity of the National Auctioneers Association. Auctioneers are generous and patriotic Americans, and I rise to salute their contributions to our great country.

HONORING STATE SENATOR CLARENCE W. BLOUNT

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

Mr. CUMMINGS. Mr. Speaker, I rise today to pay tribute to Maryland Senator Clarence W. Blount, a man whose life exemplified the greatness that lives within all of us.

I am saddened to inform this body that in the afternoon of April 12, 2003, State Senator Clarence Blount passed away from complications related to a stroke at the age of 81. He is survived by his wife Gordine, and his two sons, Michael and Mark, and many more friends and family in Maryland who mourn the loss of this great statesman.

Mr. Speaker, W.E.B. DuBois once wrote that ''the roots of the tree, rather than its leaves, are the source of its life.'' Today I honor a man who devoted his life to that principle.

When Clarence Blount died, he was best known as the former majority leader of the Maryland Senate where he served the people of Maryland for over 31 years, after stepping aside last year to let in some ''new blood,'' and as a champion of public education. However, I recall this wonderful human being as my teacher, my mentor and friend. Clarence Blount, by his own self-description, was an ordinary man called to an extraordinary mission of uplifting the lives of others. He remained steadfast in pursuit of that calling. In the process, he became extraordinary himself. When Clarence Blount was born to Lottie and Charles Johnson Blount, Sr., in South Creek, North Carolina on April 20, 1921, I doubt whether anyone outside of his own family could have anticipated just how far his determination and talent would carry him in life.

His father worked on a tobacco farm. His mother would die when he was just 5 years old. The Blount family was so poor they could not afford to buy their children shoes. It was only after the family moved to Baltimore that Clarence Blount was able to begin school at the age of 10. At that time he was unable to read or count on his fingers, but through determination and with the help of dedicated teachers, he graduated from Frederick Douglass High School at the age of 21.

He became one of the greatest champions of American public education ever known. One month after Clarence Blount entered Morgan State University, he was drafted into the then-segregated United States Army to fight in World War II. He served with distinction in Italy as a member of the all-black Buffalo Division of the 92nd Infantry.

The courage and dedication to duty that he demonstrated while removing mines from a river passage earned him a battlefield commission. After fighting for his country against both the enemy and the barriers of Jim Crow, Mr. Blount returned to Morgan State in 1946 and graduated in 1950. He became a teacher, earned a master's degree in education from Johns Hopkins University, and eventually advanced to become the principal of Baltimore's Dunbar High School.

Mr. Speaker, the education of children became Clarence Blount's passion and mission in life. He used his own prior hardships and life experiences as a passport to help other people improve their lives. As a teacher, principal, and later chairman of the Social Services Department of the Community College of Baltimore, Clarence Blount opened the doors to educational opportunities for thousands of young people in our community.

That same calling and that same determination, to address the inadequate funding of our public schools, led Mr. Blount into public life. He sought and won election to the Maryland Senate in 1971. He became the first African American to chair a Senate committee in 1987, and he became Maryland's first African American majority leader in 1983, a post that he held until his retirement last year.

It was during that period of public service that Clarence Blount directly influenced the course of my life. When I was a young legislator serving my second year in the Maryland House of Delegates, Senator Blount, then chair of the Maryland Legislative Black Caucus, encouraged me to run for and win

that position. He had seen something in me that I had not seen in myself. Our personal relationship became even closer when we traveled together to Israel in the 1980s. He became like a second father to me.

He later encouraged me to run for the second highest position in the State of Maryland House of Delegates, Speaker pro tempore. He was the first person to encourage me to run for Congress in 1996. I recount these personal influences because Clarence Blount's impact upon my life was not unique. He touched everybody he could. He never ceased being a teacher who found his greatest reward in the accomplishments of his students.

About a year and a half ago, Clarence Blount and I were both asked to speak at a neighborhood housing event in the Ashburton section of Baltimore. I thanked him for being such a magnificent and significant part of my life, for seeing qualities in me that I had not realized in myself. I also thanked him for fighting for our neighborhoods in Baltimore and for giving our communities a voice in Annapolis.

So, Mr. Speaker, I stand today to salute a great American who came up through difficult times, an ordinary man called to an extraordinary mission.

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

Mr. TIAHRT. addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

EXPANSION OF MANDATE OF DEPARTMENT OF DEFENSE-VETERANS AFFAIRS JOINT EXECUTIVE COMMITTEE

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

Mr. BOOZMAN. Mr. Speaker, I rise today to introduce a bill that would greatly expand the mandate of the Department of Defense-Veterans Affairs Joint Executive Committee. This committee would be tasked to oversee the realm of collaborative efforts of not just health, but also benefits and other areas to promote increased resource sharing between the two departments.

While statutory authority to allow resource sharing has existed for more than 20 years, the latest figures tell us that the level of sharing between the VA and DOD remains relatively low. The Federal Government can and must do more to increase resource sharing whenever and wherever feasible.

This bill would allow the Joint Executive Committee to identify changes in policies, to improve services, efficiencies and opportunities for collaboration in order to deliver benefits and services to beneficiaries of both departments. Inefficiencies and duplication not only waste taxpayer dollars, they shortchange military personnel, retirees and veterans seeking the services offered by VA and DOD.

I believe the expansion of this Joint Executive Committee would facilitate necessary discussions and decisions that will ultimately lead to greater efficiencies within and between the two departments. I would like to thank the gentleman from New Jersey (Mr. SMITH) of the Veterans Affairs Committee for his cooperation in developing this very important piece of legislation. It is time that these departments seize the opportunity and take full advantage of the benefits that come from sharing their extensive resources.

EXTENDING THE TEMPORARY EMERGENCY UNEMPLOYMENT COMPENSATION PROGRAM

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

Ms. WOOLSEY. Mr. Speaker, I rise today to bring attention to the many hard-working families in our country that cannot make ends meet as this economy slows and the job market continues to weaken.

□ 1615

These families are the main reason we must absolutely extend the temporary emergency unemployment compensation program, TEUC; and they are the reason we must do it now. With the current high unemployment rate of 5.8 percent, unemployment benefits are the same as when the TEUC program was first established in March of 2002, over a year ago, and reextended in January, 2003. Just last week the Department of Labor reported that new applications for unemployment insurance hit the high number of 455,000 applicants for the week ending April 19. This is the highest level in more than a year. And it does not count families who have exhausted their benefits and still are not working.

Mr. Speaker, in March of this year, millions of workers had exhausted their regular unemployment benefits which continues the pattern of the past 24 months, where the numbers of unemployed workers receiving aid is absolutely and actually increasing. Mr. Speaker, there is no question that there is a real need for unemployed worker relief in this Nation, but we do not need numbers and we do not need statistics to alert us to this growing problem. Just listen to the words from letters I have received from my constituents in the Sixth Congressional District of California. And when the Members hear their words, they will know that there is immediacy for additional unemployment insurance benefits, and they will know that it is important that people in districts like mine, Marin and Sonoma Counties, where the unemployment is not as dire as some other areas in the country, still have needs as well as the rest of the Nation.

One constituent writes: ''I have a master's degree and have not been able to find work. I also deal with a chronic illness. I find myself applying for food stamps and soon will be unable to pay any bills. I'm not sure I will have a roof over my head before long. A lot of people are having a very difficult time. Please try to make unemployment benefits a top priority.''

Another writes: ''I have been actively seeking work since the end of March, 2002, without success. I am a 55-year-old man who has never had a problem staying fully employed until this year. I have never before been affected by the reluctance of employers to hire older people. That, coupled with the stagnant economy, has made my ability to earn a living terrifyingly difficult. Unemployment compensation has kept food on my table for my family, but I worry what will happen next month.''

These letters show how desperately workers need help. They need help just to keep their heads above water so their families can have the food and shelter they need to be healthy and safe, so their families can eat while their parents continue to search for work.

It is important that this Congress take action to make sure no family goes without basic needs like food or money for bills. That is why I support the gentleman from New York's (Congressman RANGEL) bill, H.R. 1652, the Unemployment Benefits Extension Act. This would provide 26 weeks of extended benefits through November, 2003. The consideration of this bill is critical as many unemployed workers once again find themselves reaching the end of unemployment benefits. If these benefits are not extended, in most States workers exhausting their regular benefits after May 31 of this year will receive no further assistance.

Extending these benefits would also give the economy a boost, Mr. Speaker, because unemployed workers would have money for purchases. Otherwise, without these benefits, these workers, unemployed workers, will have to curtail their spending, which would weaken the economy and continue the domino effect, causing even more job loss.

Economy.com analysis found that extension of the Federal unemployment insurance benefits would be the single most effective action that Congress could take now to boost the economy and protect jobs.

TERRORISM

The SPEAKER pro tempore (Mr. FEENEY). Under a previous order of the House, the gentleman from New York (Mr. ENGEL) is recognized for 5 minutes.

Mr. ENGEL. Mr. Speaker, I wanted to take this opportunity to comment on some recent developments in the Middle East.

Yesterday President Bush, the United States, and others in the so-called ''quartet'' presented a roadmap for Middle East peace. There has been a lot of talk about the roadmap, a lot of euphoria about a new Palestinian leadership with Abu Mazen; but I wanted to take some time just to backstep a little bit and, in this rush to euphoria, talk about some very, very serious things.

Everyone wants peace in the Middle East, and everyone knows that ultimately the key to peace is having two states side by side, Israel as a Jewish state and a Palestinian state side by side with security. The question is how do we get there? Oslo, which many of us supported, ultimately was a failure; and in my opinion it was a failure because Yasser Arafat's feet were never held to the fire. There were promises. There was empty rhetoric. There was saying one thing in English that sounded good and quite another thing in Arabic to the Palestinians that did not talk about peace; and we looked the other way because we so much wanted peace between Israelis and Palestinians that we never made Arafat's actions live up to his speech.

We should not make the same mistake again. Yes, there is a new Palestinian prime minister named Abu Mazen; and, yes, there is a modicum of hope that Abu Mazen will be a moderate. But the fact of the matter is as long as there is terrorism in the Middle East, as long as there is no Palestinian crackdown on suicide bombers or on terrorism, as long as terrorism is still attempted to be used as a negotiating tool by the Palestinian side, there can never really be peace.

At the end of the Oslo process, there was a proposal put forth. The proposal was two states side by side and the Palestinians were offered 100 percent of Gaza, 97 percent of the West Bank, a state of their own, billions of dollars of international aid; and Yasser Arafat turned down the deal. Not only did he turn it down and not offer a counterproposal, but he unleashed the Intifada and thought he could use terrorism as a negotiating tool. If that happens again, the roadmap will go the way of Oslo, which is nowhere.

So what needs to happen here is there needs to be a crackdown on terror. There needs to be a real visible, sustained antiterrorism effort on the part of Abu Mazen and the Palestinians. It is no coincidence that three hours after the roadmap was announced there was another suicide bombing in Tel Aviv, which killed three innocent people and injured 40-some-odd other innocents. This cannot be left to stand. We have to judge Abu Mazen by seeing if he really cracks down on terrorism. That has to be first.

I believe that the roadmap should be performance based, not time based. A Palestinian state projection is in 2004 and then in 2005 the final status. That should happen only if the Palestinians live up to their agreements, which they had not done previously under Oslo. Once terrorism is stopped, then the Israelis can make the concessions that are also necessary in order to have a just and viable peace. But let me make it clear, there cannot be negotiations or Israeli concessions while terrorism is still being used as a negotiating tool.

Let me also talk a little bit about Syria. I am the author of the Syria Accountability and Lebanese Sovereignty Restoration Act of 2003, and we call to the Syrians to stop their support for international terror. Hezbollah, which is in Lebanon's south/Israel's northern border, is used as a proxy by Syria to continue its support of terrorism. Hezbollah is the group which bombed U.S. Marines in 1983 and killed more than 200 of our Marines in Beirut. Syria must stop its support for international terrorism. Syria is on the list of countries of our State Department which supports international terrorism. Syria has been on that State Department list since the inception of the list in 1979, and yet it is the only country with which we have normal diplomatic relations on that list. That makes no sense. So the Syria Accountability and Lebanese Sovereignty Restoration Act of 2003 calls on Syria to stop its support for terrorism, to end its occupation of Lebanon, and to end the continuation of its production of weapons of mass destruction.

We also know that Syria is harboring some of the Saddam Hussein crowd which has fled Iraq and is in Syria, and we also know that during the war in Iraq the Syrians allowed all kinds of armaments and weapons and night goggles and other things to pass through Syria into Iraq to be used against U.S. forces.

President Bush has gotten tough with Syria. Colin Powell is visiting Syria. We hope he tells the Syrians to stop their support of terrorism.

WALL STREET ROBBER BARONS

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

Ms. KAPTUR. Mr. Speaker, I have never met New York's Attorney General Eliot Spitzer, but on behalf of the citizens of Ohio, I want to thank him. The people of New York should be very proud of their Attorney General, Mr. Spitzer, for he is bringing to justice the robber barons of Wall Street who stole the money in our 401(k)s, who lied to our shareholders about the worth of various investments, who issued fraudulent reports about the value of stocks, and frankly destroyed a great deal of the confidence of our people in our so-called free markets. In fact, some might say they have been a free-for-all market. Some might say what these Wall Street fellows have done is a big heist, a big heist right out of people's pocketbooks and a big heist right out of people's dividends. Because of work that he did, and our Securities and Exchange Commission following behind, the regulators found fault with every single investment banking firm on Wall Street.

I want to include in the RECORD much of what they said: ''Analysts wittingly duped investors to curry favor with certain corporate clients. Investment houses received secret payments from companies they gave strong recommendations to buy. And for top executives whose companies were clients, stock underwriters offered special access to hot initial public offerings.''

It really is staggering, when we think about the recession that we are in, about the malfunctioning of our own stock markets which lie at the heart of this free enterprise system that has been hijacked time and again.

□ 1630

It started with Enron. Then we saw WorldCom. Then it was Tyco. Now it is every single money manager on Wall Street that has your money.

So far, they have been fined as follows: $400 million is to be paid by Citigroup; $200 million each by Credit Suisse and Merrill Lynch, which included an earlier Merrill settlement of $100 million in fines; $100 million in fines by Goldman Sachs; $80 million in fines by Bear Stearns; $80 million by JP Morgan; and fines of the same amount to Lehman and to UBS Warburg; $32.5 million in fines by Piper Jaffray. These are names we see advertised in our newspapers. They have got enough money to buy ads all over the country, yet they take your hard-earned money and they gamble it away.

I have to ask myself as a Member of Congress, I am not going to trust those folks with the Social Security funds of this country. Do not tell me to put our people's hard-earned dollars in that stock market that you cannot trust from one day to the next, and do not ask this Member of Congress to vote for a Bush administration tax scheme that rewards some of the same fellows that just ran away with our money in our own equity market. Why was not anybody watching? Why did it take so long?

Now, they tell you anything to get your money. That is what Mr. Spitzer found. And they did tell you anything to get your money. The news articles really say everything. What jumps off the page in the documents is the Wall Street firms' utter, utter disregard for the individual investor in pursuit of their own personal benefit. These are institutions that are supposed to be working for us, and they all, not one, not two, all, the major firms on Wall Street failed the American people.

One investor told a colleague he was trying to make the company look good with his questions. A few moments later he said, ''We got paid for it, and I am going to Cancun tomorrow because of what I did.'' That is someone that took your money.

Here is somebody, Sanford Weill, Citigroup's chairman. He persuaded an analyst to change a rating. This is not some guy in the back closet. This is the head of the largest investment banking firm in this country.

What are they doing up there? What is the matter with them? You know how many people in my district have lost their retirement savings in the 401(k) plans alone? These are the highest paid people in our country that the Bush administration is about to open up the Treasury for. They do not deserve a dime. They ought to pay more of it back to us for what they have done.

Mr. Speaker, I congratulate Attorney General Elliott Spitzer of New York. He is a hero in my book.

Mr. Speaker, I include the three newspaper articles for the RECORD.

[From the New York Times, Apr. 29, 2003]

TEN WALL ST. FIRMS SETTLE WITH U.S. IN ANALYST INQUIRY: AGREE TO PAY $1.4 BILLION

(By Stephen Labaton)

WASHINGTON, APR. 28.—Prosecutors announced a settlement today with the nation's biggest investment firms that bars the heads of the largest bank from talking to his analysts, details a far greater range of conflicts of interest than previously disclosed, and leaves the industry exposed both to further regulation and costly litigation.

The $1.4 billion settlement by 10 firms and 2 well-known stock analysts reached tentatively last December but completed in the last few days, resolved accusations that the firms lured millions of investors to buy billions of dollars worth of shares in companies they knew were troubled and which ultimately either collapsed or sharply declined.

The Securities and Exchange Commission, state prosecutors and market regulators accused three firms in particular—Citigroup's Salomon Smith Barney, Merrill Lynch, and Credit Suisse First Boston—of fraud. But the thousands of pages of internal e-mail messages and other evidence that regulators made public today painted a picture up and down Wall Street of an industry rife with conflicts of interest during the height of the Internet and telecommunications bubble that burst three years ago.

At firm after firm, according to prosecutors, analysts wittingly duped investors to curry favor who corporate clients. Investment houses received secret payments from companies they gave strong recommendations to buy. And for top executives whose companies were clients, stock underwriters offered special access to hot initial public offerings.

''These cases reflect a sad chapter in the history of American business—a chapter in which those who reaped enormous benefits based on the trust of investors profoundly betrayed that trust,'' said William H. Donaldson, the new chairman of the Securities and Exchange Commission. ''The cases also represent an important new chapter in our ongoing efforts to restore investors' faith and confidence in the fairness and integrity of our markets.''

In a reflection of regulators' concerns about the prospect for conflicts of interest at Citigroup, Wall Street's biggest bank, the settlement bars its chairman and chief executive, Sanford I. Weill, from communicating with his firm's stock analysts about the companies they cover, unless a lawyer is present.

But the regulators found fault with every major bank on Wall Street.

In addition to the three firms accused of fraud, five others—Bear Stearns, Goldman, Sachs, Lehman Brothers, Piper Jaffray and UBS Warburg—were accused of making unwarranted or exaggerated claims about the companies they analyzed. UBS Warburg and Piper Jaffray, were accused of receiving payments for research without disclosing such payments.

And Salomon Smith Barney and First Boston were accused of currying favor with their corporate clients by selling hot stock offerings to senior executives, who then could turn around and sell the shares for virtually guaranteed profits.

The two banks agreed to end that practice, known as spinning.

In settling the cases, the firms neither admitted nor denied the allegations, following the standard practice in resolving such disputes with the commission.

In monetary terms, the $1.4 billion in fines, restitution and other payments equals nearly 7 percent of the industry's profits last year, which was Wall Street's worst year since 1995. Of that sum, $387.5 million will go to repaying investors who file claims with the government. But armed with the regulators' findings, lawyers are sure to seek many times that total in private litigation.

The firms also agreed to abide by what officials said were significant new ethics rules and to build barriers between investment bankers and stock analysts in hopes of relieving analysts from the business pressures that many succumbed to during the 1990's. For example, the compensation of analysts is to be based on the quality of their research, not their contribution to the firm's investment banking business.

As part of the agreement, two analysts whose fortunes rose with the markets, Jack B. Grubman of Salomon Smith Barney and Henry Blodget of Merrill Lynch, agreed to lifetime bans from the industry, along with significant fines.

The singling out of Mr. Weill stemmed in part from his efforts to try to influence Mr. Grubman to change his view of AT&T—a Citigroup client that had Mr. Weill on its board—to positive from negative. He and Citigroup's other senior officers—whose contacts with the banks' research analysts are also restricted under the settlement—were the only Wall Street executives to agree specifically to such a prohibition. Any top Wall Street executive directly involved in investment banking, however, would be barred from discussions with his company's analysts under the terms of the agreements.

For all the anticipation of today's announcement, the voluminous record of complaints and damaging evidence left many unresolved questions for both investors and the securities industry.

Foremost among those was what long-term impact the settlement will have on the culture of Wall Street, the integrity of stock analysis and the confidence of investors. Concerned that the settlement might not be far reaching enough—and might also have unintended consequences—officials at the S.E.C. are considering the adoption of a new set of regulations governing stock analysts.

''It's critically important that we now step back and thoroughly examine the issues,'' said Harvey Goldschmid, one of the commissioners. Wondering whether the settlement might discourage research for smaller markets, he added, ''No research is certainly better than skewed research, but honest research would be even better.''

Critics who fear that the settlement falls short of protecting investors said that they welcomed further efforts by regulators.

''What they have imposed is a solution where they will try to regulate behavior, ethics and business practices,'' said Scott Cleland, the chief executive of Precursor Group and a member of a coalition of small research firms without ties to investment banks that have been seeking broader changes. ''What they didn't do is address the conflict at its source—the commingling of trading, research and banking commissions.''

''The analogy is that if this were an operating room, they disinfected everything but the scalpel,'' Mr. Cleland said. ''The scalpel is left dirty.''

While providing $375.5 million in restitution that can be sought by investors, the cases leave unresolved how much investors might ultimately recoup after relying on the analysts to make what turned out to have been calamitous investments. Federal and state officials said today that one aim of the settlement was to shake out enough strong evidence to assist shareholders in private lawsuits and arbitration efforts.

''This is very much the beginning,'' said New York Attorney General Eliot Spitzer, whose early inquiry into conflicts on Wall Street prompted federal and market regulators to begin focusing on the issue—and who supporters say might try to ride his success in the case to the governor's office in Albany. ''One of our objectives was to put information into the marketplace to permit investors on their own to seek relief.''

Wall Street executives acknowledged that the findings of the regulators would probably draw more lawsuits against their firms.

''It's sort of like throwing a party and inviting a lot of people in, isn't it?'' E. Stanley O'Neal, Merrill's chief executive, said at the firm's annual shareholders meeting in Plainsboro, N.J.

Government officials also emphasized today that the settlements did not preclude them from further investigation—pointedly noting, for example, that they were examining whether any top executives at the investment firms had failed to adequately supervise the analysts.

''Just wait,'' said Stephen M. Cutler, the head of enforcement at the commission and a leading architect of the agreement.

In addition to the restitution, the firms also agreed to pay $487.5 million in penalties, $432.5 million to fund independent research, and $80 million for investor education. Mr. Blodget agreed to pay $4 million and Mr. Grubman $15 million to settle the charges against them.

The fines, restitution and other penalties were divided as follows: $400 million will be paid by Citigroup; $200 million each by Credit Suisse and Merrill Lynch (which includes an earlier Merrill settlement of $100 million); $125 million by Morgan Stanley; $110 million by Goldman Sachs; $80 million each by Bear Stearns, J.P. Morgan, Lehman and UBS Warburg; and $32.5 million by Piper Jaffray.

One of the final issues that had been negotiated involved which companies would bear the brunt of the penalties and how much might be covered by insurance policies and deductible from the firms' taxes.

Under tax law, none of the $487.5 million in penalties is deductible, and the firms agreed not to seek reimbursement under their insurance policies.

Prosecutors also inserted a clause in the settlement that might make it harder for the firms to try to deduct any of the $512.5 million in independent research and investor education.

[From the New York Times, Apr. 29, 2003]

IN A WALL ST. HIERARCHY, SHORT SHIFT TO LITTLE GUY

(By Gretchen Morgenson)

Documents disclosed as part of yesterday's settlement show how Wall Street firms, in pursuit of investment banking fees, put the

interests of their individual clients dead last.

As an analyst at Lehman Brothers told an institutional investor in an e-mail message, ''well, ratings and price targets are fairly meaningless anyway,'' later adding, ''but, yes, the 'little guy' who isn't smart about the nuances may get misled, such is the nature of my business.''

In a newly disclosed tactic, Morgan Stanley and four other brokerage firms paid rivals that had agreed to publish positive reports on companies whose shares Morgan and others issued to the public. This practice made it appear that a throng of believers were recommending these companies' shares.

From 1999 through 2001, for example, Morgan Stanley paid about $2.7 million to approximately 25 other investment banks for these so-called research guarantees, regulators said. Nevertheless, the firm boasted in its annual report to shareholders that it had come through investigations of analyst conflicts of interest with its ''reputation for integrity'' maintained.

Among the firms receiving payments for their bullish research on companies whose offerings they did not manage were UBS Warburg and U.S. Bancorp Piper Jaffray. UBS received $213,000 and Piper Jaffray, more than $1.8 million.

What jumps off the page in these documents is the Wall Street firms' disregard for the individual investor in pursuit of personal benefit.

One comment made by a Bear, Stearns analyst is telling. While participating in a conference call by SonicWall, an Internet company whose shares Bear, Stearns had sold to the public, the analyst told a colleague that he was trying to make the company look good with his questions. A few moments later, he said, ''we got paid for this,'' adding, ''and I am going to Cancun tomorrow b/c of them.''

But because greed is a part of human nature and human nature seldom seems to change, Alan Bromberg, professor of securities law at Southern Methodist University, remains skeptical that the terms of the settlement will bring substantive change to Wall Street.

''I don't see this as a great reformation,'' Mr. Bromberg said. ''I don't see this as a new world we are moving into. The pressures are still going to be there. Brokerage firms don't make money other than by selling securities so they're going to inevitably be encouraging people to buy and will always have pressures to hype what they think is good or what they're otherwise involved in.''

The heaviest penalties in the settlement went to Salomon Smith Barney, Credit Suisse First Boston and Merrill Lynch. Regulators contended that analysts at these firms committed securities fraud by recommending stocks to the public they had expressed misgivings about privately.

But securities regulators also found that all the firms failed to supervise adequately the research analysts and investment banking professionals they employed. They failed, therefore, to protect clients who were basing investment decisions on research that had been written to attract or maintain investment banking clients.

While the symbiotic relationship between Wall Street research analysts and investment bankers harmed investors, it was beneficial to the firms. Lehman Brothers and Goldman, Sachs, according to regulators, encouraged analysts to work closely with investment bankers to generate deals.

Goldman, Sachs aligned its research, equities and investment banking divisions to work collaboratively and fully leverage its limited research resources. In 2000, Goldman noted happily that ''research analysts, on 429 different occasions, solicited 328 transactions in the first 5 months'' and that ''research was involved in 82 percent of all won business solicitations.''

Crucial to the firms' failure to supervise themselves was the tendency by their analysts to publish research that was not based on sound analysis or principles of fair dealing or good faith, the regulators said. Eight of the 10 firms that settled—Bear, Stearns; Credit Suisse First Boston; Goldman, Sachs; Lehman Brothers; Merrill Lynch; Piper Jaffray; Salomon Smith Barney; and UBS Warburg—issued such reports. The firms' research also contained exaggerated or unwarranted assertions about companies, or opinions for which there were no reasonable bases.

For example, at Credit Suisse, regulators contend that its analyst covering Winstar, a small telecommunications concern that never turned a profit and that filed for bankruptcy two years ago, failed to disclose the risks inherent in the company. The firm had initiated equity research coverage of Winstar in May 2000, with a ''strong buy'' rating and a 12-month target price of $79. Credit Suisse retained the $79 target from Jan. 5 to April 3, 2001, even as the stock plummeted to 31 cents a share from approximately $17 and the company's market capitalization fell to $30 million from $1.6 billion.

Some of the most entertaining reading in the masses of evidence that regulators have made public for use by aggrieved investors in their own lawsuits is the commentary by Salomon Smith Barney brokers about Jack B. Grubman's performance as the firm's top telecommunications analyst.

As far back as 2000, brokers were expressing outrage and betrayal over Mr. Grubman's woeful stock picking, which many noted was related to his dual roles as investment banker and analyst. Yet even as the brokers howled about Mr. Grubman's tendency to keep recommending stocks as they collapsed in price, the analyst retained his job at Salomon until last August.

Here are some outtakes from Salomon brokers late in 2000. Mr. Grubman ''should be publicly flogged,'' one said. ''Under the category, Bonus for Creating Tax Loss Carry Forwards for Retail Clients, Grubman should be recognized accordingly as our best analyst.''

Many said the analyst should be fired, while another broker said, ''If Jack Grubman is a top 'research analyst' then I have a bridge to sell.''

Another remarked: ''Boo Hiss. Banking showed its ugly head.''

During the year these comments were made, Mr. Grubman was paid $14.2 million in salary and bonus.

As a result, Salmon's brokers emerge as yet another group victimized by Mr. Grubman's conflicted status. As one broker, or financial consultant, put it: ''Grubman has zero credibility with me or my clients. He is collecting from two masters'' at financial consultant expense.

Then referring to investment banking functions, he continued: ''He brings IB business to the firm and loses his objectivity. I am sure that nothing will come of my comments. The spin-masters will say that everyone else does it. Is there an honest person left?''

FINDING FRAUD ON WALL ST. MAY BE A STEP TO HIGHER POST

(By Raymond Hernandez)

WASHINGTON, APR. 28.—The question was about tax loopholes and whether the 10 securities firms that agreed to pay $1.4 billion to resolve charges of wrongdoing by their research analysts would be able to squirm out of their plight by writing off their fines. It put the men behind the lectern at the Securities and Exchange Commission's headquarters on the spot.

But not Eliot Spitzer. ''Maybe I can be a little less discreet,'' Mr. Spitzer, the attorney general from New York, chimed in. ''I always try to be.''

With that, he shifted the focus to Congress, urging lawmakers to act to close the loopholes, and insisting his office and the S.E.C. had done their jobs.

''Spoken like a man whose Hill is in Albany and not in Washington,'' said William H. Donaldson, the chairman of the S.E.C., to laughter.

Mr. Spitzer's hill, some say, is just about anywhere he wants it to be these days, having been indiscreet enough to take on the biggest names on Wall Street during a relentless investigation of securities fraud. For more than a year, he has plunged forward, making cases and headlines along the way, and some say paving his future with stepping stones bearing the names of Henry Blodget, Jack B. Grubman and the like.

At the news conference here today announcing the settlement of the case against the 10 firms, Mr. Spitzer was just one player of many. Nonetheless, it was a defining moment for Mr. Spitzer, who just five years ago took a gamble and used his family's vast wealth to oust Dennis C. Vacco, the Republican attorney general at the time.

As attorney general, Mr. Spitzer revived the long-dormant Martin Act, a 1921 state law giving the attorney general of New York, jurisdiction over securities trading.

Mr. Spitzer uncovered, among other things, damaging e-mail messages among stock analysts at Merrill Lynch & Company, the nation's biggest brokerage firm and a main-stay of New York's financial community. He accused the analysts of urging customers to buy stocks that the analysts believed where losing bets just so that Merrill could curry favor with companies it wanted as clients.

In doing the job, Mr. Spitzer, 43, has followed in the tradition of activist and consumer-oriented attorneys general, like Louis J. Lefkowitz, who set the standard, and Robert Abrams.

But in his prepared remarks, he likened the pursuit of Wall Street evildoers to another crusader, Theodore Roosevelt, the populist Republican president who dubbed himself a Trust Buster and crusaded against unchecked corporate wealth and power.

''We are at a rare moment,'' he said. ''It is akin to the moment we were at 100 years ago.''

Before he was president, Mr. Roosevelt was New York's governor, and many say that is the real goal of Mr. Spitzer.

Indeed, many of those who make their living from Wall Street are seething over Mr. Spitzer, blaming him for pursuing scandal at the expense of their livelihoods and New York's economy. Many complain, quietly, of course, that Mr. Spitzer has relentlessly undermined the public's trust in the stock market while boosting his own political fortunes.

Many of Mr. Spitzer's fellow Democrats, however, feel otherwise.

''New York Democrats need someone who can galvanize them,'' said Hank Sheinkopf, a Democratic consultant in New York who was one of Mr. Spitzer's campaign advisers in 1988. ''Eliot Spitzer appears to be that person right now.''

''This is not without its perils,'' Mr. Sheinkopf added. ''The danger is that he has angered a large portion of New York's traditional fund-raising base, Wall Street.''

Mr. Spitzer, in an interview after the news conference, acknowledged the potential difficulties. ''This case has left me without some friends I had before,'' he said.

But, he said, it might have made him friends elsewhere. ''I've got a job to do and I'm going to do it,'' he said. ''I hate to sound overly moralistic, but it's the only way to do this job.''

Mr. Spitzer also said it was premature for him to talk about a possible campaign for governor, though people in both parties say he is the man to beat should be choose to run for governor in 2006. ''All I can tell you is that I have made no decision about that,'' he said.

ILLEGAL NARCOTICS PROBLEM IN THE UNITED STATES AND THE WORLD

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Indiana (Mr. SOUDER) is recognized for 60 minutes as the designee of the majority leader.

Mr. SOUDER. Mr. Speaker, tonight I would like to focus on the illegal narcotics problem in the United States, as well as a little bit around the world.

We have several legislative initiatives that are about to come in front of this Congress, including one moving through my subcommittee, the Subcommittee on Criminal Justice, Drug Policy and Human Resources of the Committee on Government Reform, which is the Office of National Drug Control Policy reauthorization bill. The ONDC Director, commonly known as the Drug Czar of the United States, is John Walters. This bill will reauthorize for 5 years the entire oversight of the narcotics programs of the United States.

In addition, in our emergency terrorism bill, we had money for Colombia. We will have in a number of appropriations bills in front of us money for the Andean region and other international narcotics control programs.

So I thought tonight would be a good time to start with my colleagues and staff and others who are watching this discussion, laying out a little bit of the big picture on what we are tackling, mostly focusing tonight on the international drug problem, some on our domestic and some oversight, and then as we move into the markup in the next few weeks in subcommittee and full committee on this House floor, we will be spending a lot more time discussing the millions, and, in fact, billions of dollars that we spend fighting illegal narcotics.

First, it is very important to understand that while tonight we are going to be talking about a lot of international concerns, this is directly a concern that hits every Congressional district. In every city and town, no matter how small or large, drug and alcohol problems in America account for, depending on the judge or prosecutor, 70 to 85 percent of all crime in America. Not just drug crime, this counts robberies, this counts rapes. This even counts child support payment problems, because often the people not making their child support payments, the people declaring bankruptcy, are having problems with drug and alcohol addiction.

The use of illegal narcotics have gone up and down in our country. We will never eliminate them. It is a false goal to say we will eliminate the use of illegal drugs in the United States. There will always be, every day, new kids exposed in junior high, elementary school and high school. Somebody will lose a job. Somebody will have a problem in their marriage, and they will look for a way out. Rather than confronting their problem directly, they will look for a way out. So every day hundreds of thousands of people are exposed for the first time to the temptations of illegal narcotics.

Furthermore, where there is a market, there will be a demand meeting that market, and we will never completely stop this. We have some people in this body and others who say well, if we cannot eliminate it, why are we spending all this money on it?

I would ask the same question about child abuse. I would ask the same question about spouse abuse. I would ask the same question about rape. I would ask the same question about breast cancer and about other types of disease, heart disease and others.

We do it because we need to keep tackling it. We need to make as much progress as we can. Particularly for those things that are controllable by individuals, such as rape, spouse abuse, child abuse, narcotics abuse and other things, we need to stay on top of it so the problems do not get bigger.

It may be that that all we can do is hold it even, and sometimes we will make progress. There has been a lot of misinformation in the United States that we have not made progress on drug abuse. In fact, drug abuse in the United States is way down compared to at the peak point when former President Ronald Reagan and First Lady Nancy Reagan said ''just say no.'' We constantly hear ''just say no'' being mocked, but ''just say no'' was the centerpiece of an aggressive program in interdiction, enforcement, treatment and prevention, that in the 1980s had a dramatic reduction.

After the late sixties, where I went to college and early seventies, where you saw an overwhelming majority of kids on the college campuses using marijuana, at least, and Ecstasy and LSD and all these psychedelic drugs, by Timothy Leary and all the romancing of it in the '70s.

In the '80s we made tremendous progress. In the '90s we were making some progress, and it started to level off. From 1992 to 1994 we saw a surge in drug use in the United States that would now, in those 2 years, require us to have a 50 percent reduction to get back to where we were when the former President took office.

Now, that was still a lower point than when the Reagans took over in 1980 and made 10 years of steady progress. The bottom line is it is wrong to say we have not made progress, it is wrong to say that you cannot make progress, and there are points in our American history where relaxed government policies, of joking about inhaling, cutting back drug interdiction, you see it soar, and we have to recover again.

But the trend line over a long period has actually been down, and you would never guess that from all the people who say that there is no hope in this battle. There is hope, but we will never completely win.

Right now, we have a goal annually, according to President Bush, to reduce this by 5 percent a year. To do that, we have to stay aggressive in all fronts and be vigilant in all parts of the war on narcotics, because even that said, we have tens of thousands of people killed every year by the abuse of drug and alcohol.

To give an example of proportion, the World Trade Center disaster, which was absolutely terrible, was around 3,000. In illegal narcotics, it is somewhere between 20,000 and 30,000 a year, depending on how you want to count it.

In my hometown, we see it on a weekly basis practically of a murder, or an accident, or some type of drug-related death, either through murder or through somebody in the highways. Often they get attributed to alcohol. It is usually poly-drug use, marijuana, LSD. Most police departments do not test for Ecstasy or LSD after an accident, and often the people involved have done that. We have had cases of young kids high on multiple different drugs hitting a car. One killed a senior, rolled through the interstate, killed another person. The person high on drugs actually lived through it.

We have had a really visible case in my hometown of Fort Wayne, Indiana, where the conflict got so great that one of the kids, one of the little gang groups, basically took another young person to a field in a rural area and burned them, in effect, at the stake. As one of the other kids at school threatened to bring that up, they took her up and burned her as well. One defended themselves by saying they had a gun at their head and they had to light the match.

This is what people who are whacked out on narcotics will start to do to each other. We see this corruption in every community in America, big or small, and we have to stay vigilant and aggressive.

Now, let me lay out a little bit of the challenge we are facing. The number one entry level, if you are an underage person, it is a combination usually of tobacco, alcohol and marijuana. You start hanging around with kids who abuse those drugs. They are all illegal, and you get in an illegal cluster, and sooner or later somebody is going to expose you to marijuana. The gateway to all other narcotics is marijuana.

Furthermore, we have a terrible misnomer in the United States that marijuana would be forms of what we called historically in Indiana ''ditch weed.'' Some areas might compare it to hemp, where you are looking at THC contents of about 8 percent.

The new marijuana that is on the streets today is not what your ''parents smoked,'' if they did. It is THC contents from 15 to 28 percent. In my hometown of Fort Wayne, Indiana, BC Bud, one of these high form things coming in from Canada, marijuana, and other high grade marijuana, as well as in New York and Boston, sells for the same as cocaine, because its kick and danger to the body, this marijuana, is the same as cocaine and heroin.

It is ridiculous for those who would downplay marijuana. There are wide ranges of marijuana. At the least harmful form, it still causes harm and long-term damage to the body worst than alcohol or tobacco, if you use it regularly. But in the high grades it is more like cocaine and heroin. It is not a harmless substance. That is our number one problem. Number two is cocaine, number three is heroin.

We hear most about meth, because it is the newest, and it is out in the rural areas in particular. So there are many Members of this body involved in the Meth Caucus because it is the newest challenge to those communities.

But the fact is that methamphetamines are not as much of a national threat at this point as cocaine, heroin and marijuana. It is just our fastest growth category, and in my district, as well as elsewhere, we are really going after methamphetamine.

Ecstasy is another synthetic drug that has been at the rave clubs. It kind of goes up and down in fads as do other psychedelic drugs, and it will probably come and go, depending on the awareness of people about it, but there will be replacements in these dance clubs and other places where kids are exposed to the dangers of those.

Now, for cocaine and heroin in particular, there are two major source areas, and for marijuana as well. The two major source areas are the Andean nations, which would be Colombia, Peru, Bolivia, Ecuador, edges of Venezuela and Brazil, and Mexico. There are other primary source countries, but those are the biggest areas, the Andean region and Mexico.

The other areas would include Southeast Asia for heroin, Afghanistan where it was the predominant way that al Qaeda was funded, and the so-called Golden Triangle, a triangle area around Burma, Thailand and China, less so there, and most of those narcotics are moving to Europe, only about 25 percent to the United States, to our West Coast. But it is a direct threat.

Afghanistan is one we have kind of turned the other way on, and, unfortunately, they are replanting the poppy, and because we do not at this point directly going to al Qaeda, we have not been aggressive enough.

Quite frankly, we need to be aggressive with the Northern Alliance and our allies in the Afghan War, not just on those who fought us through the terrorists. It may not anymore be directly funding the terrorists, we are still watching that closely, the Afghan heroin, clearly other times of narcotics are, but we still have to get control of that heroin production in Afghanistan or it is going to flow through the entire world.

We also have Canada that is a major supplier of this high grade marijuana, and also almost all of the precursor chemicals coming in seem to be coming in through Canada right now.

Now, in all fairness to Canada, we are their big exporter. Often this BC Bud, Quebec Gold, meth precursors are coming into the United States in return for cocaine and heroin flowing through the United States. So we are also a drug exporter, and we are the biggest to Canada. So that border is more or less a swap border. Sometimes they trade marijuana for guns.

The Netherlands has become the world center of transporting meth precursors, as well as Ecstasy, and it is a major drug center for synthetic drugs. We also grow a lot of marijuana and manufacture meth domestically, so we are also a primary source country as well as a primary user, although we do not ship, other than to Canada, in most cases, drugs out.

There are many other transit countries. The Bahama islands are a major way that the drugs come up through the Andean region or even Mexico, but mostly through the Andean region. Some of what comes from South America bounces over to Spain, to Madrid, and then bounces back into its United States. We see it come also through Vietnam and places in Southeast Asia that are transit areas.

□ 1645

But let me look at now some more particulars. This map is a map of Colombia. To orient, the United States is further north, central America comes down, Panama connects to Colombia. Panama years ago was part of Colombia. It was separated by Teddy Roosevelt so we could build a canal there. It is in the northwest corner of South America. It is a beautiful country. It is the oldest democracy in South America. It is mountainous for most of its region, and the Andes start to move up to 20,000 feet down in this region.

Coca grows in the Andean region because you are near the Amazon, the center of the equator; the equator runs somewhere about right in here. So you have damp areas, warm areas that you can grow year-round, and yet you have some mountainous zones where you can get a little bit, not completely wet, but still have plenty of water. In addition, you can have access to the Pacific Ocean and the Atlantic Ocean.

Furthermore, in this area, heroin poppy grows best at about 12,000 feet, between 8,000 and 12,000 feet, which is why you see it over in Southeast Asia and Afghanistan and why you see it in the Andean region, because these are the places that have been best in the world to grow high-grade coca and heroin poppy.

Colombia is the oldest democracy, and has produced many products that we in the United States use. They are our biggest supplier of flowers. Approximately 70 percent of all U.S. flowers that you buy come from Colombia. Historically, coffee is what you think of. You think of Colombian emeralds. They were our eighth largest supplier or sixth largest supplier of oil until the pipeline came under attack by the narcotics and terrorist groups in Colombia. Now they are net even, but they were one of our primary suppliers of oil. They also export many other products to us. Textiles, all sorts of other types of things.

Their democracy has been steadily undermined by American drug use and, to a lesser degree, European drug use. They have had 30,000 police officers killed in Colombia. They have had constant terrorist attacks. The current President of Colombia who was here yesterday and today and we met with him this afternoon, his father was assassinated by the narcoterrorists years ago. They have made multiple attempts on his life, including when I was at his inauguration, the FARC launched from a Howitzer shells at the building where we were, blew off the corner of the presidential palace during the inauguration. For those of my colleagues who may have read Tom Clancy's book ''Clear and Present Danger'' or seen the movie, I asked former Ambassador Busby whether the movie was fairly accurate; and he said, mostly, although I did not die like in the movie.

The fact is that they shot and murdered a big percentage of their supreme court. They kill mayors, they kidnap, and they are doing it because of our drug abuse. This was not because they were using the narcotics. It is because we were using the narcotics, providing billions of dollars with which to arm the FARC, in particular, as well as other groups that are providing protection.

Now, in Colombia, President Uribe has made fairly dramatic changes and gone aggressively after the coca and heroin production. I would like a few of these things to be put in the RECORD, because we had a fairly close vote in this House on assistance to Colombia because President Uribe is heavily under attack, he is trying to be aggressive, and lots of misinformation was distributed here about the ineffectiveness of what was happening.

Now, here are a couple of key statistics. Terrorist attacks have increased in Colombia if you flatten the line, but they have in fact gone up and down. And basically they go up when you squeeze the coca and the heroin. So when we read in our newspapers, as there was yesterday and a few weeks

ago, as we had a few Americans kidnapped a month or so, 2 months ago, that when we read that, we need to understand that those incidents are increasing when we are successfully pressing on the coca and the heroin.

But, even with that, this government, President Uribe's government in Colombia has increased, almost doubled, the efforts to go after the illegal self-defense groups and so-called paramilitaries; they have gone aggressively after the subversive groups, increasing, in both of those cases, almost doubling the efforts of going after these terrorist groups. They have been so aggressive that while it seems like in the United States that we are reading more about Colombia because we have put money down there, the plain truth of the matter is that since President Uribe started these attacks, though some of them are now getting more publicity because they are in Bogota or they are trying to go after Americans to try to get us to be squeamish, just like they initially tried to do with the attacks in Iraq, by trying not to win a war, but trying to back up the American people so we give up rather than going on through, these attacks have actually been dramatically reduced under President Uribe.

Whether it be kidnapping of mayors, they are down; whether it is kidnappings of people are down, the number of attacks on bridges are down, the number of attacks on schools are down, because they have a President who is being more aggressive and successful. But because of where they are doing some of them, because our attention is up, it seems like it is not working in Colombia when in fact it is working in Colombia.

Let me give an example. One of the business groups from Colombia that was in my office when they were there and they had, a few years ago, under former President Pastrana when we had a so-called temporary peace agreement, they were there and the phone rang and one of them took it and at the school where many of their kids were, a pregnant mom and her daughter had just been trapped on a bridge and kidnapped; and they were each trying to check to see whether it was their family. This happens all the time.

Gabriel Garcia Marques' book, ''Diary of a Kidnapper,'' talks about this particular phenomenon that has just gone rampant in Colombia. But the fact is that as we have a president there and a government committed to going after this, they have actually reduced the number of incidents. The question is, will we in the United States Congress have the courage to continue this pressure, or can they, through public relations and high-profile attacks, convince the American people that we are actually losing in Colombia when we are actually winning the battle in Colombia?

Furthermore, we have had the most dramatic reduction in coca that we have ever seen in Colombia. I have been down to Colombia seven times or nine times, I lose track. I got elected in 1994; I have been there at least once a year ever since then and sometimes twice, particularly the last few years as chairman of the Subcommittee on Criminal Justice, Drug Policy, and Human Resources.

What we see in Colombia is a case like happened in Bolivia and Peru where often we will eradicate one time the coca crop, but we will not stay focused, and because they can grow year around, they come back in with it. What President Uribe has done is he has basically hit these areas three times. Now, you can imagine if you are a farmer, think of it in terms like in the Midwest and Indiana and elsewhere, I am from Indiana, we have soybeans and corn. And if we hit that three times, obviously, the corn growers and the soybean growers would not be happy. They are used to being hit maybe once and going back to a very profitable crop.

Just like kids on our street corners can make $400 as a lookout, but only, say, $6 at McDonald's, so they would rather be a lookout if there is not a punishment. But if you arrest them, if they are afraid they are going to get shot, if there is a penalty for being the $400 lookout, then maybe the $6 at McDonald's is not such a bad deal. You can work your way up and maybe someday get $20. You are never going to get $400 an hour most likely, but you are also not going to kill people with the illegal narcotics.

Well, if there was not any pressure on the people growing it on a steady basis, like they sometimes grew palm heart or pineapples, and then you would see underneath it the coca hiding in the fields. Well, President Uribe has gone aggressively after it. His own wife and two sons at the inauguration afterwards, after they attacked the palace, they were panicked. They know that there is a good chance that their husband is going to be killed, or that they are going to be killed. They talked about coming to the United States and he said, no, we are going to stay here. We are going to go after these illegal drugs. The problem is the United States' problem, but we are going to go after them, because it is wrecking our country too.

When somebody shows that courage, we need to show the courage in this Congress to stand behind them. There are some Members in this body who have gone to towns in Colombia and seen the terror. It is unbelievable. First one group comes through that is the leftist narcogroup, and they kill anybody who is not willing to help them. Then, groups that are often contracted initially to try to stop that group will come through and kill anybody who takes the other side. Pretty soon the group that was supposed to be providing the protection gets into narcotrafficking too, then they fight over who gets to have the little village. Several of my colleagues have visited those villages even this year, and there are several that are still overrun.

But here are the facts. Since President Uribe has taken over in Colombia, they have reestablished control over most of the country. The glass is not full; the glass is half full. It is not emptying out, however; it is filling up, and we are making progress. Now is not the time to turn and run. Now is the time to back up the bold people in Colombia and our advisors down there and say, we are going to go after the illegal narcotics that are killing 30,000 Americans a year, and the biggest pressure point is Colombia. It used to be in the region. In the region, Colombia used to be only 30 percent. But as Bolivia went after it and as Peru went after it, it moved to Colombia. Now, if we can take out Colombia, there is going to be some seepage back.

Earlier this morning I met with a number of members of the Peruvian Parliament, as well as their military navy and army and talked about their worry about spillover. If we are successful in Colombia, will the coca and heroin production move to Peru? Possibly. Possibly to Ecuador. Possibly back to Bolivia where the Cocaleros are fighting really hard and destabilizing the government of Bolivia. But it looks like a lot of it is moving to Venezuela on the north border, because President Chavez has been a weak President. He has been flirting most of the time with Castro, does not have the same commitment to help the United States and to go after terrorists in that nation. They are the biggest trading partner with Colombia. It is right up here on the north border. We have a huge stake in this.

This area right here is the biggest oil provider to the United States or was until Chavez could not keep it flowing. If you go to a Citgo station in the United States, not that long ago, Venezuela was running ads in all of our papers saying we own the Citgo stations. So it was at that point about 12 percent of the U.S. market. To give you an idea, Alaska may be 3, Kuwait may be 2 or 3. Venezuela, in this area of Colombia, has one of the richest oil fields in the world. We cannot let that area be controlled by narcotrafficking. Plus straight to the north you move towards Florida and the Caribbean Sea as far as the transit area into the United States. We have to maintain control in Venezuela and Suriname. And then, in the western side of Brazil where the Amazon basin is, you have mostly jungle, and it is very difficult.

So if we squeeze in Colombia, some of it is going to move in that direction, and some is going to move in that direction, and some is going to move in that direction. So that is why we have an Andean strategy. But the primary focus is Colombia because they are people who have the labs that process it. And it is easiest and the cocaine comes into the United States cheapest and purest if it comes out of Colombia. If

we scatter them, at least we will get the prices up and the purity down.

I next want to move to the Caribbean Sea. As it comes out of the Andean region, it can move several ways. About a third moves through the Caribbean Sea, about two-thirds through Mexico. And when it comes into the Caribbean out of Colombia down here, it moves up; and the biggest vulnerability we have are all of these Bahamian islands. There are a thousand islands. They can pick which island they want to come in on. By the way, everything I say today about narcotics and narcotics terrorists are also true about Islamic or any kind of terrorists; IRA, anybody who wants to hit us. Because if we cannot find a drug person coming in, we also cannot find an al Qaeda person coming in. If we cannot find an illegal immigrant coming across the Mexican border, we also cannot find an al Qaeda person coming across the Mexican border. It is one and the same.

So when we are talking about illegal narcotics and we are talking about terrorism, we are not only talking about the primary way terrorists are funded, we are talking about how they get into our country. And while we do not talk about specific incidents, let us just say we have been intercepting them coming in the south and the Mexican border as well as the primary method which would be the Canadian border or our airports. But as they come through, you have major points. Dominican Republic. They have huge networks of Dominicans in the United States where they can hide among. Most Dominicans would not be involved in drug trafficking; but where there are big communities, a few people can get involved with that. Similar with Jamaican communities, and similar with Puerto Rican communities.

□ 1700

So in certain areas, for example Jamaica is the primary transit to England. In this sea of islands, some are very small. Some are Dutch, French, Spanish, Portuguese. Most of those countries are part of the European Common Market.

What Libya, for example, has figured out is that if they move people into these islands, in a period of years they become citizens of those islands. When we look at their visas to try to see if they are part of a terrorist-supporting nation, such as Libya, they do not show up as Libyan; they show up as European.

For example, Curacao is Dutch. If they can get citizenship on a Dutch island and get European citizenship, we do not flag them in our system as Libyan; they are going to look like they are Dutch. It is a vulnerability on the south that we are going to have to figure out in terrorism as well as in narcotics. But the Caribbean Sea is one of our vulnerabilities.

Another, and the biggest transit point for most of the United States, is Mexico. Under President Vincente Fox, there has been a dramatic improvement in Mexico. It is still, bottom line, a mess; but a dramatic improvement. Their police forces are paid virtually nothing. Compared to the couple hundred thousand dollars they can be offered to let a semi load of narcotics go through, their salary is nothing. It is a fraction of the U.S. salary. Even U.S. salaries can be overwhelmed with the dollars that are being offered, so we have had an incredible corruption problem along the border.

The President of Mexico, understanding that this was a tremendous pressure, has located additional forces there. He is aggressively trying to clean up the forces, but this is a huge challenge.

Let me talk a little bit in particular about that fact that we have had a series of hearings on the north and south border looking at homeland security issues. I also now serve on the new Select Committee on Homeland Security. We will be holding a hearing in the Buffalo-Niagara area in conjunction with my Subcommittee on Criminal Justice, Drug Policy and Human Resources, which also has oversight over the Justice Department and other agencies, and the new Subcommittee on Infrastructure and Border Security chaired by my colleague, the gentleman from Michigan (Mr. CAMP). We will be holding a hearing up on the north border.

We have just held a hearing over here on Tohono O'odham Indian Nation lands in southwest Arizona, and then just during the last break we were down at El Paso where we had a hearing and spent about 4 days on the Texas border.

Let me describe some of our challenges on this border.

Starting with California, San Isidro by San Diego is the biggest human cross point. More people cross at San Isidro than anywhere else. It is easy to hide to some degree just because of the sheer volume of people. But because we have a fence there now, we have changed some of the dynamic. Years ago, I believe in my second or first term when I was down in the area east of San Diego, I saw, at about 2 in the morning, approximately somewhere between 800 and 1,200 people massed, ready to make a dash for the U.S. border.

Their penalty if we catch them is that they are detained to see if they have any other violations, and then they are sent back. I learned they had packages for $1,500 or $2,000 where you can get guaranteed that in 7 days you would make it through to the United States or you got your money back. That sounds ridiculous, but why would you not start to offer those packages? Why would capitalists not start to offer that if there is no penalty for constantly crossing, other than if you have another crime?

Now, the fact is that what I saw that night was people playing frizbees, eating their picnic lunches. For that package they get a place to sleep, two meals, and they are guaranteed to make it in 7 days. Like I say, that was about 6 years ago.

Over in Texas, we ran into the same thing. I think it is now $2,000 guaranteeing the crossing in Texas. It does not always work, by the way. We are starting to crack down on those kinds of things. In particular, we are going after the people who are doing the packages. The fact is that those types of market things will develop.

Unfortunately, some of the people now, because we have tightened the fence here and we do not see that massing, they used to mass to about 1,200 and make a run at the five Border Patrol agents they would see, and most would not even get stopped.

But as we put the fence up, as we passed more Border Patrol agents, we have moved it to the open lands, so at the Tohono O'odham Nation, west of Nogales and east of Yuma, in Arizona, in that area, west of Nogales and east of Yuma, we have basically sand. We have an Indian nation, and we have the Organ Pipe National Monument, where a ranger was killed in a shootout, one of the first of the rangers killed, a national park ranger. We have a fish and wildlife area, and we have a little bit of the Barry Goldwater Air Force range where they do bombing runs.

Now, what happens, because we have done a better job of sealing off Nogales, a better job of sealing off California, we are starting to make some progress over in the eastern side of Arizona in Douglas. What we see are these people who sell these packages and others trying to make a run through the desert. As we drove along this border a little over a month ago, we could see the people huddled getting ready to make their late afternoon run. We could see the fences cut.

There was one area where it was just hard for me to conceive of this happening. Unless Members see it with their own eyes, they may not believe it either. This is how bold some of the people on the border are. We have a barbed wire fence along the border. At one place, the farmer on the other side was having trouble keeping his cattle in, so he took the fence from our border, put it across the road that runs across and over on his land in Mexico.

We have not moved the fence back to the U.S. side because in fact it is serving a good purpose. At least it is not getting cut this way. They go around the Mexican farmer, they go on the road, they have a clear way in, but it has detained more people on the Mexican side than it did on our side. But think of the boldness to actually steal the fence, move it, and claim it as their own property when it is a United States Federal Government protection border.

It is snipped. We can see where they will make the runs in along the wash. One of the most popular hiking trails in Arizona is basically sealed off right now because so many illegals are moving through, and it is so violent and so

many drugs are moving through that area it is not safe to backpack there right now. You can see discarded milk cartons, the larger plastic containers. If they are clear, it meant they were water; if they were black, it meant they were narcotics for a pick-up. We see trash all along the border as they discard it and move.

Also, the poor illegals who are coming across are often misinformed. They have been dumped here on the border or have been told it is just a couple hours' walk to Phoenix. It is a couple days' walk to Phoenix across desert with no water or food, and we are having tremendous human casualties in this area because of the misinformation of the people who want to take advantage of the people who are coming across.

When we were having the hearing in the little town of Sells, Arizona, when Members hear about narcotics busts in their hometown, think about this. We are having a hearing. We have the room filled with people from Phoenix and Tucson. We have, in effect, gathered the Customs and Border Patrol, the DEA, the National Park Service, Fish and Wildlife, the local police, the State police in the town of Sells, which is a town of 5,000 people, or maybe 10,000 at maximum. And I may have doubled their population at 5,000. It is a relatively some small town, capital of the Tohono O'odham that used to be the Papago. This Tohono O'odham capital had been complaining that as we squeezed other areas, drug runners were running through and destroying their Native American culture.

While we were having the hearing, showing the stupidity of drug runners, if nothing else, they had one bust of 300 pounds, one bust of 500 pounds, one bust of 400 pounds; and at 100 they don't even bother with them. Later that night, a run of seven SUVs as we were leaving were coming across the border. They had two Blackhawks on them and another helicopter chasing them. They got most of them. One shot his way out. They got, I think, another 500 pounds.

To put it in perspective, think of 500 pounds, and then take that in one day what they managed to catch was close to, I think, 1,400. The previous rest of the year had been 1,500. The previous year had been approximately 1,500. In other words, it has gone so exponentially to that open area.

We do not really know how much is coming across these borders. Furthermore, remember, in addition to funding the killing in narcotics, they are also funding primary sources for any terrorist networks. As we seize the assets of things like the Holy Land Foundation and other fronts, they move to illegal monies, child trafficking and drug trafficking being the two primary.

Secondly, wherever you can move narcotics, you can move weapons of mass destruction or anything else. In other words, if we cannot stop one, what makes us think we can stop the other? That is why we need to be more aggressive. That is why the President created the Department of Homeland Security. That is why he put Border Patrol, Customs, and Coast Guard agencies in the Department of Homeland Security, which is really the Department of Border Security. It does not have FBI, CIA. It is predominantly to focus on the border. We have to get control of this border.

The Mexican border with Texas is a huge problem, as well. Long-term, we are going to have to have some realistic discussions about immigration strategies in the United States, because every State has been benefiting from having many of these low-income workers come in and take jobs that Americans do not want to take.

We have duck and chicken processing plants in my district; and there is very little English spoken there, and not very many people who speak English will apply there. If we go to a gas station or motel almost anywhere in the United States, there are not a lot of people willing to take those jobs, just like our ancestors as they came in as immigrants took those jobs. We have to figure out how we are going to accommodate in a reasonable way those who want to come here to work and make a living here, most of whom send as much as 50 percent of their income back not only to Mexico, but Guatemala, Honduras, Ecuador and other countries; and those who are coming in for illegal purposes to sell narcotics or to terrorize our Nation.

If we cannot make that distinction between those who want to be law-abiding but are violating the immigration laws and have some kind of balance here, what we are going to have is just huge holes in our system that will move around, and we will never have enough money to seal this big a border.

Now, this is, to be blunt, nothing compared to the problem on the terrorism side, the northern border, where we do not even have sand to serve as a deterrent, or the Rio Grande River. From Glacier National Park in Montana to Lake of the Woods in Minnesota, we have thousands of miles of basically flat, open land.

The good news is if a terrorist walks across in northwest North Dakota we can probably see him from about 500 miles away. The bad news is that that is about how far it is to the next policeman. It is a huge challenge in these big open spaces of the Northwest as we look how to control, and as the narcotraffickers and other terrorists probe to see where our vulnerabilities are. We are constantly changing. We have a lot of methods they do not see, but we have to be aggressive.

We have intercepted, on the terrorist side, probably 125-or-so attempts at us since 9–11. It is because we have done a better job of sealing our borders. With the PATRIOT Act, we have done a better job of getting people who are suspects who then talk about other people and breaking up the networks.

Let me give the most famous example on the Canadian border, the Millenium Bomber. Had he succeeded at LAX Airport, more people would have died than at the World Trade Center. But he was intercepted, but it showed us how these networks worked.

He was in Montreal and back and forth from the United States apparently multiple times. We do not know how many. He is the person who identified some of the al Qaeda cells later, because after we captured him, he decided to sing; and it was not the national anthem. He fingered the networks of other places and other people.

He had rented a car in Montreal, drove across all of Canada over to the West to Vancouver, then took a ferry from Vancouver to Victoria, then took another ferry in the late afternoon to Port Angeles, a small city in northwest Washington State right outside of Olympic Park.

There Deanna Dean and the other Customs agents detained him. They thought he seemed nervous so they asked him a few questions. When they sealed his car, he decided to make a run for it. They intercepted him. They brought him back.

They opened his trunk, and they thought they had a meth lab. It had lots of white powder substances, a couple of big gallon jugs of some kind of materials. They carried it to their local station. It turned out it was two huge jugs of nitroglycerine, with maps of LAX Airport. He told of his plans, how he was to meet somebody else.

Now, think of the challenges when somebody is willing to rent a car and move clear across the country, take two ferries, come late in the afternoon to a town of 14,000, and drive all the way from Seattle to Los Angeles to meet up with somebody else to do the attack; but we got him. The good news is that we were successful. The bad news is it is going to be hard to get all of them.

What is true for narcotics, what is true for illegal immigration, is also true for terrorism. We have to be vigilant on the north border as well as the south border.

Detroit and Buffalo are the two biggest places where we have transshipments of goods. In Fort Wayne, Indiana, in my hometown, the GM plant, according to a former GM official, there are 100 crossings from Canada to the U.S. involved in the making of every pick-up, the largest pick-up plant in the United States.

We cannot squeeze trade; we are too interconnected. We have to figure out how to do personal clearance systems, how to make sure they are monitored, how to have more VACA systems so we can see inside the trucks; so we have more drug dogs, bomb dogs, more methods to detect radiation devices. We have to make sure that our borders are secure from multiple threats to the United States, and the Canadian border is one of those critical things.

We have had multiple meetings, and this hearing in Buffalo will include several Canada parliamentarians, as did the one in Seattle and British Columbia, and the one in Quebec-New York and the Vermont border.

We have huge problems on the north border that are actually growing. On the South border it has been open for a long time, and we are actually making that a little more secure. I am pleased that the Canadians are working with us, as well as, better than in the past, the Mexican authorities, although that is still problematic.

Let me talk a little bit about a few other issues. I have spent most of the time on our borders and on the transit countries, but I want to conclude here with a few minutes looking at the ONDCP reauthorization, the Office of Narcotics Drug Control Policy.

□ 1715

We have to be aggressive on the domestic side as well as the interdiction side. And as we look at this reauthorization, in addition to the Colombia money we will see, in addition to the Office of Drug Control Policy and the State Department, in addition to the multiple problems in the Justice Department, drug czar John Walters oversees a broad range of programs. Several are specific inside ONDCP. One is the HIDTAs, the High Intensity Drug Trafficking Areas. To some degree this program has been diluted. While they are meritorious programs, these were supposed to provide our primary protection. And unless Members of Congress and the American people understand some of what we laid out tonight, they will not understand what the purpose of a HIDTA is.

Every area has a drug problem. Every area drug tracks. If you are in the southwest border, they will come across. If you are in Dallas, they will come through. If you are in the Midwest they are transiting through. Furthermore, if you are in a city like Chicago, you become a supplier not only to Chicago but the Midwest. If you are in a city like Fort Wayne, you become a supplier not only to Fort Wayne, but the mid-sized cities around it like Muncie, Anderson, and Warsaw. If you are in Muncie you become a supplier to the mall. So every area is a drug trafficking area.

But what was the point of this program? It was for the high intensity drug trafficking areas so we could, before it gets to the Midwest, seize the stuff at the major ports and major ports of entry. But this has become a pork program where everybody wants a HIDTA. Therefore, once everybody has it, it is not that it is not doing good work, but we are losing the point of the program which was to seize it at the highest intense area before it got to those areas.

We are going to be looking at some of those hard issues and lots of Congressmen are going to receive local pressure to say, oh, we have a drug problem. We know that. That is why we have community drug initiatives. That is why we have all kinds of prevention programs. That is why we have drug free workplace bills. That is why we have drug free school bills. We have local law enforcement, State police. This was a program intended particularly for the southwest border and the major drug trafficking areas so that it did not overwhelm us at the local level.

Next, the National Ad Campaign. The National Ad Campaign has served a valuable function to make Americans more aware of the problems of drug use. We are inundated, with all due respect, by rock music, by much of what we see in the movies. I saw an article, I think it was yesterday, saying that we thought that the heroin look was out, but they are praising this new group that is coming in that has this emaciated death look that once again promotes intense drug use in the United States by promoting a look and an action that you get from basically destroying your body.

To combat that we have to have an organized effort such as the anti-terrorism campaign which was very successful in making that link, the current anti-marijuana campaign which is one of the least understood issues in America, the dangers of this particular hydrochloride impact marijuana has on America. We need to make sure that ad campaign is functioning and targeted. We also have a very important technology transfer program to make sure that local law enforcement gets the equipment that they need to be able to battle in these HIDTA areas and also at the local area.

I have many small towns ranging from a couple thousand people up to 15,000 people that have been particularly pleased with the technology transfer program because they would not, in their small budgets, have been able to afford the type of equipment that they need to match up with these drug trafficking organizations that have billions of dollars behind them.

So I want to conclude tonight by saying that this problem is complex. Over the next few weeks, we will be talking about this more and more on the floor as these pieces of legislation move. But what I do hope that my colleagues will not repeat on this floor is that we have failed because we have not. We have made steady progress, if you take a line with ups and downs in it for nearly 20 years. We have made steady progress in Colombia and the Andean region. But the more we squeeze the narcotraffickers, the more we squeeze the drug traffickers, the more violence there will be because we are actually hurting business. They cannot just write it off as a bad loss which they kind of do now because they abandon loads. But the more we squeeze them, they will not be able to abandon loads. The more we squeeze them the higher the prices are in the streets. The more we squeeze, the more the purity goes down, the less harmed our kids and families and people are, the more kids will have a dad or mom home that night who is not whacked out on drugs, the safer you will be as you drive down the highway.

This is a very important effort that we were undertaking in Congress. Often it gets lost in all the others. But I hope the Members of Congress will focus on this because every dime we spend is likely to save another life in America.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. GREEN of Texas (at the request of Ms. PELOSI) for today after 3:00 p.m. on account of family business.

Mr. ORTIZ (at the request of Ms. PELOSI) for today on account of official business in the district.

Mr. SANDLIN (at the request of Ms. PELOSI) for today on account of official business in the district.

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 Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Mr. ACEVEDO-VILÁ, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. ENGEL, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

(The following Members (at the request of Mr. JONES of North Carolina) to revise and extend their remarks and include extraneous material:)

Mr. JONES of North Carolina, for 5 minutes, today.

Mr. OSBORNE, for 5 minutes, today.

Mr. GUTKNECHT, for 5 minutes, today.

Mr. TIAHRT, for 5 minutes, today.

Mr. BOOZMAN, 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. 196. An act to establish a digital and wireless network technology program, and for other purposes; to the Committee on Science, in addition to the Committee on Education and the Workforce 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.

ADJOURNMENT

Mr. SOUDER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 21 minutes

p.m.), under its previous order, the House adjourned until Monday, May 5, 2003, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1976. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Tuberculosis in Cattle and Bison; State Designations; California [Docket No. 03-005-1] received April 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1977. A communication from the President of the United States, transmitting a request for FY 2004 budget amendments for the Department of Defense; (H. Doc. No. 108–67); to the Committee on Appropriations and ordered to be printed.

1978. A letter from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Bishopville and Lamar, South Carolina) [MB Docket No. 02-197; RM-10509] received April 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1979. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Releasing Part of a Power Reactor Site or Facility for Unrestricted Use Before the NRC Approves the License Termination Plan (RIN: 3150-AG56) received April 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1980. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—West Virginia Regulatory Program [WV-092-FOR] received May 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1981. 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 Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Closure of the Quarter I Fishery for Loligo Squid [Docket No. 021017239-2322-02; I.D. 032003B] received April 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1982. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Spiny Dogfish Fishery; 2003 Specifications [Docket No. 030227050-3082-02; I.D. 020603D] received April 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1983. 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 620 of the Gulf of Alaska [Docket No. 021122286-3036-02; I.D. 040203B] received April 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1984. 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; Atka Mackerel and Pacific Cod with Trawl Gear in the Bering Sea and Aleutian Islands [Docket No. 021212307-3037-02; I.D. 032803E] received April 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1985. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Drawbridge Operation Regulation; Illinois Waterway, Illinois [CGD08-03-009] (RIN: 1625-AA09) received April 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1986. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zones; Passenger Vessels, Portland, Maine, Captain of the Port Zone [CGD01-03-001] (RIN: 1625-AA00) (Formerly 2115-AA97) received April 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1987. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Drawbridge Operation Regulations; Elizabeth River Southern Branch, AICWW, Virginia [CGD05-03-037] (RIN: 1625-AA09) received April 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1988. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Wiscasset, ME, Maine Yankee Reactor Pressure Vessel Removal [CGD01-03-019] (RIN: 1625-AA00) received April 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1989. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Special Local Regulations; Miami Beach Super Boat Race, Miami Beach, Florida [CGD07-03-041] (RIN: 1625-AA08) received April 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1990. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Regulated Navigation Area; Olympic View Resource Area EPA Superfund Cleanup Site, Commencement Bay, Tacoma WA [CGD13-02-016] (RIN: 1625-AA11 [Formerly 2115-AA97]) received April 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1991. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Emmetsburg, IA [Docket No. FAA-2003-14595; Airspace Docket No. 03-ACE-18] received April 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1992. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Hazen, ND [Docket No. FAA-2003-14352; Airspace Docket No. 00-AGL-25] received April 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1993. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Keokuk, IA [Docket No. FAA-2003-14599; Airspace Docket No. 03-ACE-22] received April 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1994. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Fairmont, NE [Docket No. FAA-2003-14195; Airspace Docket No. 03-ACE-1] received April 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1995. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Prohibition Against Certain Flights Within the Territory and Airspace of Iraq [Docket No. FAA-2003-14766; SFAR 77] received April 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1996. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Rulings and determination letters (Rev. Proc. 2003-33) received April 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1997. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Active Conduct of a Trade or Business (Rev. Rul. 2003-38) received April 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1998. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Gross Income (Rev. Rul. 2003-39) received April 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1999. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Changes in Accounting Periods and Methods of Accounting (Rev. Proc. 2003-34) received April 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2000. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Weighted Average Interest Rate Update [Notice 2003-23] received April 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2001. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Last-in, First-out Inventories (Rev. Rul. 2003-42) received April 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2002. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Offshore Deferred Compensation Arrangements [Notice 2003-22] received April 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2003. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Notice of Significant Reduction in the Rate of Future Benefit Accrual (RIN: 1545-BA08) received April 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2004. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Coordinated Issue All Industries Contingent Liabilities (UIL: 9300.17-00) received April 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2005. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Rev. Rul. 2003-45) received April 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2006. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting

the Service's final rule—Industry Issue Resolution Program (Rev. Proc. 2003-36) received April 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2007. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Publication of Inflation Adjustment Factor, Nonconventional Source Fuel Credit, and Reference Price for Calendar Year 2002—received April 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2008. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Exclusions from Gross Income of Nonresident Alien Individuals (Rev. Rul.2001-48) received April 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2009. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Effect of the Family and Medical Leave Act on the Operation of Cafeteria Plans [TD 8966] (RIN: 1545-AT47) received April 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); 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. BOEHNER: Committee on Education and the Workforce. H.R. 1261. A bill to enhance the workforce investment system of the Nation by strengthening one-stop career centers, providing for more effective governance arrangements, promoting access to a more comprehensive array of employment, training, and related services, establishing a targeted approach to serving youth, and improving performance accountability, and for other purposes; with an amendment (Rept. 108–82). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. 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 (Rept. 108–83). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 281. A bill to designate the Federal building and United States courthouse located at 200 West 2nd Street in Dayton, Ohio, as the ''Tony Hall Federal Building and United States Courthouse'' (Rept. 108–84). Referred to the House Calendar.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 1018. A bill to designate the building located at 1 Federal Plaza in New York, New York, as the ''James L. Watson United States Court of International Trade Building'' (Rept. 108–85). Referred to the House Calendar.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. House Concurrent Resolution 53. Resolution authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby; with an amendment (Rept. 108–86). Referred to the House Calendar.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. House Concurrent Resolution 96. Resolution authorizing the use of the Capitol Grounds for the National Peace Officers' Memorial Service (Rept. 108–87). Referred to the House Calendar.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. House Concurrent Resolution 128. Resolution authorizing the use of the Capitol Grounds for the D.C. Special Olympics Law Enforcement Torch Run (Rept. 108–88). 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. FOLEY (for himself, Mr. CAPUANO, Mr. ENGLISH, Mr. CAMP, Mr. ISRAEL, Mr. FOSSELLA, Mr. PAYNE, Mr. GOODLATTE, Mr. WAXMAN, Mr. UPTON, Mr. HINCHEY, Mr. ABERCROMBIE, Mr. MCNULTY, Mr. WATT, Mr. ENGEL, Mr. WELDON of Florida, Mr. MICHAUD, Mr. SERRANO, Mrs. CHRISTENSEN, Mr. KENNEDY of Rhode Island, Mr. HOEFFEL, Mr. TOWNS, Mr. FROST, Mr. ALLEN, Mr. LYNCH, Mr. DOYLE, Ms. CORRINE BROWN of Florida, and Mr. SIMMONS):

H.R. 1902. A bill to amend title XVIII of the Social Security Act to improve outpatient vision services under part B of the Medicare Program; 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. FARR:

H.R. 1903. A bill to amend the Defense Base Closure and Realignment Act of 1990 to improve the surplus property disposal process for closed or realigned military installations; to the Committee on Armed Services.

By Mr. MCINNIS (for himself, Mr. WALDEN of Oregon, Mr. POMBO, Mr. GOODLATTE, Mr. AKIN, Mr. ALEXANDER, Mr. BALLENGER, Mr. BARTON of Texas, Mr. BEAUPREZ, Mr. BERRY, Mr. BISHOP of Utah, Mr. BLUNT, Mr. BOEHNER, Mr. BOOZMAN, Mr. BRADY of Texas, Mr. BURGESS, Mr. CALVERT, Mr. CANNON, Mr. COLE, Mr. CRAMER, Mrs. CUBIN, Mr. DAVIS of Alabama, Mr. DOOLITTLE, Mr. DOOLEY of California, Mr. DUNCAN, Mrs. EMERSON, Mr. EVERETT, Mr. FLAKE, Mr. GALLEGLY, Mr. GIBBONS, Mr. GILCHREST, Mr. GINGREY, Mr. GRAVES, Mr. GREEN of Wisconsin, Mr. GUTKNECHT, Mr. HASTINGS of Washington, Mr. HAYES, Mr. HAYWORTH, Mr. HEFLEY, Mr. HERGER, Mr. HUNTER, Mr. ISSA, Mr. JANKLOW, Mr. JOHN, Mr. JONES of North Carolina, Mr. KOLBE, Mr. LAHOOD, Mr. LEWIS of California, Mr. LINDER, Mr. MCKEON, Mr. GARY G. MILLER of California, Mr. MORAN of Kansas, Mrs. MUSGRAVE, Mr. NETHERCUTT, Mr. NORWOOD, Mr. NUNES, Mr. OBERSTAR, Mr. OTTER, Mr. OSBORNE, Mr. OSE, Mr. PEARCE, Mr. PETERSON of Minnesota, Mr. PETERSON of Pennsylvania, Mr. PICKERING, Mr. RADANOVICH, Mr. REHBERG, Mr. RENZI, Mr. ROGERS of Alabama, Mr. ROSS, Mr. RYUN of Kansas, Mr. SANDLIN, Mr. SESSIONS, Mr. SHADEGG, Mr. SHIMKUS, Mr. SHERWOOD, Mr. SIMPSON, Mr. SMITH of Michigan, Mr. SOUDER, Mr. STENHOLM, Mr. STUPAK, Mr. TANCREDO, Mr. TAYLOR of North Carolina, Mr. TERRY, Mr. THOMAS, Mr. THOMPSON of Mississippi, Mr. THORNBERRY, Mr. TIAHRT, Mr. TURNER of Texas, Mr. TAUZIN, Mr. VITTER, Mr. WICKER, Mrs. WILSON of New Mexico, Mr. WILSON of South Carolina, and Mr. YOUNG of Alaska):

H.R. 1904. A bill to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to plan and conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Resources, 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. FOLEY (for himself, Mr. ISRAEL, Ms. ROS-LEHTINEN, Mr. MARKEY, Mr. MCNULTY, Mr. FROST, and Mr. CROWLEY):

H.R. 1905. A bill to clarify the authority of States to establish conditions for insurers to conduct the business of insurance within a State based on provision of information regarding Holocaust era insurance policies of the insurer and to establish a Federal cause of action for claims for payment of such insurance policies, and for other purposes; to the Committee on Financial Services.

By Mr. EVANS:

H.R. 1906. A bill to amend title 10, United States Code, to revise the Transition Assistance Program for persons separating from active duty in the Armed Forces to make that program mandatory for all separating members and to provide for the furnishing to such members of information about homelessness; to the Committee on Armed Services.

By Mr. LUCAS of Oklahoma (for himself and Mr. HOLDEN):

H.R. 1907. A bill to amend the Food Security Act of 1985 to ensure the availability of funds to provide technical assistance for certain conservation programs of the Department of Agriculture; to the Committee on Agriculture.

By Mr. DAVIS of Illinois (for himself, Mr. EVANS, Mr. RUSH, Mr. JACKSON of Illinois, Mr. LIPINSKI, Mr. GUTIERREZ, Mr. EMANUEL, Mr. HYDE, Mr. CRANE, Ms. SCHAKOWSKY, Mr. KIRK, Mr. COSTELLO, Mrs. BIGGERT, Mr. HASTERT, Mr. JOHNSON of Illinois, Mr. MANZULLO, Mr. LAHOOD, Mr. SHIMKUS, Mr. MCDERMOTT, Mr. GRIJALVA, Mr. EDWARDS, Mr. MORAN of Virginia, Mr. FILNER, Mr. FROST, Mr. WYNN, Mr. KANJORSKI, Mr. FALEOMAVAEGA, Mr. OWENS, and Mr. WELLER):

H.R. 1908. A bill to name the health care facility of the Department of Veterans Affairs located at 820 South Damen Avenue in Chicago, Illinois, as the ''Jesse Brown Department of Veterans Affairs Medical Center''; to the Committee on Veterans' Affairs.

By Mr. ISTOOK:

H.R. 1909. A bill to amend the National Labor Relations Act to provide for inflation adjustments to the mandatory jurisdiction thresholds of the National Labor Relations Board; to the Committee on Education and the Workforce.

By Ms. SLAUGHTER (for herself, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. ALLEN, Ms. BERKLEY, Mr. BERMAN, Mrs. BIGGERT, Mr. BISHOP of New York, Ms. BORDALLO, Mr. BOSWELL, Mr. BOYD, Mr. BURTON of Indiana, Mrs. CAPPS, Mr. CAPUANO, Mr. CARDIN, Ms. CARSON of Indiana, Mr. CASE, Mrs. CHRISTENSEN, Mr. COOPER, Mr. COSTELLO, Mr. CROWLEY, Mr.

CUMMINGS, Mr. DAVIS of Florida, Mrs. DAVIS of California, Mr. DEFAZIO, Ms. DEGETTE, Ms. DELAURO, Mr. DICKS, Mr. DINGELL, Mr. DOYLE, Mr. ENGEL, Mr. FARR, Mr. FOLEY, Mr. FRANK of Massachusetts, Mr. FRELINGHUYSEN, Mr. FROST, Mr. GILCHREST, Mr. GILLMOR, Mr. GORDON, Ms. GRANGER, Mr. GREEN of Texas, Mr. GUTIERREZ, Mr. HEFLEY, Mr. HINCHEY, Mr. HINOJOSA, Mr. HOEFFEL, Mr. HOLT, Mr. HYDE, Mr. INSLEE, Mr. ISRAEL, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. JONES of Ohio, Mr. KANJORSKI, Ms. KAPTUR, Mrs. KELLY, Mr. KENNEDY of Rhode Island, Mr. KILDEE, Mr. KING of New York, Mr. KUCINICH, Mr. LANTOS, Mr. LATOURETTE, Mr. LEACH, Mr. LOBIONDO, Ms. LOFGREN, Mrs. LOWEY, Mrs. MALONEY, Mr. MARKEY, Mr. MATSUI, Mrs. MCCARTHY of New York, Mr. MCDERMOTT, Mr. MCHUGH, Mr. MCINTYRE, Mr. MCNULTY, Mr. MEEHAN, Mr. MENENDEZ, Mr. MICA, Ms. MILLENDER-MCDONALD, Mr. GEORGE MILLER of California, Mr. MOORE, Mr. MORAN of Virginia, Mr. NADLER, Mr. NEY, Mrs. NORTHUP, Ms. NORTON, Mr. OBEY, Mr. OWENS, Ms. PELOSI, Mr. PLATTS, Mr. RANGEL, Mr. ROTHMAN, Ms. ROYBAL-ALLARD, Ms. LINDA T. SANCHEZ of California, Ms. LORETTA SANCHEZ of California, Mr. SANDERS, Ms. SCHAKOWSKY, Mr. SCHIFF, Mr. SERRANO, Mr. SHAYS, Mr. SHERMAN, Mr. SIMMONS, Mr. STARK, Mr. STRICKLAND, Mrs. TAUSCHER, Mr. TIERNEY, Mr. UDALL of New Mexico, Ms. VELAZQUEZ, Mr. WALSH, Mr. WAMP, Mr. WAXMAN, Mr. WEXLER, and Ms. WOOLSEY):

H.R. 1910. A bill to prohibit discrimination on the basis of genetic information with respect to health insurance; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Education and the Workforce, 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. BOOZMAN (for himself, Mr. SMITH of New Jersey, Mr. EVANS, Mr. SIMMONS, Mr. MILLER of Florida, and Mr. RODRIGUEZ):

H.R. 1911. A bill to amend title 38, United States Code, to enhance cooperation and the sharing of resources between the Department of Veterans Affairs and the Department of Defense; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CAMP (for himself, Mr. DOOLITTLE, Mr. HERGER, Mr. HAYWORTH, and Mr. ENGLISH):

H.R. 1912. A bill to amend the Internal Revenue Code of 1986 to modify the unrelated business taxable income rules; to the Committee on Ways and Means.

By Mr. DAVIS of Alabama (for himself, Mr. LEACH, Mr. ROSS, Mr. HINOJOSA, and Mr. LUCAS of Kentucky):

H.R. 1913. A bill to amend the Internal Revenue Code of 1986 to allow a first time homebuyer credit for the purchase of principal residences located in rural areas; to the Committee on Ways and Means.

By Mrs. JO ANN DAVIS of Virginia (for herself, Mr. SCHROCK, Mr. SCOTT of Virginia, Mr. FORBES, Mr. GOODE, Mr. GOODLATTE, Mr. CANTOR, Mr. MORAN of Virginia, Mr. BOUCHER, Mr. WOLF, Mr. TOM DAVIS of Virginia, Mr. ABERCROMBIE, and Mr. FARR):

H.R. 1914. A bill to provide for the issuance of a coin to commemorate the 400th anniversary of the Jamestown settlement; to the Committee on Financial Services.

By Mr. DEFAZIO (for himself and Mr. BELL):

H.R. 1915. A bill to waive the limitation on the use of funds appropriated for the Homeland Security Grant Program; to the Committee on the Judiciary, and in addition to the Committee on Transportation and Infrastructure, 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. DEGETTE (for herself, Mr. NETHERCUTT, Mr. WELDON of Pennsylvania, Mr. BECERRA, Ms. SOLIS, Mrs. CHRISTENSEN, Mr. WU, Mr. HONDA, Mr. KILDEE, Mr. BONILLA, Mr. DOYLE, Mr. KENNEDY of Rhode Island, Mr. GREEN of Texas, Mr. HINOJOSA, Ms. NORTON, Mr. LEWIS of Georgia, Mr. HOEFFEL, Mr. GUTIERREZ, Mr. JACKSON of Illinois, Mr. DAVIS of Illinois, Mr. REYES, Mr. CARSON of Oklahoma, Mr. RODRIGUEZ, Mr. STENHOLM, Mr. SCOTT of Georgia, Mr. WYNN, Ms. LEE, Mr. KIND, Mr. LYNCH, Mr. PRICE of North Carolina, Mr. CROWLEY, Mrs. CAPPS, Ms. SCHAKOWSKY, Ms. WOOLSEY, Mr. MCINTYRE, Mr. HILL, Mr. BERMAN, Mr. BELL, Ms. KILPATRICK, Mr. PASTOR, Ms. WATSON, Ms. WATERS, Mr. LAMPSON, Mr. DEUTSCH, Mr. OLVER, Mr. POMEROY, Ms. MAJETTE, Mr. SERRANO, Mr. MCDERMOTT, Mr. FILNER, Ms. KAPTUR, Mr. CUMMINGS, Mr. MOLLOHAN, Mr. KANJORSKI, Ms. DELAURO, Mr. KUCINICH, Mr. TOWNS, Mr. ETHERIDGE, Mr. FERGUSON, Mr. MEEKS of New York, Mr. THOMPSON of Mississippi, Mr. FORD, Mr. MURTHA, Mr. LEVIN, Mr. BISHOP of New York, and Mr. PALLONE):

H.R. 1916. A bill to prevent and cure diabetes and to promote and improve the care of individuals with diabetes for the reduction of health disparities within racial and ethnic minority groups, including the African-American, Hispanic American, Asian American and Pacific Islander, and American Indian and Alaskan Native communities; to the Committee on Energy and Commerce.

By Mr. FILNER:

H.R. 1917. A bill to amend title 10, United States Code, to authorize military recreational facilities to be used by any veteran with a compensable service-connected disability; to the Committee on Armed Services.

By Mr. FILNER:

H.R. 1918. A bill to amend title 10, United States Code, to extend commissary and exchange store privileges to veterans with a service-connected disability rated at 30 percent or more and to the dependents of such veterans; to the Committee on Armed Services.

By Mr. FILNER:

H.R. 1919. A bill to amend title 10, United States Code, to authorize transportation on military aircraft on a space-available basis for veterans with a service-connected disability rated 50 percent or more; to the Committee on Armed Services.

By Mr. FILNER:

H.R. 1920. A bill to require that contracts entered into by the Federal Government for reconstruction in Iraq include a condition that the contractor, when hiring employees to carry out the contract, provide a preference for the hiring of veterans; to the Committee on Government Reform.

By Mr. FILNER:

H.R. 1921. A bill to amend title 38, United States Code, to increase from one month to three months the quantity of supply of certain prescriptions furnished by the Department of Veterans Affairs to veterans with chronic conditions; to the Committee on Veterans' Affairs.

By Mr. FILNER:

H.R. 1922. A bill to amend the Internal Revenue Code of 1986 to provide a one-time increase in the amount excludable from the sale of a principal residence by taxpayers who have attained age 50; to the Committee on Ways and Means.

By Mr. FILNER:

H.R. 1923. A bill to amend title II of the Social Security Act to reduce from 60 to 55 the age at which an individual who is otherwise eligible may be paid widow's or widower's insurance benefits; to the Committee on Ways and Means.

By Mr. FILNER:

H.R. 1924. A bill to amend title 38, United States Code, to extend the time limitation for use of eligibility and entitlement for educational assistance under the Montgomery GI Bill; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GINGREY (for himself, Mr. BOEHNER, Mr. GEORGE MILLER of California, Mr. HOEKSTRA, Mr. PORTER, Mr. GREENWOOD, Mr. NORWOOD, Mr. HINOJOSA, Mr. WILSON of South Carolina, and Mr. BURNS):

H.R. 1925. A bill to reauthorize programs under the Runaway and Homeless Youth Act and the Missing Children's Assistance Act, and for other purposes; to the Committee on Education and the Workforce.

By Mr. HAYWORTH:

H.R. 1926. A bill to amend the Internal Revenue Code of 1986 to apply an excise tax to excessive attorneys fees for legal judgments, settlements, or agreements that operate as a tax; to the Committee on Ways and Means.

By Mr. HULSHOF (for himself and Mr. BECERRA):

H.R. 1927. A bill to amend the Internal Revenue Code of 1986 to include wireless telecommunications equipment in the definition of qualified technological equipment for purposes of determining the depreciation treatment of such equipment; to the Committee on Ways and Means.

By Mrs. JOHNSON of Connecticut (for herself and Mr. RANGEL):

H.R. 1928. A bill to amend the Internal Revenue Code of 1986 to clarify the eligibility of certain expenses for the low-income housing credit; to the Committee on Ways and Means.

By Mr. KENNEDY of Rhode Island (for himself, Mr. PLATTS, Mr. GEORGE MILLER of California, Mr. MCDERMOTT, Mr. GRIJALVA, Mr. FROST, Mr. FRANK of Massachusetts, Mr. OWENS, and Ms. KAPTUR):

H.R. 1929. A bill to amend the Public Health Service Act to authorize formula grants to States to provide access to affordable health insurance for certain child care providers and staff, and for other purposes; to the Committee on Energy and Commerce.

By Mr. KENNEDY of Rhode Island:

H.R. 1930. A bill to adjust the immigration status of certain Liberian nationals who were provided refuge in the United States; to the Committee on the Judiciary.

By Mr. KLECZKA (for himself, Mr. FROST, Mr. STARK, Mr. KUCINICH, Mr. MCNULTY, Mr. FALEOMAVAEGA, and Mr. KINGSTON):

H.R. 1931. A bill to protect the privacy of the individual with respect to the Social Security number and other personal information, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEACH:

H.R. 1932. A bill to designate the diplomacy center of the Department of State as the Colin Powell Center for American Diplomacy and to provide for appropriate museum visitor and educational outreach services at the center; to the Committee on International Relations.

By Ms. LOFGREN (for herself, Mr. DEFAZIO, Mr. FRANK of Massachusetts, and Ms. HARMAN):

H.R. 1933. A bill to reduce unsolicited commercial electronic mail and to protect children from sexually oriented advertisements; to the Committee on the Judiciary, 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 Mrs. MALONEY (for herself, Mr. TOM DAVIS of Virginia, Mr. HOYER, Ms. NORTON, Mr. ABERCROMBIE, Mr. OWENS, Mr. WYNN, Mr. ACKERMAN, Mr. ENGEL, Mr. KILDEE, Mr. CUMMINGS, Mr. FILNER, Mr. MORAN of Virginia, Ms. LEE, Mrs. CAPPS, Ms. MCCARTHY of Missouri, Mr. LYNCH, Mr. DINGELL, Ms. CORRINE BROWN of Florida, Mr. GUTIERREZ, Ms. DELAURO, Ms. ROYBAL-ALLARD, Ms. SCHAKOWSKY, Mr. WAXMAN, and Mr. MCNULTY):

H.R. 1934. A bill to amend title 5, United States Code, to provide that, of the total amount of family leave available to a Federal employee based on the birth of a child or the placement of a child with the employee for adoption or foster care, at least one-half of that time shall be leave with pay; to the Committee on Government Reform.

By Mrs. MALONEY (for herself, Mr. QUINN, Mr. SERRANO, Mrs. MCCARTHY of New York, Mr. FOSSELLA, Mr. ENGEL, Mr. OWENS, Mr. RUSH, Mr. SANDERS, Mr. GUTIERREZ, Mr. CUMMINGS, Mr. HOEFFEL, Mrs. JONES of Ohio, Mr. HOLDEN, Ms. MCCOLLUM, Ms. CORRINE BROWN of Florida, Mr. CONYERS, Mr. GRIJALVA, Mr. GILLMOR, Ms. WOOLSEY, Mr. BISHOP of Georgia, Ms. SCHAKOWSKY, Mr. FROST, and Mr. WYNN):

H.R. 1935. A bill to amend title 38, United States Code, to provide housing loan benefits for the purchase of residential cooperative apartment units; to the Committee on Veterans' Affairs.

By Mr. MOORE (for himself, Mr. HOLDEN, Mrs. TAUSCHER, Mr. KIND, Mr. ROSS, Mr. ABERCROMBIE, Mr. BOYD, Mr. TURNER of Texas, Mr. BERRY, Mr. STENHOLM, and Mr. SANDLIN):

H.R. 1936. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives to encourage small business health plans, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and Small Business, 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. MOORE:

H.R. 1937. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives to encourage small business health plans, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and Small Business, 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. MORAN of Virginia (for himself, Mrs. JO ANN DAVIS of Virginia, Mr. TOM DAVIS of Virginia, Mr. SCOTT of Virginia, Mr. SCHROCK, and Mr. ABERCROMBIE):

H.R. 1938. A bill to extend Federal recognition to the Chickahominy Indian Tribe, the Chickahominy Indian Tribe-Eastern Division, the Upper Mattaponi Tribe, the Rappahannock Tribe, Inc., the Monacan Indian Nation, and the Nansemond Indian Tribe; to the Committee on Resources.

By Mr. NEAL of Massachusetts:

H.R. 1939. A bill to amend the Internal Revenue Code of 1986 to provide a revenue-neutral simplification of the individual income tax; to the Committee on Ways and Means.

By Mr. OSE (for himself, Mr. THOMPSON of California, and Mr. OTTER):

H.R. 1940. A bill to improve the provision of telehealth services under the Medicare Program, to provide grants for the development of telehealth networks, and for other purposes; 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. PAUL:

H.R. 1941. A bill to enforce the guarantees of the first, fourteenth, and fifteenth amendments to the Constitution of the United States by prohibiting certain devices used to deny the right to participate in certain elections; to the Committee on House Administration.

By Mr. PETERSON of Minnesota (for himself and Mr. LUCAS of Kentucky):

H.R. 1942. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives for the use of biodiesel as a fuel; to the Committee on Ways and Means, and in addition to the Committee on Agriculture, 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. PITTS:

H.R. 1943. A bill to amend the Fair Labor Standards Act of 1938 to permit certain youth to perform certain work with wood products, and for other purposes; to the Committee on Education and the Workforce.

By Mr. PITTS:

H.R. 1944. A bill to revise eligibility requirements applicable to essential air service subsidies; to the Committee on Transportation and Infrastructure.

By Mr. THOMPSON of California (for himself, Mr. SIMPSON, Mr. CUNNINGHAM, Mrs. TAUSCHER, Mr. GREENWOOD, Mr. WU, Ms. WOOLSEY, Mr. FARR, Mrs. DAVIS of California, Mr. STARK, Mr. MATSUI, Mr. SMITH of Washington, and Mr. UDALL of Colorado):

H.R. 1945. A bill to authorize the Secretary of Commerce to provide financial assistance to the States of Alaska, Washington, Oregon, California, and Idaho for salmon habitat restoration projects in coastal waters and upland drainages, and for other purposes; to the Committee on Resources.

By Mr. WALDEN of Oregon (for himself, Mr. BLUMENAUER, and Mr. DICKS):

H.R. 1946. A bill to amend title 35, United States Code, to clarify the applicability of certain provisions relating to railroad cars; to the Committee on the Judiciary.

By Mr. WICKER (for himself, Mr. NORWOOD, Mr. MCGOVERN, Mr. SIMPSON, Mr. TOWNS, Mr. PICKERING, Mr. OSE, and Mr. GRIJALVA):

H.R. 1947. A bill to ensure that members of the Armed Forces who are married and have minor dependents are eligible for military family housing containing more than two bedrooms; to the Committee on Armed Services.

By Mr. MORAN of Kansas:

H. Con. Res. 159. Concurrent resolution declaring Emporia, Kansas, to be the founding city of the Veterans Day holiday and recognizing the contributions of Alvin J. King and Representative Ed Rees to the enactment into law of the observance of Veterans Day; to the Committee on Veterans' Affairs.

By Mr. HINCHEY (for himself and Mr. BROWN of Ohio):

H. Res. 212. A resolution to express the sense of the House of Representatives that the Federal Communications Commission should not revise its media ownership rules without more extensive review and comment by the public; to the Committee on Energy and Commerce.

By Mr. DAVIS of Illinois (for himself, Mrs. JO ANN DAVIS of Virginia, Mr. WAXMAN, Mr. TOM DAVIS of Virginia, Mr. OWENS, Ms. NORTON, Mr. VAN HOLLEN, Mr. TOWNS, Mr. WYNN, Mr. RUPPERSBERGER, and Mr. CUMMINGS):

H. Res. 213. A resolution expressing the sense of the House of Representatives that public service employees should be commended for their dedication and service to the Nation during Public Service Recognition Week; to the Committee on Government Reform.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. TOWNS, Mr. WYNN, Ms. KILPATRICK, and Ms. VELAZQUEZ):

H. Res. 214. A resolution expressing the sense of the House of Representatives that small and minority-owned businesses in the United States should be involved in rebuilding Iraq; to the Committee on Small Business, and in addition to the Committee on International Relations, 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. LINDER (for himself, Mr. KINGSTON, Mr. EVANS, Mr. GINGREY, Mr. SCOTT of Georgia, Mr. HOUGHTON, Mr. COLLINS, Ms. MAJETTE, Mr. KLINE, Mr. ISAKSON, Mr. BURNS, Mr. SNYDER, Mr. NORWOOD, Mr. LEWIS of Georgia, Mr. GILCHREST, Mr. DEAL of Georgia, Mr. BISHOP of Georgia, and Mr. MARSHALL):

H. Res. 215. A resolution expressing the sense of the House of Representatives that the President should award the Presidential Medal of Freedom to General Raymond G. Davis, United States Marine Corps (retired); to the Committee on Government Reform.

By Mr. OSBORNE:

H. Res. 216. A resolution congratulating the Hastings College women's basketball team for winning 2 consecutive National Association of Intercollegiate Athletics (NAIA) Division II national championships; to the Committee on Education and the Workforce.

By Mr. SABO (for himself, Mr. OBERSTAR, Mr. PETERSON of Minnesota, Ms. MCCOLLUM, Mr. GUTKNECHT, Mr. KENNEDY of Minnesota, Mr. KLINE, and Mr. RAMSTAD):

H. Res. 217. A resolution commending the University of Minnesota Golden Gophers for

winning the 2003 National Collegiate Athletic Association Division I Men's Ice Hockey Championship; to the Committee on Education and the Workforce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. FILNER introduced a bill (H.R. 1948) for the relief of Shigeru Yamada; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 12: Mr. GARRETT of New Jersey, Mr. TURNER of Ohio, Mr. PUTNAM, and Mr. LAHOOD.

H.R. 19: Mr. COOPER.

H.R. 20: Mr. DAVIS of Florida and Mr. MEEKS of New York.

H.R. 40: Mrs. JONES of Ohio.

H.R. 43: Mr. OSE.

H.R. 111: Ms. DELAURO, Ms. LINDA T. SANCHEZ of California, Mr. POMEROY, and Mr. HASTINGS of Florida.

H.R. 158: Mr. OSE.

H.R. 218: Mrs. BLACKBURN.

H.R. 223: Mr. GOODE, Mr. NORWOOD, Mr. HENSARLING, Mr. CHABOT, Mr. BARTLETT of Maryland, Mr. AKIN, Mr. CHOCOLA, Mr. TOOMEY, Mrs. MYRICK, and Mr. PITTS.

H.R. 284: Mr. CARDIN, Mr. KNOLLENBERG, Mr. CUMMINGS, Mr. KLECZKA, Mr. PETERSON of Pennsylvania, Mr. WAMP, Mr. GREENWOOD, and Ms. HART.

H.R. 286: Mr. UDALL of Colorado.

H.R. 288: Mr. HOUGHTON, Mr. SMITH of Washington, Mr. OWENS, Mr. PALLONE, Mr. LARSEN of Washington, Mr. GEORGE MILLER of California, Mr. MCDERMOTT, Mr. SANDERS, Ms. NORTON, Mr. MORAN of Virginia, Mr. GRIJALVA, and Ms. BORDALLO.

H.R. 290: Mr. OLVER and Mr. WELDON of Pennsylvania.

H.R. 296: Mr. KENNEDY of Rhode Island.

H.R. 303: Mr. PALLONE, Mr. FERGUSON, Mr. MURTHA, and Mr. BOUCHER.

H.R. 339: Mr. GALLEGLY, Mr. GOODE, Mrs. JO ANN DAVIS of Virginia, Mr. GOODLATTE, and Mrs. BLACKBURN.

H.R. 348: Mr. DOYLE.

H.R. 375: Mr. GREEN of Texas.

H.R. 384: Mr. NETHERCUTT.

H.R. 391: Mrs. WILSON of New Mexico, Mr. HAYES, and Mr. ROYCE.

H.R. 463: Mr. TERRY.

H.R. 466: Mr. MICHAUD, Mr. MORAN of Virginia, Mr. LUCAS of Kentucky, Mr. RYUN of Kansas, Mr. GEORGE MILLER of California, Mr. BRADY of Texas, Ms. NORTON, Mr. HOYER, and Mr. PETERSON of Minnesota.

H.R. 476: Mr. RUPPERSBERGER and Mr. MCINTYRE.

H.R. 527: Mrs. KELLY and Mr. FOSSELLA.

H.R. 528: Mrs. NAPOLITANO and Ms. ESHOO.

H.R. 548: Mr. UPTON, Mr. KUCINICH, and Mr. STUPAK.

H.R. 570: Mr. BONILLA.

H.R. 571: Mr. PICKERING and Mr. GORDON.

H.R. 610: Mr. DEFAZIO.

H.R. 648: Mr. BARRETT of South Carolina.

H.R. 655: Mr. BARTLETT of Maryland.

H.R. 677: Mr. EMANUEL.

H.R. 728: Mr. BARRETT of South Carolina and Mr. SCHROCK.

H.R. 737: Ms. DEGETTE.

H.R. 781: Mr. SANDLIN, Mr. TERRY, Mr. KLECZKA, Mr. FROST, and Mr. MCCRERY.

H.R. 801: Mr. LEVIN.

H.R. 829: Mr. ABERCROMBIE, Mr. LEACH, and Mr. MCGOVERN.

H.R. 834: Mr. FALEOMAVAEGA.

H.R. 846: Ms. CORRINE BROWN of Florida, Mr. LIPINSKI, Mr. MILLER of North Carolina, Mr. RANGEL, Mr. KENNEDY of Rhode Island, Mr. SANDERS, and Ms. SLAUGHTER.

H.R. 857: Mr. DEAL of Georgia and Mr. OLVER.

H.R. 859: Ms. LINDA T. SANCHEZ of California.

H.R. 861: Mr. OSE.

H.R. 873: Mr. WAXMAN and Mr. LEWIS of Georgia.

H.R. 876: Mr. MURPHY, Mr. LAHOOD, Mr. BERRY, Mr. SHAYS, and Mr. PETERSON of Pennsylvania.

H.R. 883: Mr. CASE and Mr. WOLF.

H.R. 891: Mrs. LOWEY and Mr. DOGGETT.

H.R. 898: Mr. ANDREWS and Mrs. MUSGRAVE.

H.R. 918: Mr. RANGEL, Mr. RAMSTAD, Ms. KILPATRICK, Mr. PICKERING, Mr. CAPUANO, Mrs. CAPITO, Mr. MATSUI, Mr. FLETCHER, Mr. ISRAEL, Mr. GRIJALVA, and Mr. GREEN of Wisconsin.

H.R. 919: Mrs. JO ANN DAVIS of Virginia, Mr. MATSUI, and Mr. RAMSTAD.

H.R. 927: Mr. GORDON, Mr. EHLERS, Mr. BONILLA, Mr. LEWIS of Kentucky, and Mr. ROGERS of Kentucky.

H.R. 935: Mr. HONDA, Mr. SERRANO, Mr. HINCHEY, Mr. KENNEDY of Rhode Island, Mr. SANDERS, Mr. ALLEN, and Mr. GRIJALVA.

H.R. 944: Mr. TERRY, Mr. CARSON of Oklahoma, Mr. BRADY of Texas, Mr. RENZI, and Ms. DELAURO.

H.R. 962: Mr. UDALL of Colorado, Mr. VAN HOLLEN, Mr. HONDA, Mr. BISHOP of New York, Mr. ALLEN, Mr. GORDON, Mr. STARK, Mr. TIERNEY, Ms. KILPATRICK, Mr. ENGEL, and Ms. LOFGREN.

H.R. 995: Mr. FILNER.

H.R. 997: Mr. WAMP, Mr. GOODLATTE, and Mr. BOEHNER.

H.R. 1004: Mr. ACKERMAN.

H.R. 1022: Ms. MCCARTHY of Missouri.

H.R. 1049: Mr. GOODLATTE and Mr. OTTER.

H.R. 1052: Mr. CAPUANO.

H.R. 1066: Mr. HONDA.

H.R. 1070: Ms. WATSON.

H.R. 1071: Mr. GONZALEZ.

H.R. 1080: Mr. CALVERT, Ms. ESCHOO, Mr. LARSON of Connecticut, Ms. SCHAKOWSKY, Mr. GRIJALVA, Mr. BONNER, and Mr. JOHNSON of Illinois.

H.R. 1081: Mr. CALVERT, Ms. ESHOO, Mr. LARSON of Connecticut, Ms. SCHAKOWSKY, Mr. GRIJALVA, and Mr. BONNER.

H.R. 1096: Mr. UDALL of Colorado.

H.R. 1097: Mr. KUCINICH, Mr. MATSUI, Ms. MCCOLLUM, Mr. FALEOMAVAEGA, Mr. COOPER, Mr. BISHOP of New York, Mr. TIERNEY, Mr. MEEKS of New York, and Mr. ANDREWS.

H.R. 1110: Mr. THOMPSON of Mississippi, Mr. WYNN, Ms. EDDIE BERNICE JOHNSON of Texas, and Ms. KILPATRICK.

H.R. 1125: Mr. JENKINS, Mr. PASTOR, Mr. SABO, Mr. LEVIN, Mr. MILLER of North Carolina, Ms. CARSON of Indiana, Mr. CAPUANO, Ms. LORETTA SANCHEZ of California, Mr. PRICE of North Carolina, Mr. NORWOOD, Mr. WICKER, Mr. BERRY, Mr. FLETCHER, Mr. SIMPSON, and Mr. KANJORSKI.

H.R. 1126: Ms. Hart.

H.R. 1154: Mr. BONILLA.

H.R. 1157: Mr. VAN HOLLEN and Ms. VELAZQUEZ.

H.R. 1160: Mr. BAKER, Mr. CONYERS, Mr. ALLEN, Mr. MOLLOHAN, Mr. OBERSTAR, Mr. CARDOZA, Mr. MATHESON, Mr. SAXTON, Mr. KIND, Mr. DEAL of Georgia, Mr. KING of New York, Mr. WICKER, Mr. GRAVES, Mr. UDALL of New Mexico, Mrs. MUSGRAVE, Mr. PEARCE, Mr. SKELTON, Mr. BAIRD, Mr. MCINTYRE, Mr. BURR, Mr. BALLANCE, Mr. COBLE, and Mr. MURPHY.

H.R. 1170: Mr. CASE.

H.R. 1179: Mr. NEY and Mr. GOODE.

H.R. 1196: Mr. GREENWOOD and Mr. WAXMAN.

H.R. 1202: Mr. MILLER of Florida, Mrs. MILLER of Michigan, Mr. SULLIVAN, Mrs. EMERSON, Mrs. BLACKBURN, Mr. MARIO DIAZ-BALART of Florida, Mr. MCKEON, Mr. WAMP, Mr. COLE, Mr. TANCREDO, Mr. HENSARLING, and Mr. BOOZMAN.

H.R. 1210: Mr. MARKEY, Mr. MCGOVERN, and Mr. PALLONE.

H.R. 1212: Mr. LOBIONDO, Mr. PAYNE, and Mr. ANDREWS.

H.R. 1222: Mr. KELLER and Mr. ANDREWS.

H.R. 1229: Mr. KENNEDY of Minnesota and Mr. MANZULLO.

H.R. 1236: Mr. OTTER.

H.R. 1261: Mr. BEREUTER.

H.R. 1275: Mr. ISRAEL.

H.R. 1279: Mr. SAXTON, Mr. SNYDER, Mr. EVANS, and Mr. AKIN.

H.R. 1288: Mr. GUTIERREZ, Mr. MANZULLO, Mr. LEACH, Mr. TANNER, Mr. PRICE of North Carolina, Mr. WELDON of Florida, Mr. RYAN of Wisconsin, Ms. ROYBAL-ALLARD, Mr. DOOLEY of California, Mr. ANDREWS, Mr. JEFFERSON, Mr. PETERSON of Minnesota, Mr. CUNNINGHAM, and Mr. HOSTETTLER.

H.R. 1295: Ms. KAPTUR.

H.R. 1301: Mr. OBERSTAR, Mr. PETERSON of Minnesota, Mr. REYES, Mr. ROGERS of Michigan, Mr. PLATTS, Mr. BERRY, and Mr. EVANS.

H.R. 1305: Mr. VITTER.

H.R. 1311: Mr. BAIRD, Mr. GREEN of Wisconsin, Mr. HILL, Mr. DELAHUNT, Mr. SIMMONS, Mr. PETERSON of Minnesota, Mr. LUCAS of Oklahoma, Mr. KILDEE, and Mrs. MCCARTHY of New York.

H.R. 1322: Mr. GRIJALVA.

H.R. 1328: Mr. FILNER and Mr. STENHOLM.

H.R. 1336: Mr. POMEROY, Mr. DAVIS of Illinois, Mr. MATSUI, Mr. DOOLITTLE, Mr. GORDON, Mr. EVANS, and Ms. HOOLEY of Oregon.

H.R. 1337: Mr. OTTER.

H.R. 1345: Mr. BRADY of Pennsylvania.

H.R. 1348: Mr. KUCINICH.

H.R. 1372: Mr. BLUMENAUER and Mr. DAVIS of Alabama.

H.R. 1376: Ms. LOFGREN.

H.R. 1415: Ms. ESHOO.

H.R. 1422: Mr. SANDLIN and Mr. FROST.

H.R. 1426: Mr. WELLER.

H.R. 1430: Mr. RANGEL, Mr. FILNER, and Mr. OLVER.

H.R. 1443: Mr. NADLER and Mr. DEFAZIO.

H.R. 1448: Mr. BRADY of Pennsylvania and Mr. BERMAN.

H.R. 1466: Mr. KENNEDY of Rhode Island.

H.R. 1472: Mr. PALLONE, Mrs. CHRISTENSEN, Mr. MARKEY, Mr. FALEOMAVAEGA, and Mr. KOLBE.

H.R. 1483: Mr. OLVER, Ms. WOOLSEY, and Mr. WEXLER.

H.R. 1502: Ms. CARSON of Indiana.

H.R. 1513: Mr. ISAKSON.

H.R. 1515: Mr. FRANKS of Arizona.

H.R. 1518: Mr. BISHOP of Utah.

H.R. 1523: Mr. LAHOOD, Mrs. JONES of Ohio, Mr. GERLACH, Mr. PAUL, Mr. HOSTETTLER, Mr. WICKER, Mr. ENGLISH, Mr. PUTNAM, Mr. KINGSTON, Mr. FROST, Mr. BALLENGER, Mr. NETHERCUTT, and Mr. HOYER.

H.R. 1534: Mr. WAXMAN, Ms. WOOLSEY, Mr. WEXLER, Ms. ESHOO, Mr. MEEHAN, and Mr. CARDOZA.

H.R. 1554: Mr. PAUL and Mr. FALEOMAVAEGA.

H.R. 1580: Mr. BONILLA, Mr. BRADY of Pennsylvania, and Mr. CHOCOLA.

H.R. 1582: Mr. FLAKE and Mr. BAIRD.

H.R. 1587: Mr. HONDA.

H.R. 1611: Mr. DAVIS of Alabama, Mr. WEXLER, Mr. STENHOLM, Mr. ABERCROMBIE, Mr. MCNULTY, and Mr. FILNER.

H.R. 1612: Mr. OSE and Mrs. CUBIN.

H.R. 1613: Mr. CROWLEY, Ms. DELAURO, Mr. SHIMKUS, Mr. LANTOS, Mr. SERRANO, and Mr. BROWN of Ohio.

H.R. 1622: Mr. BURR, Mr. HINOJOSA, Mr. MCNULTY, Mr. WELDON of Florida, Ms. SLAUGHTER, Mr. TOWNS, Ms. WOOLSEY, and Mr. FROST.

H.R. 1639: Ms. WOOLSEY.
H.R. 1652: Mr. SCHIFF and Mr. KUCINICH.
H.R. 1660: Mr. GILLMOR.
H.R. 1662: Mr. KING of Iowa, Mr. PICKERING, and Mr. MILLER of Florida.
H.R. 1663: Mr. OWENS and Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 1675: Mr. KENNEDY of Minnesota and Mr. SKELTON.
H.R. 1676: Mr. MICA.
H.R. 1677: Ms. LOFGREN.
H.R. 1710: Mr. SMITH of New Jersey.
H.R. 1714: Ms. GINNY BROWN-WAITE of Florida and Mr. KELLER.
H.R. 1717: Mr. KUCINICH and Mr. THOMPSON of California.
H.R. 1724: Mr. FALEOMAVAEGA, Mr. GOODE, and Mr. CUMMINGS.
H.R. 1725: Mr. JENKINS and Mr. MORAN of Kansas.
H.R. 1726: Mr. FOLEY, Mr. GORDON, and Mr. GREEN of Wisconsin.
H.R. 1733: Mr. ISRAEL.
H.R. 1734: Mr. PASCRELL and Ms. CORRINE BROWN of Florida.
H.R. 1738: Mr. MCDERMOTT, Mr. FROST, Ms. CORRINE BROWN of Florida, Mr. BISHOP of New York, Mr. MEEHAN, Mr. MARKEY, Mr. GEORGE MILLER of California, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MURTHA, Mr. ABERCROMBIE, Mr. BERMAN, Mr. ISRAEL, Mr. KUCINICH, and Mr. COSTELLO.
H.R. 1739: Mr. ACEVEDO-VILA.
H.R. 1742: Ms. LORETTA SANCHEZ of California.
H.R. 1746: Mr. RANGEL, Mr. BONILLA, Mr. DEUTSCH, Mr. SAXTON, and Mr. LAHOOD.
H.R. 1750: Mr. KENNEDY of Rhode Island.
H.R. 1751: Mr. HINCHEY, Mr. WEXLER, Mr. HASTINGS of Florida, Mr. RYAN of Ohio, Mr. FILNER, and Ms. LOFGREN.
H.R. 1759: Mr. BURR.
H.R. 1767: Mr. CULBERSON, Mrs. MUSGRAVE, Mr. BURGESS, Mr. BRADY of Texas, and Mr. KING of Iowa.
H.R. 1769: Mr. DEMINT and Mr. STARK.
H.R. 1778: Mr. CANTOR and Mr. RAMSTAD.
H.R. 1795: Mr. KENNEDY of Minnesota and Mr. RANGEL.
H.R. 1799: Mr. TOWNS, Mr. FRANK of Massachusetts, Mrs. MILLER of Michigan, Mr. SMITH of New Jersey, Mr. RYAN of Ohio, and Mr. COBLE.
H.R. 1828: Mr. BROWN of Ohio, Ms. GINNY BROWN-WAITE of Florida, Mr. CARTER, Mr. DAVIS of Alabama, Mr. DEUTSCH, Mr. EVERETT, Mr. FRANK of Massachusetts, Mr. GORDON, Mr. HERGER, Mrs. KELLY, Mr. LEVIN, Mr. LINDER, Mr. MARKEY, Mr. OSE, Mr. OWENS, Mr. PLATTS, Mr. RENZI, Mr. ROTHMAN, Ms. SCHAKOWSKY, Mr. SCOTT of Georgia, Mr. SHAW, Mr. SHAYS, Mr. TANCREDO, Mr. TIBERI, and Mr. WILSON of South Carolina.
H.R. 1859: Mrs. KELLY.
H.R. 1861: Mr. MCDERMOTT.
H.R. 1888: Mr. FRANK of Massachusetts, Mr. FROST, Mr. COSTELLO, Mr. DEFAZIO, Mr. BROWN of Ohio, and Mr. KUCINICH.
H.R. 1889: Mrs. MCCARTHY of New York, Mr. LAMPSON, Mrs. MALONEY, and Mr. CUMMINGS.
H.J. Res. 4: Ms. HART and Mr. GORDON.
H.J. Res. 22: Mr. KIRK, Mr. RAMSTAD, Mr. WILSON of South Carolina, and Mr. ALEXANDER.
H.J. Res. 48: Mr. GIBBONS.
H.J. Res. 50: Mr. BURGESS, Mrs. MUSGRAVE, Mr. BACHUS, and Mr. OSE.
H. Con. Res. 21: Mr. MOORE and Mr. RYUN of Kansas.
H. Con. Res. 61: Mr. ENGEL.
H. Con. Res. 93: Mr. BRADY of Texas, Mr. LEWIS of California, and Mr. GOODE.
H. Con. Res. 98: Mr. WATT and Mr. BERRY.
H. Con. Res. 111: Mr. KUCINICH.
H. Con. Res. 122: Mr. BROWN of Ohio, Mr. HASTINGS of Florida, Mr. DOOLEY of California, Ms. JACKSON-LEE of Texas, Ms. DEGETTE, Mr. STARK, and Mr. CASE.
H. Con. Res. 148: Mr. CUMMINGS, Mr. RODRIGUEZ, Mr. HONDA, Mr. GEORGE MILLER of California, Mr. FROST, Ms. DELAURO, Mr. LEWIS of Georgia, Mr. SERRANO, Mr. FRANK of Massachusetts, Mr. BROWN of Ohio, Mr. ACKERMAN, Mr. MCGOVERN, Ms. WOOLSEY, Mr. FARR, and Mr. ISRAEL.
H. Con. Res. 150: Mr. KELLER and Mr. AKIN.
H. Con. Res. 151: Ms. HARMAN, Mr. MCNULTY, Ms. JACKSON-LEE of Texas, Mr. SCHIFF, Mr. PRICE of North Carolina, Mr. RYAN of Ohio, Mr. MATHESON, Mr. RANGEL, Mr. TERRY, and Mr. KELLER.
H. Res. 21: Mr. FALEOMAVAEGA, Mr. RANGEL, Ms. BERKLEY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. ANDREWS, Mr. EMANUEL, and Ms. MAJETTE.
H. Res. 103: Mr. FOSSELLA.
H. Res. 136: Mr. TERRY.
H. Res. 193: Mr. WOLF, Mrs. JO ANN DAVIS of Virginia, Mr. NORWOOD, Mr. BUYER, Mr. THOMPSON of California, and Mr. WAXMAN.
H. Res. 208: Mr. WELDON of Florida.

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. 1119: Mr. PETRI.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, FIRST SESSION

Vol. 149 WASHINGTON, THURSDAY, MAY 1, 2003 No. 64

Senate

The Senate met at 9:15 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, the Rev. Canon Martyn Minns of Fairfax, VA.

PRAYER

The guest Chaplain offered the following prayer:

Almighty God, we thank You for blessing us as a nation. We pray that we would always be a generous people, eager to share the gifts of freedom, respect for human dignity, and commitment to service, with all the peoples of the world.

We pray for all who suffer and are afflicted in body or mind, especially those who face the devastation of HIV/AIDS and the unfolding terror of SARS. Grant them healing and comfort, and stir up in us the will and patience to minister to their needs.

We commend to Your gracious care all the men and women of our Armed Forces. Defend them day-by-day with Your heavenly grace, and give them a sense of Your abiding presence wherever they may be.

We thank You for the men and women of this Senate, and for all who serve in this place. Grant them the spirit of wisdom, charity and justice; that with steadfast purpose they may faithfully carry out the work set before them.

All this we pray because of the love first shown us in the call of Abraham and Sarah and now revealed to us in the life and witness of Jesus the Christ.

Amen.

PLEDGE OF ALLEGIANCE

The Honorable TED STEVENS 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.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. SUNUNU). Under the previous order, the leadership time is reserved.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER. The Senator from Utah is recognized.

SCHEDULE

Mr. HATCH. Mr. President, for the information of all Senators, this morning the Senate will resume consideration of the Owen nomination. Under the order, at 10:15 the Senate will proceed to a rollcall vote on the motion to invoke cloture on the nomination of Priscilla Owen to be a circuit judge for the Fifth Circuit. If cloture is not invoked, the Senate will begin consideration of the nomination of Edward Prado to be circuit judge. It is hoped we will reach a short time agreement with a vote on that nomination to occur by early afternoon.

In addition to the Owen and Prado nominations, the Senate may also consider the Cook nomination. As the majority leader stated last night, we have attempted to work out a unanimous consent agreement to process these judicial nominations. Unfortunately, we were unable to reach an understanding last night. There continues to be hope that as these nominations are considered we would be able to reach reasonable time limitations for their consideration.

In addition, the leader is still working toward agreements for considering and completing a number of other legislative matters, including the FISA legislation, the State Department authorization bill, the Bioshield legislation, or additional judicial nominations during today's session. Therefore, Senators should expect rollcall votes throughout the day.

MEASURES PLACED ON THE CALENDAR—S. 14 AND H.J. RES. 51

Mr. HATCH. I understand there is a bill and a joint resolution at the desk which are due for a second reading.

The PRESIDING OFFICER. The Senator is correct.

Mr. HATCH. I ask unanimous consent it be in order to read the titles of the measures en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will read the titles of the bills en bloc.

The legislative clerk read as follows:

A bill (S. 14) to enhance the energy security of the United States, and for other purposes,

A joint resolution (H.J. Res. 51), increasing the statutory limit on the debt.

Mr. HATCH. I ask that the Senate proceed en bloc to the measures, and I object to further proceeding en bloc.

The PRESIDING OFFICER. The objection having been heard, the bills will be placed on the calendar.

Mrs. BOXER. Will the Senator yield for a question? Just on the matter of timing.

Mr. HATCH. I will be delighted.

Mrs. BOXER. Mr. President, I have a markup at 9:30. I wanted to make a 5-minute statement on the judicial nomination. If we can do that and I will give Senator HATCH that 5 minutes back on his time, would that be acceptable?

Mr. HATCH. I think the 5 minutes will be taken from the minority side.

Mrs. BOXER. Yes, that is what I suggested.

Mr. HATCH. I am happy to yield so the Senator can make her statement.

Mrs. BOXER. That is very kind. I appreciate it.

● 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.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

APRIL 29, 2003.

Hon. BILL FRIST,
U.S. Senate Majority Leader,
U.S. Senate, Washington, DC.

DEAR MAJORITY LEADER FRIST: On behalf of the Congressional Hispanic Caucus (CHC), we write today regarding Edward Charles Prado's nomination to the United States Court of Appeals for the Fifth Circuit. Earlier this year, the CHC voted unanimously to endorse the nomination of Judge Prado. Subsequently, Judge Prado received the unanimous bipartisan support of the Senate Judiciary Committee, and it is our understanding that Senate Democratic leadership has since asked that this non-controversial nomination be immediately called up for a vote.

Unfortunately, it is now being reported that Senate Republican leadership is holding up confirmation of Judge Prado as part of a political ploy to characterize Democratic opposition to certain individual judicial nominees as a Democratic assault on women and minorities. If this in fact is the case, then it is reprehensible that the Senate Republican leadership would engage in such offensive and malicious tactics for mere political gain.

It is ironic that although Judge Prado has received bipartisan and unanimous support so far, Republican leadership has not yet allowed the full Senate a final vote on his nomination. Intentionally delaying a vote on this nomination casts doubt on the sincerity of Republican rhetoric about supporting and confirming qualified Hispanic judges.

Furthermore, it would be a travesty for Judge Prado, a qualified and respected Hispanic judicial nominee, to fall victim to a disingenuous politically motivated campaign to label Democrats as anti-minority by highlighting Democratic opposition to a select few while ignoring Democratic support for the vast majority of President Bush's Hispanic judicial nominees.

President Bush's nominations of Jose Martinez to a District Court in Florida, Jose Linares to a District Court in New Jersey, Christina Armijo to a District Court in New Mexico, James Otero to a District Court in California, as well as Alia Ludlum, Philip Martinez, and Randy Crane to District Courts in Texas all received Democratic support and all were confirmed by the U.S. Senate. In addition to Judge Prado, another pending Hispanic judicial nominee, Cecilia Altonaga of Florida, is also expected to be confirmed by the Senate with Democratic support.

Clearly, Senate Democrats have displayed a willingness to support President Bush's Hispanic nominees, and any assertions to the contrary are unnecessary and counterproductive to efforts to increase diversity on our Nation's federal courts.

As you know, the judicial nomination process is important to the CHC because we believe that our Nation's courts should reflect the diversity of thought and action that enrich America. To that extent, we established the Hispanic Judiciary Initiative to further formalize our involvement in this issue by establishing a set of evaluation criteria and an internal process for endorsing nominees. Since its inception the CHC Hispanic Judiciary Initiative has worked to improve diversity within the federal judiciary. For this effort to be hindered due to political maneuvering, absent concern for the best interest of the Hispanic community, is both irresponsible and neglectful.

Once again, we believe that Judge Prado's qualifications and distinguished career in law, as well as his dedication to the Hispanic community make him a judicial nominee deserving of confirmation. We respectfully urge you to schedule a vote to conform Edward Charles Prado to the United States Court of Appeals for the Fifth Circuit without any further delay.

Sincerely,

CIRO D. RODRIGUEZ,
Chair, Congressional Hispanic Caucus
CHARLES A. GONZALEZ,
Chair, CHC Hispanic Judiciary Initiative.

Mr. REED. Judge Prado has served 19 years in the United States district court. As some of my colleagues have noted, it is sometimes more challenging to review nominees who come to us from private practice and universities. We have to extrapolate from their record in those different roles as to how they would perform as a judge. With Judge Prado, we certainly do not have that problem. We know how he has performed as a judge.

With the nomination of Priscilla Owen, the same applies. We have the Priscilla Owen and Judge Prado judicial records we can directly evaluate. In the case of Justice Owen, it is a record many on our side find troubling. If all the Members had been present today, it would have been 47 people voting against cloture.

In the case of Judge Prado, it is a record we find evinces an evenhandedness and fairness befitting a circuit court judge. Not that I would decide every case the way Judge Prado has—I would not—but overall he has won the support of all Democratic Senators, as far as I know, on the Judiciary Committee, and other Democratic Senators, because they found his record one of balance and fairness. Unlike Justice Owen and Mr. Estrada, no colleague or supervisor has questioned his ability to apply the law faithfully. Unlike Justice Owen and Mr. Estrada, no single person or organization has submitted a letter of concern or opposition to Judge Prado's nomination.

Judge Prado has generated no controversy. He is experienced. While I am sure he is conservative, it does not matter; He is an evenhanded judge.

There is something to be said for conservative judges. If conservatism means the law is followed, stare decisis, the precedent set, I think that is good.

Judge Prado will be confirmed today because he is a fine person and an excellent judge. As I have noted in the past, eight of the sitting Latino judges were appointed by President Clinton. Several of these judges were denied Senate consideration for years while the Republicans controlled the Senate. Judge Richard Paez, nominee for the Ninth Circuit, waited over 1,500 days. He was well qualified, had the support of his hometown Senators, and 39 Republicans voted against his nomination. There is nothing wrong with that. They had different views as to how he would serve as a judge.

Judge Sonia Sotomayor, a nominee to the Second Circuit, was similarly stalled. Her confirmation took 433 days. Then there were the Hispanic nominees who were denied hearings or votes by Republicans during the Clinton administration: Jorge Rangel, Enrique Moreno, Christine Arguello, Richard Morado, Anabelle Rodriquez.

These facts and the expected confirmation of Judge Prado belie the anti-Hispanic charges some have made in the context of the Estrada debate. The extended debate Democrats have sought to have on just a handful of judicial nominees affects our constitutional advice and consent duty.

While the number of judges who have been confirmed demonstrates our good faith in working with our colleagues and the President, we will not simply rubberstamp ideologically driven individuals for lifetime seats on our Federal courts.

I am pleased that today we are moving forward on this qualified judge, Edward Prado. I believe the way Judge Prado's nomination has been received in the Senate points the way through some of the conflict that has occurred in the Senate over a very small number of judicial nominees.

If my math is correct, by today's end there will be 121 versus 2. That is a good record in anyone's book.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, as I understand it we are on the Prado nomination.

The PRESIDING OFFICER. The Senator is correct.

Mr. HATCH. Mr. President, I am pleased that we are considering the nomination of Edward C. Prado, who has been nominated by President Bush to serve on the United States Court of Appeals for the Fifth Circuit. He has an outstanding record of distinguished public service and will be a great addition to the Fifth Circuit, especially since the seat to which he has been nominated has been designated a judicial emergency by the Judicial Conference of the United States.

Judge Prado currently serves as a United States District Judge for the Western District of Texas, having been unanimously confirmed by the Senate in 1984. His 18 years on the bench, plus prior service as a Texas state court district judge has given him the experience and background to make an outstanding Fifth Circuit Judge.

In addition to his judicial experience, Judge Prado has had a distinguished legal career. After graduating from the University of Texas School of Law in 1972, he began his legal career as an Assistant District Attorney in the Bexar County, TX, District Attorney's Office. In 1976 he accepted a position with the Federal Public Defender's Office for the

Western District of Texas where he served as an Assistant Federal Public Defender representing indigent criminal defendants in the federal courts.

During 1980, he served as a Texas state district judge, filling the unexpired term of the incumbent. In this position, he presided over several hundred cases, including felony criminal trials. In 1981, he was unanimously confirmed by the Senate and appointed as United States Attorney for the Western District of Texas, where he managed one of the largest United States Attorney's Offices in the Nation. In 1984, President Reagan nominated and the Senate confirmed Judge Prado as a United States District Judge for the Western District of Texas. In this capacity he has handled thousands of cases and hundreds of trials.

Judge Prado is a man of exceptional character, impeccable ethics, and is well qualified to serve as a Circuit Judge. He has received many honors and awards for his work in the law, including the St. Thomas Moore Award from St. Mary's University School of Law in 2000, the LULAC State Award for Excellence in 1981, the Achievement Award from the U.S. Attorney General in 1980, and recognition as an Outstanding Federal Public Defender in 1978.

Judge Prado is a native of San Antonio, Texas and has served his community, state and nation in a variety of ways. Not only has he served in his professional capacity, but also he believes in community service and has been involved in community service organizations such as St. Mark's Catholic Church, Witte Museum Community Advisory Committee, the Philosophical Society of Texas, the Rotary Club of San Antonio, and Leadership San Antonio. Additionally, Judge Prado served in the U.S. Army Reserve as an Infantry Officer from 1972–1987.

In addition to his public and community service, Judge Prado has been actively involved in efforts to improve the legal and judicial process. He has been a leader in numerous bar associations and law-related organizations. For example, he has been a member of the Texas and San Antonio Bar Associations since 1972, including service as President, and later Director and Chairman of the Board of Trustees, of the San Antonio Bar Foundation. Judge Prado serves on the Texas State Bar Crime Victims Committee, and was appointed by Chief Justice Rehnquist to serve as the Chairman of the Criminal Justice Act Review Committee from 1991–1993.

As a District Judge, he has made efforts to reach out to youth groups to help them learn about the law and the judicial process. He gives motivational speeches and conducts events in his courtroom as an introduction to the law.

Judge Prado comes highly recommended by those with whom he serves and by those who appear in his courtroom. Let me read a few statements made by Texas attorneys, as reported in the Texas Lawyer, February 10, 2003. Laurence R. Macon said of Judge Prado, ''I've known him for 30 years, and he doesn't have any outrageous positions. He won't be there trying to make law.'' Seagal Wheatley stated, ''If the Judiciary Committee looks at his qualifications, he should be a shoo-in. I'm not aware of any recent opinion that will cause him problems.'' A third attorney, Van Hilley, said, ''Judge Prado has a varied background and an open mind about things. The reason his docket ran so smooth is he wasn't viewed as pro-government or pro-defense.''

The legal bar's wide regard for Judge Prado is reflected in his evaluation by the American Bar Association. The ABA evaluates judicial nominees based on their professional qualifications, their integrity, their professional competence, and their judicial temperament. The ABA has bestowed upon Judge Prado its highest rating of Unanimously Well Qualified.

Furthermore, Judge Prado has been endorsed by his hometown newspaper, The San Antonio Express-News, which declared, ''The Senate should confirm Prado's nomination without undue controversy or delay. . . . His credentials are unquestioned.'' Mr. President, I ask unanimous consent that the complete San Antonio Express-News editorial be printed in the RECORD, following my remarks.

The PRESIDING OFFICER. Without objection it is so ordered. (See exhibit No. 1)

Mr. HATCH. Mr. President, the record is clear that Judge Prado is a man of ability and character. This Senate, on two previous occasions, has found Judge Prado worthy of confirmation for positions of high responsibility in the government, and I am confident it will do so again today. I strongly support his confirmation and urge my colleagues to do likewise.

EXHIBIT NO. 1

U.S. District Judge Edward C. Prado has compiled an admirable record in his almost two decades on the federal trial bench.

Last week, President Bush nominated the San Antonio judge for a well-deserved promotion to the 5th U.S. Circuit Court of Appeals.

The Senate should confirm Prado's nomination without undue controversy or delay.

Prado, a graduate of Edgewood High School, was appointed to his federal district court post by President Reagan in 1984 and has performed consistently as a non-ideological moderate.

His credentials are unquestioned. Prado first became a judge in 1980 when Gov. Bill Clements named him to a state district court bench.

In addition, U.S. Sens. KAY BAILEY HUTCHISON and JOHN CORNYN of Texas swiftly recommended a solid replacement for Prado if he is elevated.

The lawmakers forwarded the name of former Texas Supreme Court Justice Xavier Rodriguez of San Antonio to the White House to fill Prado's seat.

Gov. Rick Perry appointed Rodriguez to the state's high court, but he was defeated in last year's GOP primary.

A bright lawyer with solid legal qualifications, Rodriguez was apolitical before being appointed to the Texas Supreme Court, and that is one of many factors that make him a strong candidate for a federal bench.

We urge Bush to accept the recommendation of the Texas senators and nominate Rodriguez when Prado's post is officially vacated.

Mr. KOHL. Mr. President, I rise today in support of the nomination of Judge Edward Prado to be a Circuit Court Judge for the Fifth Circuit Court of Appeals. Judge Prado has earned my support and that of my colleagues for his distinguished record in public service and for the integrity with which he has gone through the Senate confirmation process.

Judge Prado has been a public servant for his entire professional life. From the assistant district attorney position he took just after receiving his law degree, to his experience as a U.S. attorney for the Western District of Texas, to the 19 years he has served as a district court judge for the Western District of Texas, Judge Prado's commitment to public service is evident.

During his tenure as a Federal district court judge, Judge Prado has heard and decided hundreds of cases. This experience helps make him a well-prepared and well-qualified nominee to the Fifth Circuit. He has developed an extensive record of achievement for the Senate to consider and review in our endeavor to evaluate his nomination.

Further, Judge Prado should be commended both for his willingness to be honest and forthcoming in the questionnaire he submitted to the committee, and for his comportment at his committee confirmation hearing. Judge Prado directly and fully addressed some of his more controversial rulings in his questionnaire, and provided honest, complete answers to all questions asked of him at his hearing. I do not agree with all of Judge Prado's decisions; in fact, we may hold different views on significant issues. Yet I am convinced that he will apply the law in a capable and responsible manner.

Finally, it should be noted that I support the elevation of Judge Prado to the Court of Appeals for the same reasons that make me unable to support the nomination of Miguel Estrada to the D.C. Circuit. Where Judge Prado has 19 years of experience on the Federal bench, Mr. Estrada has no experience of any kind as a judge. And, more importantly, Judge Prado has voluntarily and directly addressed any controversial issues in his record, while Mr. Estrada has made a habit of concealing such information and refusing to submit documents which would be of substantial assistance to the committee.

Mr. Prado is the kind of experienced, well-qualified nominee that the Senate can confirm with speed and ease. I support his nomination.

Mr. LEAHY. Will the Senator yield?

Mr. HATCH. I am happy to yield.

Mr. LEAHY. I know we have set a time. I wonder if the Senator from Vermont might have a minute or so to speak about this nomination.

The PRESIDING OFFICER. Each side has 3 minutes remaining at this time.

Mr. HATCH. I will yield to the distinguished Senator from Vermont, and I yield my remaining 3 minutes to the distinguished Senator from Texas.

Mr. LEAHY. Mr. President, I begin by thanking the democratic leader and assistant leader for going to bat for Judge Edward Prado and working out this arrangement with the Republican leadership so that this consensus nomination can be considered without further delay. I appreciate that the majority leader and Senator MCCONNELL have been willing to work with us to allow this nomination to go forward today.

I was disappointed to hear on Tuesday that the Republican position was that this matter should be further delayed and I did not understand the logic or motivation behind that position.

I cannot recall a time when the Senate or either party leadership insisted on strict adherence to consideration of nominations based on their calendar number. Indeed, during the period 1995 through 2001, quite the opposite was true and Democrats had to work very hard to get the Republican leadership to take up nominations that were stalled on the Senate Executive Calendar for weeks, months and sometimes years. This year we have continued to make progress on filling judicial vacancies not by holding up all nominations reported after that of Mr. Estrada but, on the contrary, by moving to those on which there is agreement and on which we can proceed most efficiently.

In fact, all 20 judicial confirmations this year were nominations reported and considered after that of Mr. Estrada and after debate on the Estrada nomination had begun.

We still do not know who on the Republican side delayed consideration of the consensus nomination of Judge Prado for the last month. I thank the Congressional Hispanic Caucus for its support of this nomination and for working with the Senate to bring this matter forward at this time. I also want to thank the Republican leadership for changing position and working with us to move forward.

I came to the floor on Monday to make the point that the nomination of Judge Edward Prado to the United States Court of Appeals for the Fifth Circuit was cleared on the Democratic side and that we were prepared to proceed. Senator DASCHLE and Senator REID came before the Senate on Tuesday to urge that the Prado nomination be considered rather than be held captive on the Senate calendar. All Democratic Senators serving on the Judiciary Committee voted to report this nomination favorably. All Democratic Senators had indicated that they were eager to proceed to this nomination and, after a reasonable period of debate, voting on the nomination. I am confident this nomination will be confirmed by an extraordinary majority—maybe unanimously.

It is most unfortunate that so many partisans in this administration and on the other side of the aisle insist on bogging down consensus matters and consensus nominees in order to focus exclusively on the most divisive and controversial of this President's nominees as he continues his efforts to pack the courts. Democratic Senators have worked very hard to cooperate with this administration in order to fill judicial vacancies. What the other side seeks to obscure is that effort, that fairness and the progress we have been able to achieve without much help from the other side or the administration.

This week, again, despite Democratic willingness to proceed to a vote on the controversial nomination of Jeffrey Sutton to the Sixth Circuit, the other side then insisted we proceed to the unprecedented renomination of Priscilla Owen. Mr. Sutton was confirmed with the fewest votes in favor of any judicial nominee in the last 20 years and with more than enough negative votes to have sustained a filibuster. Rather than proceed to a consensus nominee and fill a judicial emergency vacancy on the Fifth Circuit with an experienced and respected Hispanic federal judge, Judge Prado, Republicans insisted on pressing forward with another of the President's most controversial and divisive nominations.

The fact is that when Democrats became the Senate majority in the summer of 2001 we inherited 110 judicial vacancies. Over the next 17 months, despite constant criticism from the administration, the Senate proceeded to confirm 100 of President Bush's nominees, including several who were divisive and controversial, several who had mixed peer review ratings from the ABA and at least one who had been rated not qualified. Despite the additional 40 vacancies that arose, we reduced judicial vacancies to 60, a level below that termed ''full employment'' by Senator HATCH. Since the beginning of this year, in spite of the fixation of the Republican majority on the President's most controversial nominations, we have worked hard to reduce judicial vacancies even further.

As of today, the Senate Judiciary Committee website lists the number of judicial vacancies at 48. That is the lowest it has been in 13 years. That is lower than at any time during the entire eight years of the Clinton administration. We have already reduced judicial vacancies from 110 to 48, in less than two years. We have reduced the vacancy rate from 12.8 percent to 5.6 percent, the lowest it has been in the last two decades. With some cooperation from the administration think of the additional progress we could be making.

Even after the consideration of Judge Prado, for example, there is another distinguished Hispanic nominee who was reported unanimously by the Judiciary Committee last month on which the Senate will not yet have acted: on the Senate executive calendar is the nomination of Cecilia Altonaga to be a Federal judge in Florida. We expedited consideration of this nominee at the request of Senator GRAHAM of Florida. She will be the first Cuban-American woman to be confirmed to the Federal bench when Republicans choose to proceed to that nomination. Indeed, Democrats in the Senate have worked to expedite fair consideration of every Latino nominee this President has made to the Federal trial courts in addition to the nomination of Judge Prado.

Another example may be the nomination of Consuelo Callahan to the Ninth Circuit Court of Appeals. Unlike the divisive nomination of Carolyn Kuhl to the same court, both home State Senators returned their blue slips and support a hearing for Judge Consuelo Callahan. I have asked that she receive a hearing in the near future and look forward to learning more about her record as an appellate judge for the State of California. Rather than disregarding time-honored rules and Senate practices, I urge my friends on the other side of the aisle to help us fill more judicial vacancies more quickly by bringing those nominations that have bipartisan support to the front of the line for Committee hearings and floor votes.

As I have noted throughout the last 2 years, the Senate is able to move expeditiously when we have consensus, mainstream nominees to consider. Nationally-respected columnist David Broder made this point in an April 16 column that appeared in the Washington Post. I referenced this column earlier this week and inserted it in the CONGRESSIONAL RECORD. In his column, Mr. Broder noted that when he asked Alberto Gonzales if there might be a lesson in Judge Prado's easy approval, Mr. Gonzales missed the point. In Mr. Broder's mind: ''The lesson seems obvious. Conservatives can be confirmed for the courts when they are well known in their communities and a broad range of their constituents have reason to think them fair-minded.''

To date the Senate has proceeded to confirm 120 of President Bush's nominees, 100 in the 17 months in which Democrats made up the Senate majority. The lesson that less controversial nominees are considered and confirmed more easily was the lesson of the last two years and that lesson has been lost on this White House.

Unfortunately, far too many of this President's nominees raise serious concerns about whether they will be fair judges to all parties on all issues. Those types of nominees should not be rushed through the process. I regret the administration's refusal to work

with us to end the impasse it has created in connection with the Estrada nomination.

The partisan politics of division that the administration is practicing with respect to that nomination are not helpful and not respectful of the damage done to the Hispanic community by insisting on so divisive a nominee.

I invite the President to work with us and to nominate more mainstream individuals like Judge Prado. His proven record and bipartisan support makes it easier for us to uphold our constitutional duty of advise and consent. I encourage those on the other side of the aisle to allow us to consider his nomination. I look forward to casting a vote in favor of his confirmation.

Judge Prado is an exceptional candidate for elevation to the appeals court. He has significant experience as a public servant in west Texas. Perhaps the fact that he has bipartisan support is the reason why he is not being brought forward at this time for a floor vote. That does not fit the Republican message but reveals the truth: That Democratic Senators, having already acted on 120 judges nominated by President Bush, are prepared to support even more of his nominations when they are mainstream, consensus nominees. Perhaps the fact that Democrats unanimously supported his nomination in committee is seen as a drawback for Mr. Prado in the Republican world of nomination politics. I hope that is not the case.

I also hope the fact that Judge Prado is Hispanic has not been a factor in the Republican delay. Some have suggested that Judge Prado has been delayed because Democratic Senators are likely to vote for him and thereby undercut the Republican's shameless charge that the opposition to Miguel Estrada is based on his ethnicity. Republican partisans have made lots of partisan hay attacking Democrats in connection with the Estrada nomination. We all know that the White House could have cooperated with the Senate by producing his work papers and the Senate could have proceeded to a vote on the Estrada nomination months ago. The request for his work papers was sent last May.

Rather than respond as every other administration has over the last 20 years and provide access to those papers, this White House has stonewalled. Rather than follow the policy of openness outlined by Attorney General Robert Jackson in the 1940's, this administration has stonewalled. And Republican Senators and other partisans could not wait to claim that the impasse created by the White House's change in policy and practice with respect to nominations was somehow attributable to Democrats being anti-Hispanic. The charge would be laughable if it were not so calculated to do political damage and to divide the Hispanic community. That is what Republican partisans hope is the result. That is wrong.

So some have come to the conclusion that Republican delay in connection with the consideration of Judge Prado's nomination may be related to the political strategy of the White House to characterize Democrats unfairly. Might the record be set straight if Democrats were seen to be supporting this Hispanic nominee to the Fifth Circuit? Might the Republicans' own record of opposing President Clinton's nominations of Judge Jorge Rangel and Enrique Moreno to that same circuit court be contrasted unfavorably with Democrats' support of Judge Prado?

Might Judge Prado, a conservative from Texas with a public record of service as a Federal district court judge, become the first Hispanic appointed by President Bush to the circuit courts with widespread support from Senate Democrats? Might this more mainstream, consensus nominee stand in stark contrast to the ideological choices intended to pack the courts on which the White House and Senate Republicans concentrate almost exclusively?

Judge Prado has 19 years of experience as a U.S. District Court judge, which provides us with a significant judicial career to evaluate. A review of Judge Prado's actions on the bench demonstrates a solid record of fairness and evenhandedness.

While I may not agree with each and every one of his rulings or with every action he has taken as a lawyer or judge, my review of his record leads me to conclude that he will be a fair judge. No supervisor or colleague of Judge Prado's has questioned his ability or willingness to interpret the law fairly. Judge Prado enjoys the full support of the Congressional Hispanic Caucus and the Mexican American Legal Defense and Education Fund. Not a single person or organization has submitted a letter of opposition or raised concerns about Judge Prado. No controversy. No red flags. No basis for concern. No opposition. This explains why his nomination was voted out of the Judiciary Committee with a unanimous, bipartisan vote on an expedited basis.

To understand the importance of Judge Prado's nomination, we must put it in the context of prior nominations to the Fifth Circuit Court of Appeals. Until Judge Prado's hearing, it had been more than a decade since a Latino nominee to that Court had even been allowed a hearing by the Senate Judiciary Committee, let alone a vote on the floor. I recall President Clinton's two Hispanic nominations to the Fifth Circuit and the poor treatment they received from the Republican-led Senate.

Judge Jorge Rangel was a former Texas State judge and a dedicated attorney in private practice in Corpus Christi, TX when President Clinton nominated him to the United States Court of Appeals for the Fifth Circuit in 1997. Judge Rangel is a graduate of the University of Houston and the Harvard Law School and earned a rating of ''Well Qualified'' by the American Bar Association. Yet, under Republican leadership, he never received a hearing on his nomination, let alone a vote by the Committee or by the full Senate. His nomination languished without action for 15 months. Despite his treatment, this outstanding gentleman has recently written us in support of a judicial nominee of President Bush.

After Judge Rangel, disappointed with his treatment at the hands of the Republican majority, asked the President not to resubmit his nomination, President Clinton nominated Enrique Moreno, a distinguished attorney in private practice in El Paso, TX. Mr. Moreno is a graduate of Harvard University and the Harvard Law School. He was given the highest rating of unanimously ''Well Qualified'' by the ABA. Mr. Moreno also waited 15 months, but was never allowed a hearing before the Senate Judiciary Committee. President Clinton renominated him at the beginning of 2001, but President Bush, squandering an opportunity for bipartisanship, withdrew the nomination and refused to renominate him.

In addition, President Clinton nominated H. Alston Johnson to the Fifth Circuit in 1999. This talented Louisianan came to the Senate with the support of both of his home state Senators but he never received a hearing on his nomination or a vote by the Committee or the full Senate in 1999, 2000, or the beginning of 2001. His nomination languished without action for 23 months.

In contrast, when I served as Chair of the Judiciary Committee last Congress, we granted Edith Clement a hearing within months of her nomination. At that time there had been no hearings on Fifth Circuit nominees since 1994 and no confirmations since 1995.

We also proceeded to hearings, committee debate and committee votes on the divisive and controversial nominations of Judge Priscilla Owen and Judge Charles Pickering. We granted hearings and votes on all four of this President's nominees to the Fifth Circuit in spite of the treatment Republicans accorded President Clinton's qualified nominees to that same circuit. Under Republican leadership, none of President Clinton's nominees to this Court received a hearing during his entire second term of office.

Some of my friends on the other side of the aisle have made the outrageous claim that Democratic Senators are anti-Hispanic or anti-Latino. I think it is important to set the record straight.

Of the ten Latino appellate judges currently seated in the Federal courts, 8 were appointed by President Clinton. Three other Latino nominees of President Clinton to the appellate courts were blocked by Republicans—as well as several others for the district court. In fact, in contrast to the President's selection of only one Latino circuit

court nominee in his first 2 years in office, 3 of President Clinton's first 14 judicial nominees were Latino, and he nominated more than 30 Latino nominees to the Federal courts.

During President Clinton's tenure, 10 of his more than 30 Latino nominees, including Judge Rangel, Enrique Moreno, and Christine Arguello to the circuit courts, were delayed or blocked from receiving hearings or votes by the Republican leadership.

Republicans delayed consideration of Judge Richard Paez for over 1,500 days, and 39 Republicans voted against him. The confirmations of Latina circuit nominees Rosemary Barkett and Sonia Sotomayor were also delayed by Republicans. Judge Barkett was targeted for delay and defeat by Republicans based on claims about her judicial philosophy, but those efforts were not successful. After significant delays, 36 Republicans voted against the confirmation of this nominee who received a ''Well Qualified'' rating by the ABA. Additionally, Judge Sotomayor, who also received a ''Well Qualified'' rating and had been appointed to district court by President George H.W. Bush, was targeted by Republicans for delay or defeat when she was nominated to the Second Circuit. She was confirmed, although 29 Republicans voted against her.

The fact is that the Latino nominations that the Senate has received from this administration have been acted upon in a expeditious manner. They have overwhelmingly enjoyed bipartisan support. Under the Democratically-led Senate, we swiftly granted hearings for and eventually confirmed Judge Christina Armijo of New Mexico, Judge Phillip Martinez and Randy Crane of Texas, Judge Jose Martinez of Florida, U.S. Magistrate Judge Alia Ludlum, and Judge Jose Linares of New Jersey to the district courts.

This year, we also confirmed Judge James Otero of California, and we would have held his confirmation hearing last year if his ABA peer rating had been delivered to us in time for the scheduling of our last hearing. As I have noted, we also have the nomination of Cecilia Altonaga to be a Federal judge in Florida already on the Senate Executive Calendar.

I, again, urge those on the other side of the aisle to help us fill more judicial vacancies more quickly by bringing those nominations that have bipartisan support to the front of the line for Committee hearings and floor votes. As I have noted throughout the last 2 years, the Senate is able to move expeditiously when we have consensus, mainstream nominees to consider.

That is the way to achieve 100 confirmations in 17 months and 120 in less than 2 years. The lesson that less controversial nominees are considered and confirmed more easily was the lesson of the last 2 years and that lesson has been lost on this White House.

Unfortunately, far too many of this President's nominees raise serious concerns about whether they will be fair judges to all parties on all issues. Those types of nominees should not be rushed through the process. I invite the President to nominate more mainstream individuals like Judge Prado. His proven record and bipartisan support makes it easier for us to uphold our constitutional duty of advise and consent. I encourage those on the other side of the aisle to allow us to consider his nomination. I look forward to casting a vote in favor of his confirmation.

I, again, thank the Senate Republican leadership for working with us to proceed to this consensus nomination, to provide adequate time for debate and to proceed to a vote without further delay. Judge Prado's nomination has been delayed on the Senate executive calendar for several weeks, unnecessarily in my view. I recall all too vividly when anonymous Republican holds delayed Senate action on the nomination of Judge Sonia Sotomayor to the Second Circuit for 7 months. Let us work together. I thank all Senators, even those Republicans who have anonymously held up consideration of Judge Prado's nomination for the last month, for agreeing to proceed with this nomination at this time. I congratulate the nominee and his family on his elevation to the Fifth Circuit and look forward to his continuing judicial service.

Again, I thank the Congressional Hispanic Caucus for its support of this nomination and for working with the Senate to bring this matter forward at this time. I do thank the Republican leadership for changing its position and working with us to move forward.

I see the distinguished senior Senator from Texas in the Chamber, and if I have further time, I withhold it. I yield the floor.

The PRESIDING OFFICER (Mr. ALEXANDER). The Senator from Texas.

Mrs. HUTCHISON. I would like to be notified when I have 1 minute remaining so Senator HATCH can take that last minute of our 3 minutes.

The PRESIDING OFFICER. The Senator will be notified.

Mrs. HUTCHISON. Mr. President, I am pleased, of course, the Senate will be voting on Judge Ed Prado to move to the Fifth Circuit Court of Appeals. He has been a judge on the district bench for a number of years—actually, since 1984—and he has an outstanding record. He was a great choice by the President, and this is a circuit that needs these vacancies filled. There is no question it is a judicial emergency. We hope to fill this seat with Judge Prado, and then we hope Justice Priscilla Owen will also fill the other vacancy for the Fifth Circuit, that is open, from Texas.

Judge Prado has an outstanding record. He graduated from the University of Texas and the University of Texas Law School, a great university in our Nation. He also has served as U.S. Attorney for the Western District. He served as judge on the State district court. This is a man who has made public service his career, and an outstanding one at that. He is so well regarded in San Antonio and by the people who have gone before him. They know they will get fair and impartial justice in his court. That is why I am pleased to support his nomination.

This nomination has moved very quickly. We are very pleased because of the vacancies on the Fifth Circuit. But the ABA agreed that he had the ''well qualified'' unanimous approval of their committee.

There is just no controversy at all with this wonderful judge. It is my pleasure as a Texan to support and urge my colleagues to support the nomination of Judge Ed Prado.

The PRESIDING OFFICER. One minute remains.

Who yields time?

The Senator from Utah.

Mr. HATCH. Mr. President, I ask for an additional 2 minutes equally divided in addition to the 1 minute I have remaining.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I am pleased that my Democratic colleagues are willing to join us in confirming Judge Prado to the Fifth Circuit Court of Appeals.

I regret that there has been any discussion that somehow the Republican leadership has held up this nominee. That is not true. What is particularly troubling is the suggestion that there is some Republican delay in the consideration of Judge Prado's nomination related to the Estrada nomination.

I would point out that Democrats who support the nomination of Judge Prado to the Fifth Circuit are leading the opposition to Mr. Estrada, nominated to the D.C. Circuit. Those Democrats have characterized the D.C. Circuit as ''the second most important court in the land.'' Senator KENNEDY stated recently that the D.C. Circuit makes decisions with national impact on the lives of all of the American people. Senator SCHUMER echoed these sentiments just yesterday. It does seem to me that there is a different standard being applied to Miguel Estrada—a nominee to the second highest court in the land—than to Judge Prado—a nominee to one of twelve other Circuit Courts—although they are important.

In any event, neither the confirmation of Judge Prado nor the confirmation of any judge justifies or excuses the continued obstruction on Miguel Estrada. I repeat that the arguments put forth by opponents of Mr. Estrada just do not hold up under scrutiny. Their repeated accusations that he failed to answer the questions has been refuted again and again. The demand for confidential memoranda he authored as a line attorney for the Department of Justice is both extraordinary and ill-advised, as I and others, including all the living former Solicitors General, have repeatedly demonstrated.

So my Democratic colleagues have had unlimited opportunities to make their case on Mr. Estrada. Some of them oppose him; others support him. But one thing has remained clear through this debate: There is no good reason to deny Mr. Estrada an up or down vote on his nomination.

The time has come to end the debate on Mr. Estrada's nomination and give him and up or down vote, as the Senate will now do on Judge Prado. It is the fair thing to do.

I urge all of my colleagues to join me in voting for Judge Prado's nomination at this time.

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. I am glad my friends on the Republican side now allow Judge Prado's nomination to go forward. I intend to vote for him.

I yield the remainder of my time.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Edward C. Prado, of Texas, to be United States Circuit Judge for the Fifth Circuit?

Mr. HATCH. 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.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Oklahoma (Mr. INHOFE) is necessarily absent.

Mr. REID. I announce that the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Maryland (Mr. SARBANES) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 138 Ex.]

YEAS—97

Akaka	Dodd	Lott
Alexander	Dole	Lugar
Allard	Domenici	McCain
Allen	Dorgan	McConnell
Baucus	Durbin	Mikulski
Bayh	Edwards	Miller
Bennett	Ensign	Murkowski
Biden	Enzi	Murray
Bingaman	Feingold	Nelson (FL)
Bond	Feinstein	Nelson (NE)
Boxer	Fitzgerald	Nickles
Breaux	Frist	Pryor
Brownback	Graham (FL)	Reed
Bunning	Graham (SC)	Reid
Burns	Grassley	Roberts
Byrd	Gregg	Rockefeller
Campbell	Hagel	Santorum
Cantwell	Harkin	Schumer
Carper	Hatch	Sessions
Chafee	Hollings	Shelby
Chambliss	Hutchison	Smith
Clinton	Inouye	Snowe
Cochran	Jeffords	Specter
Coleman	Johnson	Stabenow
Collins	Kennedy	Stevens
Conrad	Kerry	Sununu
Cornyn	Kohl	Talent
Corzine	Kyl	Thomas
Craig	Landrieu	Voinovich
Crapo	Lautenberg	Warner
Daschle	Leahy	Wyden
Dayton	Levin	
DeWine	Lincoln	

NOT VOTING—3

Inhofe	Lieberman	Sarbanes

The nomination was confirmed.

The PRESIDING OFFICER. The President will be notified of this action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

The Senator from Illinois.

MORNING BUSINESS

Mr. FITZGERALD. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FITZGERALD. 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. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CORNYN). Without objection, it is so ordered.

HONORING THE UNITED STATES CAPITOL POLICE ON THE DEPARTMENT'S 175TH ANNIVERSARY

Mr. DASCHLE. Mr. President, tomorrow marks a special milestone in the history of the Capitol: The 175th anniversary of the U.S. Capitol Police Department.

Those of us who are privileged to work in the Capitol know, perhaps better than anyone, what a difficult and demanding job it is to protect the Capitol, and how extraordinarily well the men and women of the Capitol Police perform that job.

We also know how dedicated they are to their duty.

After September 11 and the anthrax attack on the Capitol itself, no one showed more courage, no one was showed more determination, and no one was more critical to ensuring that the ''People's House'' remained open to the people, than the members of the Capitol Police force.

We, and all Americans, owe them an enormous debt of gratitude.

Today, on the eve of the 175th anniversary of the department, we say ''thank you'' to Chief Gainer and all of the men and women of the Capitol Police.

When we look at the highly trained, highly skilled professionals who protect the Capitol today, it is hard to imagine sometimes that the department is descended from such humble beginnings.

The Capitol Police department traces its origins to 1801, when Congress moved from Philadelphia to Washington. At the time, the department had exactly one member, a watchman named John Goldin, who was not armed, had no power of arrest, and was paid an annual salary of $371.75.

In 1827, the force was expanded for the first time, to four watchmen; two to work the day shift, one to work the night shift, and one to fill in as needed.

One-hundred and seventy-five years ago tomorrow, on May 2, 1828, Congress passed a milestone piece of legislation titled, appropriately, ''the Act of May 2, 1828,'' bringing responsibility for policing the Capitol, for the first time, under the direction of the presiding officers of the House and Senate.

This same law also empowered the Capitol watchmen with full law enforcement authority. It transformed a corps of watchmen into a police department.

In 1854, the Capitol Police were armed for the first time with heavy hickory canes.

In 1867, responsibility of the Capitol Police was transferred to the Sergeant of Arms in the House and Senate, where it remains today.

In 1873, the U.S. Capitol Police Board was formed to oversee the department.

At the beginning of the 20th century, the department had grown to 67 members.

In 1909, the department expanded to just over 100 members; a move necessitated by the construction of the Russell Senate Office Building and the Cannon House Office building. This also marked the first time the authority of the Capitol Police stretched outside the Capitol building itself.

In 1935, the Capitol Police Board, for the first time, set qualification standards for Capitol Police officers.

In 1974, the first women officers joined the force.

In 1981, the Capitol Police were authorized to protect Members and officers of Congress, and their families, anywhere in the United States.

Since September 11, all Members of the House and Senate leadership have been required to have Capitol police protection whenever we travel, and throughout the day as we go outside the Capitol building. One happy result of that, for me, is that I have been able to show off my home State to a number of officers.

And I am proud to say that a few of them now consider themselves almost honorary South Dakotans.

From the beginning, protecting the Capitol has always carried the risk of personal injury, or worse.

On 1814, during the War of 1812, the British set fire to the Capitol building.

During the Civil War, the Capitol Police kept the ''People's House'' open to the public from sunrise to sunset, despite the fact that military troops were stationed around, and at times even in this building.

Three times in the last century—in 1915, 1917, and 1983—bombs were exploded in the Capitol by groups seeking to advance political agendas.

In 1954, four members of a Puerto Rican nationalist group entered the House gallery and fired more than 16 shots with .38 caliber pistols at the 243 Members who were then on the floor. Five Congress Members were injured.

In response to each of these attacks, the Capitol Police Department strengthened its training procedures, and strengthened its ability to prevent and respond to such attacks.

The fact that schoolchildren and other visitors can sit in the galleries today and watch their Government in action is a powerful symbol of America's commitment to democracy, and a testimony to the skill and courage of the Capitol Police.

Given the risks, it seems almost miraculous that the department did not lose a single member in the line of duty until 1984, when Sergeant Christopher Eney was killed in a training exercise.

And we all remember the terrible Friday afternoon, July 24, 1998, when Officer JJ Chestnut and Detective John Gibson were killed preventing a severely mentally ill man with a gun from entering the Capitol and killing others. We still honor and miss them today.

Their deaths brought into sharp relief how difficult it is to protect ''the People's House'' and keep it open to the people at the same time. It is a complex balancing act that few other police departments in the world even attempt, and none performs better.

On September 11 and during the anthrax attacks, the Capitol Police reacted with great courage and professionalism under circumstances few people could have imagined even a few years ago.

Since then, the department has undergone an intensive process to be able to prevent, and respond to, the new threats posed by global terrorism.

Capitol Police officers continue to work long days and long weeks in order to respond to the need for increased vigilance. It is not unusual to see an officer guarding a door to the Capitol when we arrive in the morning—and see that same officer, still on duty, when we leave at night.

Without them, we could not do our jobs. And this Capitol could not keep its doors open to the more than 1 million people who visit it each year from across this Nation and the world.

Over the years, many fine men and women have served on the Capitol Police Force—including my dear friend, the assistant minority leader, HARRY REID.

As they prepare to celebrate 175 years of proud service to our Nation, we thank them all for their devotion to duty, their great skill and professionalism, and for their unyielding courage and sacrifice.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SMITH). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE ECONOMY

Mr. NELSON of Florida. Mr. President, I rise to speak about the depleted condition of our national economy and what we ought to do.

It is timely to point out that next week this Chamber, the U.S. Senate, will consider legislation raising the debt limit; that is, the limit set by law under which the Federal Government can borrow money that is a debt obligation of the United States. That debt limit is approximately $6.3 trillion. Next week, we will consider the House bill which has been sent to us to raise that by the largest amount ever in the history of the Union, almost $1 trillion. Specifically, $984 billion will be the vote that we will cast next week to raise the debt limit.

The Federal Government has to pay its obligations. So by law we have to raise the debt limit so that the Federal Government can pay its obligations. But it is illustrative of the fact that the national debt is growing larger and larger, and we are adopting fiscal policies that add to that national debt each year by increasing the deficit financing that we engage in by the budgets we adopt and then all of the legislation with which we implement those budgets—the tax cuts, the spending bills, financing the war, all of those necessary expenditures. But a fiscal policy has been advocated by the White House, one of dropping off over the next 10 years tax revenues by some $720 billion. And what is likely to pass the Senate is the commitments that were made several weeks ago that that level will be in the range of $350 billion over 10 years instead of the level passed by or to be passed by the House of Representatives in the range of about $550 billion over 10 years.

Is any elected official not for tax cuts? Of course, we are. But that is not the decision with which we are confronted. What we are confronted with is, what do we do to better stabilize a sick economy and to get our economy moving again? Almost unanimously, the economists—I say almost unanimously because it is probably a ratio of 9 to 1 among the economists, including statements issued yesterday by the Chairman of the Federal Reserve, Alan Greenspan—are basically saying: Watch out. If you deficit finance, long-term interest rates are going to go up. It is going to depress the economy coming out of this near recession. It is going to be difficult for us to get the economy moving again.

That is particularly true of the financial condition in which we find ourselves now. In the first 6 months of this fiscal year, the Government has had to go out and deficit spend to the tune of $250 billion. Annualized, that means we will deficit finance, if that trend holds up, a half a trillion dollars.

What does deficit financing mean? That means we are going to adopt budgetary policies of spending and tax revenues by which we are going to spend a half a trillion dollars, $500 billion, more than we have coming in in tax revenue. And you wonder why the stock market is languishing so much. The stock market is a reflection of the American people's confidence in the future of the economy and economic activity. So is it any wonder the stock market just keeps kind of languishing along? Do people have the confidence we are going to come out of these economic doldrums and get the economy moving again? I think you see how they are voting with their pocketbooks on the stock market. The people do not have that confidence. Why should they if, in this year, we are going to spend a half trillion dollars more than we have coming in in tax revenue?

This leads me, then, to next week. Next week, in addition to taking up the debt ceiling bill of raising the debt almost a trillion dollars more so we can pay our bills, we are also going to take up the tax bill. The tax bill, as presented to this body, is at least going to be $350 billion. There are many in this body who would like that tax bill to be even more over a 10-year period.

To me, it is not wise fiscal policy if that causes our deficit financing to go up continually, just like we are seeing in this present fiscal year. If that debt keeps getting added to the national debt, then it won't be too long—another couple years—and we will be right back here asking to raise the debt limit from about $7.3 trillion—another trillion dollars—up to about $8.5 trillion. That is not sound fiscal policy.

That is not going to bring us back on the road to economic recovery. What we can do is balance interests. We can have some tax cuts that will get the economy moving again, that will provide economic growth, that will provide jobs so we get more dollars into the economy and circulating to offset the sickly economy, offset the lack of economic activity, some of which has been brought on by September 11 but some of which has also been brought on by an economic policy that is embracing deficit financing.

I will never forget over two decades ago when I was in the House of Representatives. One of the most prolific writers and great speakers who had articulated balanced budgets suddenly changed his tune and started speaking the message that we will not worship at the shrine of balanced budgets anymore. Well, in the early 1980s, that kind of worship didn't work. The fiscal policies adopted in the early 1980s were so out of whack with the deficits annually soaring up to as high as $250 billion in 1 year, finally those policies had to be reversed—not once but three times.

Now we have a situation that is double the annual deficits ever experienced

in the 1980s. We best get about the process of getting our economic and fiscal house in order if we want America to have the economic prosperity our citizens should enjoy.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SUNUNU). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE HIV-AIDS EPIDEMIC

Mr. DEWINE. Mr. President, a number of us had the honor of attending an event at the White House on Tuesday in which President Bush urged Congress to act quickly in passing an emergency plan for global HIV/AIDS relief.

I come to the Senate floor this afternoon to applaud the President for his remarks and for his continuing commitment to ease the worldwide suffering caused by the HIV/AIDS epidemic around the world.

I also want to thank Secretary of State Colin Powell and also my colleagues in both the House of Representatives and in the Senate for their leadership in fighting this dread disease. There are so many people to thank. Let me commend Senators LUGAR, BIDEN, FRIST, SANTORUM, DURBIN, and KERRY for their tireless efforts and their dedication to this fight, as well as Congressmen HENRY HYDE and TOM LANTOS for their great leadership and their great vision. I am encouraged by what they have done with their leadership.

I believe we will soon pass a comprehensive global AIDS relief initiative. As the President said, time is not on our side. It is imperative that we in the U.S. Congress move quickly. As President Bush so correctly said on Tuesday:

> Fighting AIDS on a global scale is a massive and complicated undertaking. Yet, this cause is rooted in the simplest of moral duties. When we see this kind of preventable suffering—when we see a plague leaving graves and orphans across a continent—we must act.

The President of the United States is absolutely right. This is a moral issue. We as a nation and as a people have an obligation to act. We as a nation and we as a people have the ability to fight this disease. We have the tools. And it is our duty and it is our obligation to help ease this grave and global public health crisis.

In February, I made my 12th trip to Haiti and my first visit to Guyana, both nations in our hemisphere that President Bush has cited as countries in dire need of our assistance to fight this HIV/AIDS problem. We traveled there to learn more about the AIDS situation and determine what kind of health infrastructure is in place to fight the disease. What we saw in these visits was devastating, with so many children and adults dying of this horrible disease and too few drugs to go around to help treat them and keep them alive.

Without question, HIV/AIDS is a human tragedy of grave proportions—not just in Africa but right here in our own backyard in our own hemisphere.

When you travel to the AIDS-infested regions of the world, as my wife Fran and I have, and as so many of my colleagues here in the Senate have, such as Majority Leader FRIST, Senator INHOFE, Senator DURBIN, Senator NELSON of Florida, and Senator CHAFEE, when you see the children with AIDS, when you hold them, when you touch them, when you talk to the people who care for them, when you know that these children will in all likelihood die, it truly does change you forever. Then when you leave those countries, and when you leave those children, you know you cannot just leave; you know you have to try to do something to help.

Our trip in February reinforced what we already knew about the devastation of the disease in Haiti, and allowed us to see what efforts are now underway in Guyana.

This afternoon, I would like to take a few minutes to tell my colleagues about what we learned on that visit.

I was pleased that Senator CHAFEE and his wife Stephanie were able to join Fran and me on that trip. We learned a great deal about what is and what is not being done in both of these impoverished nations.

We were fortunate to have Senator DURBIN and Senator NELSON of Florida and his wife Grace and Congressman KENDRICK MEEK join us on an earlier trip to Haiti in January, where we saw the tragic effects of the abject poverty and disease that engulfs Haiti today.

While there is certainly some miraculous work being done in Haiti to ease the suffering—work done by people such as Father Tom Hagan and his organization Hands Together—there remains so much work to be done.

When you view the HIV/AIDS rates in Haiti and Guyana in the context of the disease's overall prevalence rate in our hemisphere—Haiti has the highest rate and Guyana, either the second or third highest rate—the moral imperative of helping these two troubled nations becomes absolutely crystal clear.

In Haiti today, a nation of approximately 8 million people, 300,000 currently live with AIDS—300,000 people out of a country of 8 million people.

Guyana follows close behind. In Guyana, a nation of roughly 800,000 people, 35,000—35,000—have been identified as HIV positive or as having AIDS. Of those 35,000 people who have been identified as HIV positive or as having AIDS, only 200—less than 1 percent—are getting antiretroviral drug treatment. Of those 200, only one—only one—is a child. So virtually none of the children in Guyana are getting any kind of drug treatment at all—virtually none. Only one child in all of Guyana is getting any drug treatment for AIDS. What a great tragedy.

Consequently, the disease is having a devastating impact on these nations, and especially on the children.

In Haiti, there are more than 150,000 orphans due to AIDS. This number has been increasing for over a decade and is expected to rise even more. Specifically, the percentage of Haitian AIDS orphans has gone from 7 percent in 1990 to 43 percent in 2001 and is estimated to increase to 49 percent by 2010. That will be a sevenfold increase in 20 years.

Rates are equally troubling in Guyana. In 1990, there were no children orphaned due to AIDS, none, but by 2001, 21 percent of the orphans were the result of AIDS, and that number is projected to double to 41 percent by 2010.

Not only is AIDS orphaning these children, but many of them are also suffering from the disease.

Today, in Haiti, there are hundreds of orphanages spread throughout the country, hundreds actually just in the capital of Port-au-Prince, but there are less than just a handful that are serving or even taking care of children who have AIDS or who are HIV positive.

We visited one of these orphanages in February, one of the orphanages that is taking care of children with AIDS. It is a wonderful place. It is a place called Arc en Ciel or ''Rainbow House Orphanage.'' This is a place that is doing just wonderful work.

A Canadian couple—Danielle and Robert Penette—came in and restored the home there, and today it is a wonderful, bright, cheery, clean, and beautifully maintained orphanage for about 37 Haitian children. I think about 30 of them actually are HIV positive or already have AIDS.

What we saw there was truly inspiring: children playing, laughing, and learning in the classroom. They sang songs for us. They were happy and healthy and content. They did not seem like orphans at all really but more like one big happy family—one healthy family. It was hard to imagine that any of these little children were sick at all.

But of the HIV-positive children at the Rainbow House Orphanage, about 15 of them are currently in need of antiretroviral drugs. Those 15 children, fortunately, are now receiving these drugs.

One of the important lessons we learned about these children and about the Rainbow House is that by providing these drugs, and by providing love and consistent nutrition—this good health care—clean water, the Penettes, this wonderful couple, are making an unbelievable impact on the quality of life for these very sick children.

What they, in effect, are doing is prolonging the time it takes before these children actually need to be on AIDS treatment drugs. So half the children are not even on the drugs yet. Half of them are on the drugs.

There are other places in Haiti, places where there are good, decent, loving people, such as the Penettes, who are also working miracles.

For example, at another orphanage we visited in January, we saw wonderful people doing the best they could to care for some very sick, very malnourished children. At this particular orphanage, many children are brought there who are on the verge of death. The parents bring them there to try to save them.

The good people who run these orphanages—saints really—love these children. They care for them. They feed them, give them what little medicine they have access to. These people bring many of these dying children back to life. They save them and they nourish them.

But, tragically, for many of these children, they have AIDS. Unfortunately, the people who care for them in these orphanages—these other orphanages—do not have access to what the Penettes have; that is, the lifesaving drugs, antiretroviral drugs to keep these children with AIDS alive.

They can give them love. They can give them food and clean water—and that helps—but they cannot give them the drugs that ultimately will save them.

At this orphanage that Fran and I saw, they have an entire floor just for children—these young babies with AIDS. What you see when you go there really does change you forever. It is truly tragic—row after row of steel cribs with babies at various stages of disease, none of whom are receiving any sort of antiretroviral drug treatment.

I remember seeing a little boy. He was about 4 or 5 years old, a little boy whose name was Francois. He had AIDS. The day we were there, when we saw him, he was very close to death. He was laid out on a makeshift bed on the cold, concrete floor. He had an IV attached to him, and he was getting some fluids.

The wonderful people who were caring for him explained that he was no longer able to keep any food down. They explained to us that he would probably die within a couple days.

There were no drugs available to treat him. So the people who were caring for him, were loving him, nurturing him, were doing what they could to give him the love they could and to make him as comfortable in the little time this poor little boy had remaining. I will not ever forget that little boy. I will not forget him for the rest of my life. I don't think anybody else who was in our group and who saw that little boy will forget him either.

Another little boy I won't forget was about 7 years old. He also had AIDS. But he appeared to be, when you looked at him, very healthy. He was lively and content and thriving. But when we talked to the people in the orphanage, sadly we found out that will not last because this little boy also has AIDS. Very likely, unless something changes, unless drugs are made available to him, this little 7-year-old boy, who I also can't get out of my mind, will also eventually die.

His death will be a needless one because these drugs are available. It is just that the folks caring for this little boy do not have access to them. Money is not available. The drugs are not available. That is an injustice. It is wrong. It is a human tragedy.

When we see children who are healthy now and who could remain healthy if treated properly, we feel so helpless because we know they are eventually going to die if we don't do something. That is why we must try to do something. I believe we must take action to save these children.

This is one of the children my wife Fran and I had the opportunity to see at the orphanage I just described in Haiti. This is one of the little children who does in fact have AIDS. This is one of the little children who does not have access today to the drugs that will save this child. So when the President talks about a moral imperative, as he so eloquently does, and says we in the United States have a moral obligation to stop the suffering, to reach out and help these children, these are not just statistics. These are children who are in Africa, Asia, Haiti, Guyana. This is just one of the real faces of the children.

This is a picture of one of the many AIDS babies we saw and actually held when we were in Haiti. When you look at that innocent, helpless little child, a child who has acquired AIDS through no fault of her own, you realize we as a Nation have a moral obligation to help. Children like this little girl, who in all likelihood may have already died in the time that has passed since we were in Haiti, will continue to die because they are not getting the drugs they need. These drugs are available, but they are not getting them.

It is clear we are not doing enough. It is also clear this Congress must act. We cannot just walk away from nations such as Haiti and Guyana and these children and say this problem is too big for us to fix. We cannot walk away and say these are resource-strapped Third World countries and there is nothing we can do. We cannot walk away and say we should not funnel more resources into those nations because it will be too difficult to get compliance with the reforms; in other words, that lack of education and a weak and feeble infrastructure will impede any progress. We cannot walk away and simply say these are poor people, illiterate people, and we cannot teach them how to take the drugs. We cannot walk away and say there is no hope, because the evidence is that is not true. There is hope.

The evidence is good doctors have already demonstrated, in countries like Haiti, that no matter how poor, how illiterate, people can take the drugs. They can do it very well and effectively, and their lives can be saved. In fact, doctors in Haiti have already demonstrated—Dr. Pape, Dr. Farmer, who I will talk about in a moment—through the compliance rate, in other words, the rate people taking these drugs and doing it consistently and saving their own lives, that they can do it just as well as you or I can do it in the United States or someone who has AIDS in the United States can do it.

The fact is, despite the enormity of the despair, there is an equal if not greater amount of hope. There is hope because we can help. There is hope because a great deal is being done already. In Guyana, there is an energetic President, President Jagdeo, and a dedicated health minister who are committed to fighting this disease and building a health infrastructure in their nation that will in fact save lives. They have a long way to go, but I am encouraged by their current education efforts and by their commitment to getting more drug treatment into their nation. As they work to build this infrastructure, they can learn a great deal from the success stories in Haiti. I will tell you a couple.

First there is Dr. Bill Pape who was with us at the White House just 2 days ago and who the President talked about and cited as a great example. He is director of GESHKIO, a health organization with 27 clinics in the Port-au-Prince area dedicated to the prevention and treatment of AIDS. I met with Dr. Pape several times in the past. I am always amazed at what this man has accomplished. Through his work, Dr. Pape is showing that in places as poor as Haiti, a nation with an average yearly per capita income of only $250, a nation where there are very limited health resources and, frankly, a nation with all kinds of problems with the government, HIV treatment and prevention can and does work.

At the 27 GESHKIO clinics, they see over 11,000 children, of whom 589 are HIV positive. Sadly, of those children, only 29 are currently on antiretroviral drugs, but that is changing. At the same time, GESHKIO is working hard to treat infected mothers to help prevent mother-to-child HIV transmission.

At Dr. Pape's clinics, they have found 30 percent of children were being born with HIV/AIDS if the mother was HIV positive and not receiving treatment. But of the HIV-positive mothers receiving treatment, only 8.7 percent of the children born are HIV positive. Clearly, this shows what can be accomplished, and this is one of the President's major initiatives—the mother-to-child transmission. It shows what you can do when you can go from a 30 percent AIDS incidence to at least 8.7, and possibly even lower. Think of all the children whose lives are being saved, who are not getting HIV, who are not HIV positive because of that.

Mr. President, the medical science is clear: If we can reach these mothers

early enough before they give birth to that child who will have AIDS because the mom has AIDS, and if we can get medical treatment to the mother and get her the proper drugs, we can save that child. We can save that child at comparatively little economic cost. We should think of the savings not just in dollars and cents, but in lives saved.

I was pleased to have the opportunity in February to also meet with Dr. Paul Farmer, who is fighting AIDS in the rural and remote parts of Haiti. He runs an organization called ''Partners in Health'' and operates clinics in Cange. Dr. Farmer is making tremendous progress. Since 1999, his organization has tracked a population of 3,500 HIV/AIDS patients and has been able to treat more than 350 of them with antiretroviral drugs. Of those receiving drugs since 1999, zero percent—no one—has died. Yet, tragically, of those not receiving drug treatment, 35 percent, so far, have died.

Both Dr. Pape and Dr. Farmer have received grants from the Global AIDS Fund to supplement their efforts. And I point out that money is being put into proven organizations that can get the job done. This tells us we are willing to invest efforts that are working and making a difference and saving lives. While Dr. Farmer and Dr. Pape have empirically proven there is success in treatment in a Third World nation, and there is hope, we still must do more. We must act, and we must act now.

I am encouraged we have moved forward in terms of our AIDS spending level—a level that has gone up significantly over the last few years. I compliment my colleagues on the Appropriations Committee, and particularly Senator TED STEVENS for his efforts and dedication to increasing our funds to fight AIDS.

Earlier this year, Senator DURBIN and I were successful in amending the fiscal year 2003 omnibus appropriations bill to include an additional $100 million to fight the global AIDS pandemic. That money will go a long way. If that money is used to implement a holistic approach to fighting AIDS, I believe we can make significant advances worldwide. That means focusing funds on education and prevention and treatment—treatment in terms of mother-to-child transmission, treatment of mothers who already have children, and treatment of all infected adults. This type of comprehensive approach can and will make a difference.

Let me turn my colleagues' attention to two other photographs from our recent trip to Guyana. You will see two men who are stricken with AIDS. They are patients of the only public hospital in that nation's capital of Georgetown. When you look at these pictures, you can see the anguish in these poor men's eyes. You can see their suffering and you can certainly see their heartbreak. This shows you the ward in this hospital in Georgetown. This poor gentleman has AIDS. Though the staggering and shocking statistics can be at once overwhelming and seemingly unreal, when you hold babies dying from the disease, or when you see the real faces of these men, the people suffering, as in these photographs, it has to move you. It changes you. It certainly makes the statistics real.

Mr. President, in a guest column recently in the Washington Post, prominent AIDS activist Bono quoted something President Harry Truman once said. This is what Truman said:

> I trust the people because when they know the facts, they do the right thing.

That certainly is the case, I believe, when it comes to the global AIDS problem. We have the opportunity to do the right thing. I believe we will do the right thing.

The House plans to take final action on its bill today, and I am encouraged by the continued good-faith efforts of my colleagues in the Senate. We are moving forward on a bipartisan basis. The majority leader, Dr. BILL FRIST, has been a real leader in this. My colleague, Senator LUGAR, on a bipartisan basis, is working with others and moving forward on this as well. I am encouraged that we will be able to get a bill put together.

Mr. President, every 50 seconds a child somewhere in the world dies of an AIDS-related illness, and another becomes infected with HIV. We have to do something to stop this. The United States has an obligation to lead this fight, and we are leading it and moving forward. I look forward to continuing to work with my colleagues as we move ahead. It is our duty, it is our moral obligation, and it is the right thing to do.

I yield the floor.

IMMIGRANT CHILDREN'S HEALTH IMPROVEMENT ACT

Mr. DASCHLE, Mr. President, I would like to bring a matter to the attention of my colleagues. This is a clear example of misplaced priorities in the President's budget.

Last January, a number of Senators wrote to the President requesting that he include a provision in his budget to allow states to provide Medicaid and SCHIP health care coverage for women and children who are legal immigrants.

Yesterday, Senator GRAHAM received a letter in response to that request. The letter makes a number of claims that are, at best, disingenuous.

Just to remind my colleagues of the history of this issue: the 1996 welfare law banned legal immigrants from receiving Federal benefits under a number of programs, including Medicaid, for 5 years. The argument was made that people shouldn't come to this country if they are going to be a public charge.

The reality is that many legal immigrants and their families, because of language barriers and other issues, agree to take some of the lowest paying jobs in this country. They don't come here to take welfare; they come because they want to make better lives for themselves and for their children. Most of these jobs, as we well know, do not provide health insurance for citizen families or immigrant families.

Legal immigrants play an important role in our overall economy. They take low-paying jobs that businesses rely on. They pay taxes. Immigrant children are also required to register for the Selective Service when they turn 18. According to the American Immigrant Law Foundation, 60,000 legal immigrants are on active duty in the U.S. Armed Forces.

But now, as a result of this policy, when a woman becomes pregnant, or a child gets sick, they have no where to turn but to emergency care, which is the most expensive means of providing health care.

A number of States have realized that this is not an efficient or acceptable means of addressing the health care needs of these families. Some 20 States now provide health care services to legal immigrants using their own funds. The result of the 1996 policy has not been the one desired by the authors of the language. Instead, it has resulted in transferring the burden of caring for these people to States and hospitals. Unfortunately, the severe fiscal crisis is forcing some States to reexamine their coverage.

To respond to this situation, Senator GRAHAM introduced S. 845, the Immigrant Children's Health Improvement Act, or ICHIA. It would allow States to use Federal Medicaid and SCHIP funding to provide coverage for pregnant women and children who are legal immigrants. This proposal has strong bipartisan support, not only in the Senate but also in the House. In fact, last year, it was adopted on a bipartisan basis in the Finance Committee during debate on a bill to reauthorize welfare programs.

The administration's letter suggests that this proposal would somehow create a new burden on the States. In fact, the proposal gives States the option to provide this coverage, and allows them to use Federal resources to do so, thus giving them significant fiscal relief. No new burden would be imposed on the States. In addition, the National Governors Association and the National Conference of State Legislatures have made restoring these benefits a priority.

The long-term economic and health consequences of inadequate health care services for pregnant women and children is well-established. The administration's letter tries to minimize the importance of this issue for immigrants, by talking about other, less effective health care proposals, such as the Medicaid block grant, and by pointing out that the fetuses of immigrants are covered by SCHIP.

It is important to recognize, however, that more than 5 million children live in poor or ''near-poor'' non-citizen families. That is more than one-quarter of the total population of poor or

''near-poor'' children. Almost half of all low-income immigrant children are uninsured—and they are more than twice as likely to be uninsured as low-income citizen children with native-born parents.

Most of these children will eventually become American citizens. By denying all but emergency health care, and especially by denying preventive care, we increase the risk that these children will suffer long-term health consequences—consequences that could reduce their ability to learn and develop and become productive, contributing citizens; consequences that increase the possibility these children will need more expensive health care later on.

The administration claims credit for providing coverage for fetuses, presumably because when these children are born they will be citizens. But it is worth noting that the Medicaid/SCHIP ban is having an impact on citizen children living in immigrant families. As many as 85 percent of immigrant families have at least one child who is a citizen. Although many of these children are eligible for Medicaid and SCHIP, receipt among eligible citizen children of non-citizen parents is significantly below that for other poor children. Parents may be confused about their children's eligibility, or concerned that somehow claiming these benefits will affect the status of other family members.

Finally, the letter suggests that, at a cost of $2.24 billion over 10 years, providing this coverage is too expensive. It also reminds us that this issue must be considered in the context of competing priorities. That is precisely my point. Making sure that pregnant immigrant women, and their children, have access to health care, including preventive care, is an investment in the future workforce of this Nation. Denying them the care they need on an appropriate and timely basis could have dire consequences not only for these individuals, but for our businesses that will depend on a healthy population for their future workers.

I believe providing health care for all of our citizens, including pregnant women and children who are immigrants, is vital for our future economic strength. It should be a much higher priority than providing a $1.2 trillion tax cut for the richest people in the country. It is the right thing to do.

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 October 21, 2001, in Anaheim, CA. A 27 year-old Indian physical therapist was mistaken for a Middle Easterner and assaulted while celebrating his birthday at a karaoke bar. The victim was leaving the bar at about 1 a.m. with a group of his friends and family when several men picked a fight with him. Witnesses heard at least two people yell racial slurs about ''Middle Easterners.'' The man suffered a shattered jaw and was released from the hospital 2 days later after undergoing surgery to have his mouth wired shut.

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.

A RECKLESS GUN INDUSTRY

Mr. LEVIN. Mr. President, a recent report published by the Brady Campaign to Prevent Gun Violence cites numerous examples of reckless sales and distribution practices by gun manufacturers, distributors and dealers. The report, entitled ''Smoking Guns: Exposing the Gun Industry's Complicity in the Illegal Gun Market,'' reveals a disturbing pattern of negligence by some in the gun industry.

In one example, in 1996, according to the report, the owner and six employees of a California gun store were arrested for numerous Federal firearms offenses. The violations included selling illegally converted, fully automatic AK–47 assault rifles and having employees encourage customers to obtain false identification in order to skirt legal requirements for gun ownership. Even after the owner of the store was sent to prison, Heckler & Koch and other gun manufacturers, according to the report, continued to supply the store. In a letter explaining their ongoing business with the gun store, Heckler & Koch wrote that it ''is not our intention to turn away business.''

More recently, the sniper shootings that paralyzed the Washington, DC, area last year were committed with a rifle traced to a gun store in Tacoma, WA. According to the report, the Bushmaster semi-automatic assault rifle possessed by the sniper suspects was only one of 238 guns missing from the store's inventory. Despite previous ATF audits which revealed dozens of missing weapons and evidence linking a Bushmaster rifle from the store to the sniper killings, according to the report, a Bushmaster executive announced that his company still considered the same store a ''good customer'' and would continue to sell to it.

These examples of gun industry negligence are by no means isolated. The Brady Campaign report contains numerous other examples of careless behavior on the part of gun manufacturers and dealers, many of which surfaced only after civil liability suits were filed. The Brady report reveals the disregard of some in the gun industry for even basic self-regulation. The Lawful Commerce in Arms Act that recently passed the House and that has been referred to the Senate Judiciary Committee would shield the gun industry from many legitimate civil lawsuits. Certainly, those in the industry who conduct their business negligently or recklessly should not be shielded from the civil consequences of their actions.

THE BROAD-BASED STOCK OPTION PLAN TRANSPARENCY ACT OF 2003

Mrs. BOXER. Mr. President, the Financial Accounting Standards Board, FASB, issued a tentative decision last week to mandate the expensing of stock options. As a result of this decision, the FASB will develop a mechanism for determining the cost of the options granted to employees and then force firms to deduct that cost from earnings in their financial statements.

If finalized and enforced, expensing rules would kill broad-based options programs available to rank-and-file workers and punish companies that treat employees as partners in innovation rather than just as simple factors of production. But worst of all, it would misrepresent a firm's earnings because experts have said again and again that stock options cannot be priced accurately in the short term.

The FASB received more than 250 comment letters during the period leading up to its current project on expensing stock options. Those letters presented a range of views on whether stock options constitute a cost that should be deducted from earnings. Many respected economists and accountants stated clearly that options should not be expensed. But expensing seems to be the only mechanism that the FASB is willing to consider for improving investor understanding of a firm's financial condition.

The experts I have worked with believe that better, more detailed disclosure of stock option programs is the best mechanism for informing investors on those programs. And I do not believe that the FASB has adequately considered greater disclosure as an alternative to expensing. Greater disclosure would provide investors with the information they need without discouraging the use of stock option programs at innovative firms. At the very least, greater disclosure should be tried and evaluated prior to imposing a new, disruptive expensing regime.

Stock option programs mean opportunity for workers across gender lines and wage scales in my state. In Silicon Valley, the median home price is $530,000. I know of single women working in Silicon Valley who have only been able to own a home because of the stock options their companies offer them. For small businesses in my state, stock options permit cash-

strapped businesses to attract and retain employees who want to share in the fruits of a growing company. The Woman's High Tech Coalition wrote to me last year:

> The education process on stock options needs to be complete in its understanding of what this opportunity has meant to so many women, in particular, in terms of their ability to lift themselves and their children out of a cycle that can affect several generations.

Unfortunately, the process at the FASB is not designed to consider the broader economic benefits of stock-option programs in its rule-making process. In failing to consider these benefits, the FASB's actions may end up doing more harm than good. And before we allow unaccountable officials to create new rules that effectively eliminate stock option programs, I strongly believe that we should be fully informed about the broader impact on workers and productivity. A recently published book, ''In the Company of Owners: The Truth About Stock Options (And Why Every Employee Should Have Them)'' includes extensive research showing that broad-based stock option plans, over the past 20 years, enhanced productivity, spurred capital formation, and enhanced shareholder value. We should carefully review the implications of any new policy on stock options programs before implementing them and hoping for positive results.

As a result of FASB's decision and the refusal to consider alternatives to expensing, I am joining Senator ENSIGN in introducing legislation that calls for the Securities and Exchange Commission to undertake a thorough review of stock option programs and an assessment of the value of greater disclosure as an alternative to expensing. The bill sets a 3-year framework for evaluating this alternative to expensing during which the SEC could not enforce any new accounting standard on options that the FASB establishes.

If the SEC's studies indicate that greater disclosure is not getting enough information to investors, then we can revisit the issue. But we should not let unelected, unaccountable FASB officials dictate policy through a rushed accounting standard. We must exercise our oversight function and carefully weigh alternatives that would be better for workers, investors, and the economy as a whole.

TAIWAN SUPPORT

Mr. CRAPO. Mr. President, I rise today to bring to the attention of my colleagues the importance of U.S. relations with Taiwan.

Most Americans have been focused on the two media showpiece events in recent weeks—the conflict in Iraq and the SARS pandemic. I would note to the Senate that our relations with Taiwan—a key strategic ally for the United States and a critical regional trading partner—should not be overlooked.

In addition to its strategic role with the U.S., Taiwan has a strong market-based economy and burgeoning multiparty democratic system. It has helped lead the modernization of Southeast Asia by demonstrating the importance of respecting civil liberties and the rule of law.

A component of U.S. efforts to ensure regional stability is to maintain strong relations with Taiwan, including assurances to protect the island against military attacks. To support this effort, the U.S. has a tradition of providing military assistance to Taiwan for the purpose of its self-defense. In recent years, this assistance has primarily been in the form of sales of aircraft and advanced warning radars to the Taiwanese government. Most recently, the Bush administration announced it would sell Taiwan a new assortment of defense articles, including diesel submarines, P–3C anti-submarine aircraft, and *Kidd*-class destroyers. I support this decision because it recognizes the legitimate self-defense requirements of Taiwan, but does not destabilize the sensitive relations between Taipei and Beijing.

The Key to ensuring peace and stability in the region is to promote healthy U.S. relations with Taiwan and support efforts to encourage the People's Republic of China and Taiwan to resolve their differences peacefully. We should continue to pursue a means of supporting Taiwan without harming U.S. interests in China.

IN MEMORY OF HENRY BERMAN

Mrs. FEINSTEIN. Mr. President, I rise today to pay tribute to a very dear friend and colleague of mine, Henry Berman, who died on Tuesday, April 27. He was just 92 years old.

He was a true Renaissance man—a man who loved life and loved people. Indeed, there was not a sweeter, gentler, or more generous person on earth than Henry Berman.

Born in 1910, in New Haven, CT, Henry made his way to San Francisco in the early 1930s. During the Great Depression he worked as laborer, then sold butter and eggs, until he settled down as a consultant for Joseph Seagrams & Sons, where he worked for 56 years.

Long active in San Francisco politics and a dedicated philanthropist, I was lucky enough to have Henry serve as the Chairman of the Fire Commission during my tenure as mayor.

I was also fortunate enough to have him serve as my campaign treasurer, in 1992, when I first ran for the United States Senate. I never had a more loyal supporter.

He served the city of San Francisco up until the very end of his life, when he was the president of the airport commission. According to his son Ron, Henry was on the phone with airport leaders even during the last days of his illness.

That's classic Henry for you: if he could walk, sure enough he would be there. He was truly one of a kind.

He was also involved in a wide range of civic and charitable work, including the Anti-Defamation League of B'Nai B'rith, the American Jewish Committee, Meals on Wheels and ''Mo's Kitchen,'' which provides daily meals at Glide Memorial Methodist Church in San Francisco.

Henry was also an overseer of UC-San Francisco, a trustee of the McLaren School of Business at the University of San Francisco, and a board member of USF's Fromm Institute of Lifelong Learning.

When someone lives as long as Henry did—92 long, prosperous, and productive years you can't conceive of the world without them.

My heartfelt condolences go out to his wonderful wife Sally, to his sons Ron and Bob, and to his grandchildren and great-grandchildren.

I will miss him greatly, but consider myself so very privileged to have known Henry Berman to be able to call him my loyal colleague and my dear, dear friend.

ADDITIONAL STATEMENTS

RALPH KRISKA PERDUE

• Ms. MURKOWSKI. Mr. President, today I honor a pillar of the Fairbanks business community and a respected Athabaskan Elder, Ralph Kriska Perdue, who passed on early Tuesday morning at the age of 73. I doubt that most folks in Interior Alaska knew his real age. You see, for years Ralph's wife, Dorothy, conducted a 39th birthday sale, every Christmas, at the family store, Perdue's Jewelers.

Ralph was born on December 16, 1929 in the village of Koyukuk on the Yukon River. He became interested in making jewelry around 1946 and in 1961 opened a jewelry store in downtown Fairbanks. Ralph was a determined individual. He once told a reporter for the Fairbanks Daily News-Miner, ''To me, there is satisfaction that something is done the way it should be done, whether it's a piece of jewelry or anything that confronts me.'' The Fairbanks economy has experienced booms and busts, but Perdue's Jewelers has grown and prospered.

Ralph will be remembered in Interior Alaska for many things. A bridge between the Native community and the broader community, he served for 6 years as president of the Tanana Chiefs Conference and as a member of the Fairbanks North Star Borough Assembly and the Fairbanks North Star Borough School Board.

He will be dearly remembered as the father of the Fairbanks Native Association, which he helped found in 1963. Today, the Fairbanks Native Association has an annual operating budget of about $13 million and a workforce of

300 people. It provides a variety of social services to the people of Fairbanks, including a very successful regional alcoholism treatment center, which was appropriately named the ''Ralph Perdue Center.''

Annette Freiburger, executive director of the Fairbanks Native Association (FNA), is quoted in the News-Miner as follows, ''Ralph has always served as a guide and inspiration for FNA. We recognized him as our FNA chief, the only chief we have in Fairbanks.''

Ralph was also the devoted father of Karen Perdue Bettisworth, the distinguished former commissioner of the Alaska Department of Health and Social Services, and of Mona Perdue Jones. I extend to Dorothy, to Karen and to Mona, my deepest condolences and I join with the Fairbanks community in extending my appreciation to the late Chief Ralph Kriska Perdue for a job well done.●

RECOGNIZING LORRAINE JOHNSON, 2003 GEORGIA TEACHER OF THE YEAR

● Mr. MILLER. Mr. President, I would like to pay tribute to Lorraine Johnson, Georgia's 2003 Teacher of the Year and a finalist for National Teacher of the Year.

This Coweta County seventh grade teacher was selected as one of four finalists for the National Teacher of the Year award by a panel made up of members from 15 national education organizations. She attended a ceremony yesterday at the White House where the President recognized this great achievement, and I was honored to be part of the audience.

Ms. Johnson has been an outstanding educator for over 18 years and has taught seventh-grade English and language arts at Arnall Middle School in Newnan, GA, for the past 8 years. This past year, Ms. Johnson has been on a sabbatical to travel across the State of Georgia giving speeches and conducting workshops for her peers at other Georgia schools.

Ms. Johnson told a reporter recently that she hopes she can inspire other teachers to have pride in their profession, and I think she is achieving that goal. Though her commitment and dedication to teaching she has influenced hundreds of students and made Georgia and our entire country a better place.●

● Mr. CHAMBLISS. Mr. President, I rise today to pay a special tribute to Lorraine Johnson of Newnan, GA. Lorraine Johnson is an outstanding Georgia educator.

Lorraine Johnson was recently honored and recognized as one of four finalists by President George W. Bush at the White House for the National Teacher of the Year award.

Top notch teachers, like Lorraine Johnson, work day and night to make a difference to our Nation's young people as they prepare for their future. These are our true American heroes in our communities, in our States and in our Nation. As the husband of a retired teacher who spent 35 years in the classroom, I know first hand the deep commitment, tough challenges, and endless efforts that go along with being a dedicated teacher. There is no doubt about it: Lorraine Johnson is a dedicated educator.

Lorraine Johnson teaches seventh grade language arts at Arnall Middle School in Newnan, GA. In my home State of Georgia, Lorraine's excellence is no secret. She was named Georgia's Teacher of the Year for 2003 for her remarkable efforts.

It was a real honor and a privilege to share in a special White House ceremony praising Lorraine's hard work and dedication. President George W. Bush, U.S. Secretary of Education Rodney Paige and many other lawmakers also commended Lorraine Johnson for her accomplishments.

Lorraine Johnson of Newnan, GA, is truly an outstanding educator. Not only is she an inspiration to Georgians, but she is an inspiration to all Americans.●

HONORING BOB PROFT

● Mr. COLEMAN. Mr. President, I ask that the following two tributes honoring the life of the late Bob Proft—a proud Minnesotan, respected author, and brave World War II veteran—be printed in the RECORD.

The tributes follow.

[From the Star Tribune, Jan. 1996]

A TRIBUTE TO HEROES

(By Chuck Haga)

Fifty years ago, Congress awarded a Medal of Honor to Jimmy LaBelle, a 19-year-old Marine from Columbia Heights and one of Bob Proft's best friends.

Proft, a B–17 radio operator during the war, always wondered what his buddy had done to receive the country's highest military decoration, but he could find no lists, no compilation of citations.

So Proft published a book. Working out of his sign-painter's garage in Columbia Heights, he researched the history of the medal, compiled lists of the recipients and their citations—from the Civil War through Vietnam—and in 1980 assembled an encyclopedic document of more than 1,100 pages. With co-publisher Mitch DeMars of Columbia Heights, he brought out an updated edition last year.

Now anybody can look up Jimmy LaBelle's name and find out just what he did before he died on March 8, 1945, on Iwo Jima.

''I don't think there's anything else I've ever done that's given me more satisfaction,'' Proft said.

He is a fit man of 70, earnest in his cause but self-effacing when talking about his own military service. ''I didn't do anything heroic whatsoever,'' he said.

But heroes matter to him.

''It bothers me that you can talk to young people and they don't even know what the Medal of Honor is,'' he said. ''They know John Wayne. They know 'Rambo.' Real heroes are forgotten.''

LaBelle was a soft-spoken, unassuming teenager, ''Just one of the guys growing up in the Heights,'' Proft said. During high school, he worked at a hamburger joint called Virg's on Central Ave. He boxed in intramurals.

About 15 years after the war, Proft was painting a sign near Virg's. As he passed the hamburger joint, he thought about LaBelle and his Medal of Honor.

''It struck me that I didn't know anything about what he had done,'' he said.

He went to his local library, then to the Minneapolis Public Library. He wrote to government and military sources. A friend helped with the search, but they came up empty-handed.

In the late 1960s, the U.S. Government Printing Office compiled lists of recipients with their citations, he said, but that material was distributed only to federal depository libraries and couldn't be checked out.

Proft thought there should be something that could go in school libraries, something that young hamburger-flippers could stumble across.

''You can't sit and read this book like a novel,'' he said. ''The citations would start blending together. But if you pick out a few citations at a time, they can really grip you.''

The honor roll lists 47 Minnesotans, including Dale Wayrynen of McGregor, who received the medal posthumously for gallantry in Vietnam. Ten of the Minnesotans were natives of other countries: Germany, Austria, Norway, England, Ireland and Canada.

Proft's favorite is the citation for Nathanial Gwynne, who was 15 and trying to talk his way into the 13th Ohio Cavalry on July 30, 1864, at Petersburg, Va. When the unit charged a Confederate position, Gwynne rode along.

The Yankees were forced to retreat, leaving their flag and battle standards. Young Gwynne charged back along, gathered up the colors and—despite having an arm almost shot off—brought them back.

''Somebody said, 'That young man should get the Medal of Honor,'' Proft said. ''Somebody else said, 'Yes, but we'd better get him mustered first.''

Since the medal was first presented in 1863, 3,420 have been awarded. Eighteen people received two medals.

An award requires at least two witnesses, and the action must involve ''gallantry beyond the call of duty'' and the risk of death.

In 1916, a congressional panel reviewed records of medals awarded to that point and rescinded 910, Proft said, because they didn't meet those standards.

Proft's book includes the citation for Alvin York, of course, the conscientious objector from Tennessee who became a World War I hero. Gary Cooper portrayed him in the film ''Sgt. York.''

And there are the stories of two living Minnesotans who received the Medal of Honor: Don Rudolph of Bovey, for actions in the Philippines during World II, and Mike Colalillo of Duluth, for actions against German forces near the end of the war in Europe.

Proft's labor was a good thing, said Rudolph, 74. ''It gets it into the schools and the city libraries.''

The Veterans of Foreign Wars post in Grand Rapids, Minn., bought 12 of the books for local schools and libraries, he said.

Rudolph has had his own copy of the book signed by about 200 recipients of the medal. Today, only 184 recipients are living.

''I've read the citations of everybody in the book,'' he said.

His own citation tells of his actions Feb. 5, when his platoon had been pinned down at Munoz, on Luzon: ''While administering first aid on the battlefield, he observed enemy fire issuing from a nearby culvert. Crawling to the culvert with rifle and grenades, he killed

three of the enemy concealed there. He then worked his way across open terrain toward a line of enemy pillboxes. . . .''

He used grenades, a pick and his rifle to put seven pillboxes out of commission. ''Later, when his platoon was attacked by an enemy tank, he advanced under covering fire, climbed to the top of the tank and dropped a white phosphorous grenade through the turret, destroying the crew.''

Rudolph said he made it through all that without a scratch.

''I've said many times that I really don't know why I did it or why I got the medal,'' he said. ''But I knew I had to do it. Otherwise we were going to lose more men.''

It was about a month later that LaBelle died on Iwo Jima.

He was a private in the 5th Marine Division. On the night of March 8, as Japanese forces tried to break through American lines, a grenade landed in the foxhole that LaBelle shared with two other Marines.

He shouted a warning, then fell on the grenade, absorbing most if its impact with his body.

''His dauntless courage, cool decision and valiant spirit of self-sacrifice in the face of certain death reflect the highest credit on Pfc. LaBelle,'' his posthumous citation reads.

Medals of Honor awarded in major conflicts: Civil War 1,520; Indian campaigns (1861–1898) 428; Spanish-American War 109; World War I 124; World War II 433; Korean Conflict 131; Vietnam 239. Source: United States of America's Congressional Medal of Honor Recipients.

[From the Star Tribune, Apr. 13, 2003]

REMEMBERING A WRITER

(By Lou Gelfand)

Often he offered a touch of whimsy or a sweet bow to tradition, rarely a cheap shot or a critical word.

Those elements characterized the many hundreds of letters submitted to the Star Tribune editorial page over the years by Bob Proft, a retired Columbia Heights business owner.

His short missives filled with expressive words were an antidote to the stream of letters to the editor exhorting the citizenry to rise in anger and slay the dragon of the day.

That he knew only one letter every 30 days could qualify for publication didn't faze him.

His profundity could come in 14 words or less, as when Americans began packing their bags for Iraq: ''Many things change from war to war, but never this: The goodbye kiss.''

His change of pace was delightful: ''The media exclaimed recently that Princess Diana has been dead four years. That means Mother Teresa has too. Ah, priorities.''

That is not to say Proft had no passion.

''We cannot abide a government of the people, by the lobbyists, for the privileged and remain a bona-fide democracy. If this government of We the People is not, in fact and spirit, of us and by us and for us, we are operating with half-truths at best. And we are mocked by crafty hypocrites every time we are unctuously assured that we control this carefully designed system. In whatever manner and to whatever degree our representation is tainted, that is the manner and degree our government is a counterfeit of what our founding fathers created.''

He lost his fettle for sports, but not for columnist Patrick Reusse.

''Older now, I seldom read the sports pages. However, thumbing through, I can't pass up Pat Reusse. For all the proper reasons I'm attracted to that face. It just came to me he reminds me of New York's Jimmy Breslin. With that face Reusse had to be a sportswriter or some guy living under the Third Avenue bridge. Now don't get me wrong, I still don't know if I should like this guy. But my, my, how he can write! I'll bet my dentures Reusse is a closet poet. Robert Browning or Robert Service type, I don't know.''

His love for holiday and tradition, spring and freedom and, above all, for family is expressed in these letters some readers may have saved to savor:

''Contracted Christmas greeting: Ho!''

''Sure signs autumn cometh: falling leaves, long sleeves.''

''Our nation is free. For that reason we own everything we have to those we remember this day.''

''Any force at any time in any country that can keep a loving father from a loving son for one second is a force of evil. A mob at any time in any country may have the power to prevent a loving father from reaching his loving son but it will never have the right.''

His Veterans Day letter made him dear to the editor:

''While it is fitting and proper that we enjoy the fruits of our power and plenty, we must not forget those who destiny decreed should pay that price. Today is Veterans Day, set aside to commemorate that unique fraternity. Please, you needn't genuflect. Just give a knowing nod, and maybe a smile.''

Proft enlisted in World War II and was training to fly bombers when peace came.

His love for country was funneled into publishing a 1,248-page book listing Medal of Honor Recipients and their official citations. Humility dictated that his initials, not his name, be on the cover.

The final letter from Proft, 78, arrived last week. He died at home early Thursday morning after a short illness.●

HONORING DR. MARTHA MYERS

● Mr. SESSIONS. Mr. President, I rise today to remember a selfless American, Dr. Martha Myers. Many know Dr. Myers as one of the two Southern Baptist missionaries recently murdered by extremists in Yemen. She represents the bests in missionary service. She was, by her aid to those in need, a demonstrated friend of the people of Yemen and in the end, she laid down her life for them. Greater love hath no one than this. Her death has touched me deeply as it has touched many worldwide. It has also, unfortunately, heightened our concern for Christian missionaries throughout the world.

Dr. Myers was educated in my home State of Alabama where she earned degrees from both Samford University and University of Alabama Medical School. The daughter of the State of Alabama's long time health officer, Dr. Ira Myers, she was educated and trained as an obstetrician. Instead of seeking monetary gain, like a modern day Nehemiah she dedicated the rest of her life in selfless service to the indigent families of Yemen. She spent 24 years as a medical missionary in Yemen ministering by example. Her colleagues have stated that she often slept in her office cubicle to save money to give to poor families in communities surrounding the hospital.

I find it particularly telling that it was her choice to be buried on the grounds of the hospital in Yemen. I find this important because it shows a total and complete devotion to the difficult and selfless work she felt called to do. It demonstrated her total commitment without thought of turning back. Former professors and college friends say that her sense of calling to the field of missions was ''crystal clear.'' They also said it was evident to everyone around her that this clear call to serve others empowered and motivated her even as a college freshman in 1963.

Dr. Martha Myers' ability to rise above personal interest in service of others goes far beyond what most people can conceive. Dr. Mike Howell, her former biology professor, summarized her life and commitment well in saying ''There aren't many people willing to dedicate their life to people. That is the greatest calling of a Christian.''

While the world has lost a selfless servant, We may hope that the life of Martha Myers will serve as an inspiration for others. It demonstrates that religious faith can be the basis for a life dedicated to others, even if those served have a different religion. Dr. Myers did not limit her patients to Christians. She served all in need, and she never forced her views on anyone.

In these days of terrorism and the prospect of war, our world should think deeply about the well lived life of Dr. Martha Myers. In such loving humility can come the seeds of a more peaceful world.

Some may say that this senseless murder proves that radicalism rules the day and that such acts can only be dealt with by war. But, perhaps not. Certainly, some radicalized terrorist, someone with a twisted view of their faith, can end a lifetime of work. Still, such evil acts cannot erase the good she has done. And, maybe, just maybe, the thousands of poor, sick, and dying that she treated and comforted will have a different view of the United States, a different view of the West, and a different view of freedom and faith as a result of her life well lived. In that we can all take comfort.●

JARISSE J. SANBORN, B.G. U.S. AIR FORCE

● Ms. MURKOWSKI. Mr. President, I rise today to honor a great Alaskan upon the occasion of her promotion to Brigadier General in the United States Air Force.

I am speaking of Jarisse J. Sanborn who, on April 1, 2003, became the first active duty woman ever promoted to Brigadier General in the Judge Advocate Corps of any armed service in this country. Upon her promotion, General Sanborn was assigned to U.S. Transportation Command and the Air Mobility Command, where she serves as the Staff Judge Advocate to both commands.

General Sanborn, the daughter of a career Navy officer, began her Air Force career after graduating Magna Cum Laude from Randolph-Macon

Woman's College in Virginia. After serving as a squadron and wing executive officer, she was selected for the Air Force-funded legal education program, graduating from Creighton Law School in Omaha, NE, again Magna Cum Laude. She is also a graduate of the National War College.

General Sanborn has had a distinguished legal career, including her most recent assignment as the Staff Judge Advocate for the North American Aerospace Defense Command, better known by its acronym NORAD, and U.S. Northern Command, the newly created unified command responsible for the homeland defense of the United States. General Sanborn also has been the Staff Judge Advocate for U.S. Space Command, Air Force Space Command, and Alaska Command.

From her time as head of Alaska Command at Fort Richardson in Anchorage, she remains a resident of Alaska, where she and her husband Al still own a home in Eagle River. They have two sons: Tyler and John.

Brigadier General Sanborn is a veteran of Operation Desert Storm, where she earned the Bronze Star as the Staff Judge Advocate for the Fourth Fighter Wing deployed to Oman and Saudi Arabia.

Now, at a time when women are making such important contributions to our efforts in Iraq, it's very appropriate that we recognize the success of this fine officer. It is also appropriate that we celebrate this important step for all women in the military. General Sanborn truly makes all Americans proud of the capabilities and accomplishments of our Armed Forces.●

MASSACHUSETTS STATE TROOPER SCOTT McDONALD

● Mr. KENNEDY. Mr. President, I pay tribute to one of Massachusetts' finest law enforcement officers—Massachusetts State Trooper Scott McDonald. Recently, Trooper McDonald was honored by the Massachusetts State Police with a Medal of Lifesaving, awarded to bestow recognition upon troopers who undertake significant actions in the saving of another life.

On August 4, 2002, Trooper Scott McDonald was on patrol when he was dispatched to a motor vehicle accident in the town of Deerfield. Upon arrival, he observed a truck overturned on the road. As the driver was without a pulse and not breathing, he immediately began CPR. While a passing motorist stopped, identified herself as a doctor and said she would pronounce the victim dead, Scott continued lifesaving efforts. Amazingly, the driver was ultimately revived and flown to Baystate Medical Center in Springfield.

Trooper McDonald is a fine example of the Commonwealth's outstanding first responder community. I rise to join the Massachusetts State Police, the City of Holyoke, and Scott's family and friends in honoring a great American, Massachusetts State Trooper Scott McDonald.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 12:36 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1350. An act to reauthorize the Individuals with Disabilities Education Act, and for other purposes.

The message also announced that pursuant to section 1238(b)(3) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106–398), the Minority Leader reappoints the following individuals to the United States-China Security Review Commission: Mr. George Becker of Pennsylvania, for a term to expire on December 31, 2005 and Mr. Michael Wessel of Virginia, for a term to expire on December 31, 2004.

The message further announced that pursuant to 40 U.S.C. 188a(b)(2), Mr. Vernon J. Ehlers, Vice-chairman of the Joint Committee of the Library appoints the following Member of the House of Representatives as his designee to the Capitol Preservation Commission: Mr. John Mica of Florida.

ENROLLED BILL SIGNED

The message also announced that the Speaker has signed the following enrolled bill:

S. 162. An act to provide for the use and distribution of certain funds awarded to the Gila River Pima-Maricopa Indian community, and for other purposes.

MEASURE REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1350. An act to reauthorize the Individuals with Disabilities Education Act, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

MEASURES PLACED ON THE CALENDAR

The following bill and joint resolution were read the second time, and placed on the calendar:

H.J. Res. 51. Joint resolution increasing the statutory limit on the public debt.

S. 14. A bill to enhance the energy security of the United States, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–2046. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to the law, the report of rule entitled ''Approval and Promulgation of Air Quality Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Wisconsin (FRL 7484–2)'' received on April 16, 2003; to the Committee on Environment and Public Works.

EC–2047. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to the law, the report of rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; Maryland, Virginia; Post 1996 Rate-of-Progress Plans; and One-Hour Ozone Attainment Demonstrations (FRL 7484–6)'' received on April 16, 2003

EC–2048. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to the law, the report of rule entitled ''Approval and Promulgation of Implementation Plans; Louisiana: Revision to the Ozone Maintenance Plans for Beauregard, St. Mary, Lafayette, and Grant Parishes and the New Orleans Consolidated Metropolitan Statistical Area (FRL 7485–6)'' received on April 16, 2003; to the Committee on Environment and Public Works.

EC–2049. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to the law, the report of rule entitled ''Approval and Promulgation of State Implementation Plans, and Designation of Areas for Air Quality Planning Purposes; California—Coachella Valley (FRL 7473–4)'' received on April 16, 2003; to the Committee on Environment and Public Works.

EC–2050. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to the law, the report of rule entitled ''Approval and Promulgation of State Implementation Plans; California—South Coast (FRL 7473–3)'' received on April 16, 2003; to the Committee on Environment and Public Works.

EC–2051. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to the law, the report of rule entitled ''Clean Air Act Approval of Operating Permits Program Revision; District of Columbia (FRL 7483–6)'' received on April 16, 2003; to the Committee on Environment and Public Works.

EC–2052. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to the law, the report of rule entitled ''Oil Pollution Prevention and Response; Non-Transportation-Related Onshore and Offshore Facilities (FRL 7484–7)'' received on April 16, 2003; to the Committee on Environment and Public Works.

EC–2053. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to the law, the report of rule entitled ''Texas: Final Authorization of State Hazardous Waste Management Program

Revisions (FRL 7482–3)'' received on April 16, 2003; to the Committee on Environment and Public Works.

EC–2054. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to the law, the report of rule entitled ''Approval and Promulgation of the State Air Quality Plans for Designated Facilities and Pollutants, State of West Virginia; Control of Emissions from Commercial and Industrial Solid Waste Incinerator Units (FRL 7479–9)'' received on April 11, 2003; to the Committee on Environment and Public Works.

EC–2055. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to the law, the report of rule entitled ''Approval and Promulgation of State Plan for Designated Facilities and Pollutants Florida (FRL 7481–8)'' received on April 11, 2003; to the Committee on Environment and Public Works.

EC–2056. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to the law, the report of rule entitled ''Control of Emissions From New Nonroad Diesel Engines: Amendments to the Nonroad Engine Definition (FRL 7482–1)'' received on April 11, 2003; to the Committee on Environment and Public Works.

EC–2057. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to the law, the report of rule entitled ''Nebraska: Final Authorization of State Hazardous Waste Management Program Revision (FRL 7480–9)'' received on April 11, 2003; to the Committee on Environment and Public Works.

EC–2058. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to the law, the report of rule entitled ''Oklahoma: Final Authorization of State Hazardous Waste Management Program Revisions (FRL 7479–1)'' received on April 11, 2003; to the Committee on Environment and Public Works.

EC–2059. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to the law, the report of rule entitled ''Tennessee: Final Authorization of State Hazardous Waste Management Program Revision (FRL 7478–5)'' received on April 11, 2003; to the Committee on Environment and Public Works.

EC–2060. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to the law, the report of rule entitled ''Texas: Final Authorization of State Hazardous Waste Management Program Revisions (FRL 7482–3)'' received on April 11, 2003; to the Committee on Environment and Public Works.

EC–2061. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to the law, the report of rule entitled ''Utah: Final Authorization of State Hazardous Waste Management Program Revision (FRL 7480–6)'' received on April 11, 2003; to the Committee on Environment and Public Works.

EC–2062. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to the law, the report of rule entitled ''Notice of Withdrawal of October 2, 2003, Attainment Date Extension, Determination of Nonattainment as November 15, 1999, and Reclassification of the Baton Rouge Ozone Nonattainment Area (FRL 7487–4)'' received on April 23, 2003; to the Committee on Environment and Public Works.

EC–2063. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to the law, the report of rule entitled ''Approval and Promulgation of Implementation Plans Florida: Revision to Jacksonville, Florida Ozone Air Quality Maintenance Plan (FRL 7486–7)'' received on April 23, 2003; to the Committee on Environment and Public Works.

EC–2064. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to the law, the report of rule entitled ''Approval and Promulgation of Implementation Plans to the Alabama State Implementation Plan (FRL 7487–1)'' received on April 23, 2003; to the Committee on Environment and Public Works.

EC–2065. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to the law, the report of rule entitled ''Approval and Promulgation of State Implementation Plans; Prevention of Significant Deterioration (PSD); Idaho and Oregon (FRL 7487–2)'' received on April 23, 2003; to the Committee on Environment and Public Works.

EC–2066. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to the law, the report of rule entitled ''Guidance on Awarding Section 319 Grant to Indian Tribes in FY 2003'' received on April 23, 2003; to the Committee on Environment and Public Works.

EC–2067. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to the law, the report of rule entitled ''Minnesota: Final Authorization of State Hazardous Waste Management Program Revision (FRL 7486–4)'' received on April 23, 2003; to the Committee on Environment and Public Works.

EC–2068. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to the law, the report of a document entitled ''Chemical Specification of PM2.5 in urban and Rural Areas: Background Information'' received on April 11, 2003; to the Committee on Environment and Public Works.

EC–2069. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to the law, the report of a document entitled ''National Air Quality Standards for Fine Particles: Guidance for Designating Areas'' received on April 11, 2003; to the Committee on Environment and Public Works.

EC–2070. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to the law, the report of a document entitled ''National Air Quality Standards for Fine Particles Guidance for Designating Areas'' received on April 11, 2003; to the Committee on Environment and Public Works.

EC–2071. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to the law, the report of a document entitled ''National Air Quality Standards for Fine Particles Guidance for Designating Areas'' received on April 11, 2003; to the Committee on Environment and Public Works.

EC–2072. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to the law, the report of a document entitled ''Stationary Gas Turbines: Proposed Amendments to Air Toxics Performance Standards: Fact Sheet'' received on April 11, 2003; to the Committee on Environment and Public Works.

EC–2073. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to the law, the report of a document entitled ''Guidance on Generation and Submission of Grandfathered Cryptosporidium Data for Bin Classification Under the Long Term 2 Enhanced Surface Water Treatment Rule'' received on April 23, 2003; to the Committee on Environment and Public Works.

EC–2074. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to the law, the report of a document entitled ''Ozone Transport: Proposed Rule Revision: Fact Sheet'' received on April 23, 2003; to the Committee on Environment and Public Works.

EC–2075. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to the law, the report of a document entitled ''Small Entity Compliance Guide for the Tier 2/Gasoline Sulfur Final Rule (EPA420–B–03–005)'' received on April 23, 2003; to the Committee on Environment and Public Works.

EC–2076. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to the law, the report of a document entitled ''Use of CERCLA Section 114(c) Service Station Dealers Exemption'' received on April 23, 2003; to the Committee on Environment and Public Works.

EC–2077. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to the law, the report of a document entitled ''Revised Guidance Manual for Selecting Lead and Copper Control Strategies'' received on April 23, 2003; to the Committee on Environment and Public Works.

EC–2078. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to the law, the ''Report to Congress on Abnormal Occurrences, Fiscal Year 2002'' received on April 11, 2003; to the Committee on Environment and Public Works.

EC–2079. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to the law, the report entitled ''Monthly Status Report on the Licensing Activities and Regulatory Duties of the United States Nuclear Regulatory Commission, January 2003'' received on April 22, 2003; to the Committee on Environment and Public Works.

EC–2080. A communication from the Acting Chair, Federal Subsistence Board, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of rule entitled ''Subsistence Management Regulations for Public Lands in Alaska, Subpart D—Subsistence Taking of Fish, Customary Trade (1018–AI31)'' received on April 23, 2003; to the Committee on Environment and Public Works.

EC–2081. A communication from the Acting General Counsel, Department of Homeland Security, transmitting, pursuant to the law, the report of a rule entitled ''Assistance to Firefighters Grant Program 68 FR 12544 (3067–AD21)'' received on April 16, 2003; to the Committee on Environment and Public Works.

EC–2082. A communication from the Director, Office of Congressional Affairs, Office of the General Counsel, Nuclear Regulatory Commission, transmitting, pursuant to the law, the report of a rule entitled ''Availability of Official Records (3150–AC07)'' received on April 22, 2003; to the Committee on Environment and Public Works.

EC–2083. A communication from the Director, Office of Congressional Affairs, Office of Nuclear Material Safety and Safeguards Nuclear Regulatory Commission, transmitting, pursuant to the law, the report of a rule entitled ''Medical Use of Byproduct Material: Clarifying and Minor Amendments (10 CFR Part 35) (RIN3150–AH08)'' received on April 22, 2003; to the Committee on Environment and Public Works.

EC–2084. A communication from the Under Secretary of Defense, Comptroller, transmitting, pursuant to the law, the report of a violation of the Antideficiency Act by the Department of the Navy, case no. 02–04, totaling $2,763,000; to the Committee on Appropriations.

EC–2085. A communication from the Under Secretary of Defense, Comptroller, transmitting, pursuant to the law, the report of a violation of the Antideficiency Act by the Department of the Navy, case no. 00–03, totaling $1,629,233.61; to the Committee on Appropriations.

EC–2086. A communication from the President of the United States, transmitting, pursuant to law, the report that provides ''the aggregate number, locations, activities, and lengths of assignment for all temporary and permanent U.S. military personnel and U.S. individual civilians retained as contractors involved in the antinarcotics campaign in Colombia'' received on April 25, 2003; to the Committee on Appropriations.

EC–2087. A communication from the Assistant Chief Counsel, Maritime Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Administrative Waivers of the Coastwise Trade Laws for Eligible Vessels (2133–AB49)'' received on April 28, 2003; to the Committee on Commerce, Science, and Transportation.

EC–2088. A communication from the Senior Attorney, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Reporting of Information and Documents about potential Defects; Defect & Noncompliance Reports (2127–AI92)'' received on April 28, 2003; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary, without amendment and with a preamble:

S. Res. 75. A resolution commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers.

S. Con. Res. 15. A concurrent resolution commemorating the 140th anniversary of the issuance of the Emancipation Proclamation.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. MCCAIN for the Committee on Commerce, Science, and Transportation.

Coast Guard nomination of Lewis J. Buckley.

By Mr. HATCH for the Committee on the Judiciary.

J. Leon Holmes, of Arkansas, to be United States District Judge for the Eastern District of Arkansas.

Patricia Head Minaldi, of Louisiana, to be United States District Judge for the Western District of Louisiana.

Adam Noel Torres, of California, to be United States Marshal for the Central District of California for the term of four years.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. REID (for himself, Mr. CHAFEE, Mr. CORZINE, Mr. SARBANES, and Mr. LIEBERMAN):

S. 965. A bill to require the Secretary of the Interior to implement the final rule to phase out snowmobile use in Yellowstone National Park, John D. Rockefeller Jr. Memorial Parkway, and Grand Teton National Park, and snowplane use in Grand Teton National Park; to the Committee on Energy and Natural Resources.

By Mr. KENNEDY (for himself, Mr. SPECTER, Mr. DASCHLE, Mr. SMITH, Mr. LEAHY, Ms. COLLINS, Mr. LIEBERMAN, Ms. SNOWE, Mr. WYDEN, Mr. JEFFORDS, Mr. SCHUMER, Mr. CHAFEE, Mr. AKAKA, Mr. ENSIGN, Mr. BAYH, Mr. BIDEN, Mr. BINGAMAN, Mrs. BOXER, Mr. BREAUX, Ms. CANTWELL, Mr. CARPER, Mrs. CLINTON, Mr. CORZINE, Mr. DAYTON, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mr. EDWARDS, Mrs. FEINSTEIN, Mr. GRAHAM of Florida, Mr. HARKIN, Mr. INOUYE, Mr. JOHNSON, Mr. KERRY, Ms. LANDRIEU, Mr. LEVIN, Mrs. LINCOLN, Ms. MIKULSKI, Mr. MILLER, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. REED, Mr. REID, Mr. ROCKEFELLER, Mr. SARBANES, Ms. STABENOW, Mr. LAUTENBERG, and Mr. PRYOR):

S. 966. A bill to provide Federal assistance to States and local jurisdictions to prosecute hate crimes; to the Committee on the Judiciary.

By Mr. SCHUMER:

S. 967. A bill to require the Secretary of Veterans Affairs to replace with a more equitable formula the current formula, known as the Veterans Equitable Resource Allocation (VERA), for the allocation of funds appropriated to the Department of Veterans Affairs for medical care to different geographic regions of the Nation, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SESSIONS:

S. 968. A bill to amend the Internal Revenue Code of 1986 to provide capital gain treatment under section 631(b) of such Code for outright sales of timber by landowners; to the Committee on Finance.

By Mr. LAUTENBERG (for himself, Mr. KENNEDY, Mr. CORZINE, and Mr. REED):

S. 969. A bill to enhance the security and safety of the Nation by increasing the time allowed to track terrorists during periods of elevated alert, closing loopholes that have allowed terrorists to acquire firearms, maintaining records of certain handgun transfers during periods of heightened terrorist risk, and for other purposes; to the Committee on the Judiciary.

By Mr. HOLLINGS:

S. 970. A bill to amend the Internal Revenue Code of 1986 to preserve jobs and production activities in the United States; to the Committee on Finance.

By Mr. HARKIN (for himself, Mr. SPECTER, Mr. KENNEDY, Mr. COCHRAN, Mr. BIDEN, Ms. LANDRIEU, Mr. KERRY, Mr. CORZINE, Mr. SCHUMER, Mrs. CLINTON, and Mr. DAYTON):

S. 971. A bill to amend title XIX of the Social Security Act to provide individuals with disabilities and older Americans with equal access to community-based attendant services and supports, and for other purposes; to the Committee on Finance.

By Mr. COLEMAN:

S. 972. A bill to clarify the authority of States to establish conditions for insurers to conduct the business of insurance within a State based on the provision of information regarding Holocaust era insurance policies of the insurer, to establish a Federal cause of action for claims for payment of such insurance policies, and for other purposes; to the Committee on the Judiciary.

By Mr. NICKLES (for himself and Mr. BREAUX):

S. 973. A bill to amend the Internal Revenue Code of 1986 to provide a shorter recovery period for the depreciation of certain restaurant buildings; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. SANTORUM):

S. 974. A bill to amend the Fair Labor Standards Act of 1938 to permit certain youth to perform certain work with wood products ; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SPECTER (for himself and Mr. SANTORUM):

S. 975. A bill to revise eligibility requirements applicable to essential air service subsidies; to the Committee on Commerce, Science, and Transportation.

By Mr. WARNER (for himself and Mr. ALLEN):

S. 976. A bill to provide for the issuance of a coin to commemorate the 400th anniversary of the Jamestown settlement; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. FITZGERALD (for himself, Mr. KENNEDY, and Ms. SNOWE):

S. 977. A bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide coverage from treatment of a minor child's congenital or developmental deformity or disorder due to trauma, infection, tumor, or disease; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SCHUMER:

S. 978. A bill to amend title 38, United States Code, to provide housing loan benefits for the purchase of residential cooperative apartment units; to the Committee on Veterans' Affairs .

By Mr. ENSIGN (for himself, Mrs. BOXER, Ms. CANTWELL, Mr. CRAPO, Mr. CRAIG, Mr. ALLEN, Mrs. MURRAY, Mrs. FEINSTEIN, Mr. REID, Mr. ALLARD, Mr. BURNS, Mr. WARNER, Mr. BENNETT, Mr. SMITH, Ms. STABENOW, and Mr. COLEMAN):

S. 979. A bill to direct the Securities and Exchange Commission to require enhanced disclosures of employee stock options, to require a study on the economic impact of broad-based employee stock option plans, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. GRAHAM of South Carolina (for himself and Mr. MILLER):

S. 980. A bill to conduct a study on the effectiveness of ballistic imaging technology and evaluate its effectiveness as a law enforcement tool; to the Committee on the Judiciary.

By Mrs. BOXER:

S. 981. A bill to limit the period for which the Federal Government may procure property or services using noncompetitive procedures during emergency and urgent situations; to the Committee on Governmental Affairs.

By Mrs. BOXER (for herself and Mr. SANTORUM):

S. 982. A bill to halt Syrian support for terrorism, end its occupation of Lebanon, stop its development of weapons of mass destruction, cease its illegal importation of Iraqi oil, and hold Syria accountable for its role in the Middle East, and for other purposes; to the Committee on Foreign Relations.

By Mr. CHAFEE (for himself, Mr. REID, Mr. HATCH, Ms. MIKULSKI, Ms. COLLINS, Mr. LEAHY, Mr. WARNER, Mr. KENNEDY, Mr. VOINOVICH, Mr. BIDEN, Mr. ALLEN, Mrs. CLINTON, Mr. FITZGERALD, Mrs. MURRAY, Ms. SNOWE, Mr. JOHNSON, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. REED, and Mr. CORZINE):

S. 983. A bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BAUCUS:

S. 984. A bill to direct the Secretary of the Interior to evaluate opportunities to enhance domestic oil and gas production through the exchange of nonproducing Federal oil and gas leases located in the Lewis and Clark National Forest, in the Flathead National Forest, and on Bureau of Land Management land in the State of Montana, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DODD (for himself, Ms. COLLINS, Mrs. CLINTON, Mr. CORZINE, Ms. CANTWELL, Mr. DURBIN, Mr. GRASSLEY, Mr. LEAHY, Ms. SNOWE, Mr. REED, Mr. BIDEN, Mrs. FEINSTEIN, Mr. SCHUMER, Mr. LIEBERMAN, Mr. WARNER, Mr. JOHNSON, Mrs. MURRAY, Mr. CARPER, Mr. KERRY, Mr. BAUCUS, Mr. REID, Mr. SARBANES, and Mr. JEFFORDS):

S. 985. A bill to amend the Federal Law Enforcement Pay Reform Act of 1990 to adjust the percentage differentials payable to Federal law enforcement officers in certain high-cost areas, and for other purposes; to the Committee on Governmental Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. AKAKA (for himself, Mr. FITZGERALD, Ms. COLLINS, Mr. LIEBERMAN, Mr. VOINOVICH, Mr. DURBIN, Mr. COLEMAN, and Mr. LEVIN):

S. Res. 130. A resolution expressing the sense of the Senate that public servants should be commended for their dedication and continued service to the Nation during Public Service Recognition Week; to the Committee on Governmental Affairs.

By Mr. MILLER (for himself, Mr. BURNS, Mr. WARNER, Mr. CHAMBLISS, and Mr. ROBERTS):

S. Res. 131. A resolution expressing the sense of the Senate that the President should award the Presidential Medal of Freedom to General Raymond G. Davis, USMC (retired); to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 13

At the request of Mr. KYL, the names of the Senator from Illinois (Mr. FITZGERALD) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. 13, a bill to provide financial security to family farm and small business owners while by ending the unfair practice of taxing someone at death.

S. 50

At the request of Mr. JOHNSON, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 50, a bill to amend title 38, United States Code, to provide for a guaranteed adequate level of funding for veterans health care, and for other purposes.

S. 55

At the request of Mr. JOHNSON, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 55, a bill to amend title 38, United States Code, to modify the annual determination of the rate of the basic benefit of active duty educational assistance under the Montgomery GI Bill, and for other purposes.

S. 146

At the request of Mr. BUNNING, his name was added as a cosponsor of S. 146, a bill to amend titles 10 and 18, United States Code, to protect unborn victims of violence.

S. 271

At the request of Mr. SMITH, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 271, a bill to amend the Internal Revenue Code of 1986 to allow an additional advance refunding of bonds originally issued to finance governmental facilities used for essential governmental functions.

S. 300

At the request of Mr. KERRY, the names of the Senator from Montana (Mr. BURNS), the Senator from Ohio (Mr. DEWINE), the Senator from Texas (Mrs. HUTCHISON) and the Senator from North Carolina (Mr. EDWARDS) were added as cosponsors of S. 300, a bill to award a congressional gold medal to Jackie Robinson (posthumously), in recognition of his many contributions to the Nation, and to express the sense of Congress that there should be a national day in recognition of Jackie Robinson.

S. 300

At the request of Mr. MCCAIN, the name of the Senator from Missouri (Mr. TALENT) was added as a cosponsor of S. 300, supra.

S. 340

At the request of Mr. BUNNING, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 340, a bill to authorize the Secretary of Health and Human Services to make grants to nonprofit tax-exempt organizations for the purchase of ultrasound equipment to provide free examinations to pregnant women needing such services, and for other purposes.

S. 379

At the request of Mr. BINGAMAN, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 379, a bill to amend title XVIII of the Social Security Act to improve the medicare incentive payment program.

S. 392

At the request of Mr. REID, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 392, a bill to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive both military retired pay by reason of their years of military service and disability compensation from the Department of Veterans Affairs for their disability.

S. 518

At the request of Ms. COLLINS, the name of the Senator from Idaho (Mr. CRAIG) 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. 545

At the request of Mr. LOTT, his name was withdrawn as a cosponsor of S. 545, a bill to amend title I of the Employee Retirement Income Security Act of 1974 to improve access and choice for entrepreneurs with small businesses with respect to medical care for their employees.

S. 567

At the request of Ms. SNOWE, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 567, a bill to amend the Federal Water Pollution Control Act to authorize appropriations for sewer overflow control grants.

S. 589

At the request of Mr. AKAKA, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 589, a bill to strengthen and improve the management of national security, encourage Government service in areas of critical national security, and to assist government agencies in addressing deficiencies in personnel possessing specialized skills important to national security and incorporating the goals and strategies for recruitment and retention for such skilled personnel into the strategic and performance management systems of Federal agencies.

S. 595

At the request of Mr. HATCH, the names of the Senator from Pennsylvania (Mr. SANTORUM), the Senator from Alabama (Mr. SESSIONS), the Senator from Idaho (Mr. CRAPO), the Senator from Washington (Ms. CANTWELL), the Senator from Ohio (Mr. VOINOVICH) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 595, a bill to amend the Internal

Revenue Code of 1986 to repeal the required use of certain principal repayments on mortgage subsidy bond financings to redeem bonds, to modify the purchase price limitation under mortgage subsidy bond rules based on median family income, and for other purposes.

S. 632

At the request of Mr. CRAIG, the names of the Senator from Nevada (Mr. ENSIGN), the Senator from South Dakota (Mr. JOHNSON) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 632, a bill to amend title XVIII of the Social Security Act to expand coverage of medical nutrition therapy services under the medicare program for beneficiaries with cardiovascular disease.

S. 647

At the request of Mr. KENNEDY, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 647, a bill to amend title 10, United States Code, to provide for Department of Defense funding of continuation of health benefits plan coverage for certain Reserves called or ordered to active duty and their dependents, and for other purposes.

S. 652

At the request of Mr. CHAFEE, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors 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. 661

At the request of Mr. SCHUMER, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 661, a bill to amend the Internal Revenue Code of 1986 to equalize the exclusion from gross income of parking and transportation fringe benefits and to provide for a common cost-of-living adjustment, and for other purposes.

S. 764

At the request of Mr. CAMPBELL, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 764, a bill to extend the authorization of the Bulletproof Vest Partnership Grant Program.

S. 774

At the request of Ms. SNOWE, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 774, a bill to amend the Internal Revenue Code of 1986 to allow the use of completed contract method of accounting in the case of certain long-term naval vessel construction contracts.

S. 789

At the request of Mr. NELSON of Florida, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 789, a bill to change the requirements for naturalization through service in the Armed Forces of the United States.

S. 874

At the request of Mr. TALENT, the names of the Senator from Colorado (Mr. CAMPBELL) and the Senator from North Carolina (Mrs. DOLE) were added as cosponsors of S. 874, a bill to amend title XIX of the Social Security Act to include primary and secondary preventative medical strategies for children and adults with Sickle Cell Disease as medical assistance under the medicaid program, and for other purposes.

S. 877

At the request of Mr. BURNS, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from New Hampshire (Mr. GREGG) were added as cosponsors of S. 877, a bill to regulate interstate commerce by imposing limitations and penalties on the transmission of unsolicited commercial electronic mail via the Internet.

S. 881

At the request of Mr. BINGAMAN, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 881, a bill to amend title XVIII of the Social Security Act to establish a minimum geographic cost-of-practice index value for physicians' services furnished under the medicare program.

S. 897

At the request of Mr. CORNYN, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 897, a bill to amend the Immigration and Nationality Act to change the requirements for naturalization through service in the Armed Forces of the United States, and for other purposes.

S. 922

At the request of Mr. REID, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 922, a bill to change the requirements for naturalization through service in the Armed Forces of the United States, to extend naturalization benefits to members of the Selected Reserve of the Ready Reserve of a reserve component of the Armed Forces, to extend posthumous benefits to surviving spouses, children, and parents, and for other purposes.

S. 939

At the request of Mr. HAGEL, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 939, a bill to amend part B of the Individuals with Disabilities Education Act to provide full Federal funding of such part, to provide an exception to the local maintenance of effort requirements, and for other purposes.

S. 942

At the request of Mr. BROWNBACK, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 942 , a bill to amend title XVIII of the Social Security Act to provide for improvements in access to services in rural hospitals and critical access hospitals.

S. CON. RES. 33

At the request of Mr. CRAIG, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. Con . Res. 33, a concurrent resolution expressing the sense of the Congress regarding scleroderma.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KENNEDY (for himself, Mr. SPECTER, Mr. DASCHLE, Mr. SMITH, Mr. LEAHY, Ms. COLLINS, Mr. LIEBERMAN, Ms. SNOWE, Mr. WYDEN, Mr. JEFFORDS, Mr. SCHUMER, Mr. CHAFEE, Mr. AKAKA, Mr. ENSIGN, Mr. BAYH, Mr. BIDEN, Mr. BINGAMAN, Mrs. BOXER, Mr. BREAUX, Ms. CANTWELL, Mr. CARPER, Mrs. CLINTON, Mr. CORZINE, Mr. DAYTON, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mr. EDWARDS, Mrs. FEINSTEIN, Mr. GRAHAM of Florida, Mr. HARKIN, Mr. INOUYE, Mr. JOHNSON, Mr. KERRY, Ms. LANDRIEU, Mr. LEVIN, Mrs. LINCOLN, Ms. MIKULSKI, Mr. MILLER, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. REED, Mr. REID, Mr. ROCKEFELLER, Mr. SARBANES, Ms. STABENOW, Mr. LAUTENBERG, and Mr. PRYOR):

S. 966. A bill to provide Federal assistance to States and local jurisdictions to prosecute hate crimes; to the Committee on the Judiciary.

Mr. KENNEDY. Mr. President, it's a privilege to join my colleagues in introducing this legislation to combat hate crimes. Hate crimes are a violation of all our country stands for. They send the poisonous message that some Americans deserve to be victimized solely because of who they are. Like acts of terrorism, hate crimes have an impact far greater than the impact on the individual victims. They are crimes against entire communities, against the whole Nation, and against the fundamental ideals on which America was founded. As Attorney General Ashcroft has said, ''Criminal acts of hate run counter to what is best in America—our belief in equality and freedom.''

Although there was a significant overall reduction in violent crimes during the 1990s, the number of hate crimes continued to grow. According to the Federal Bureau of Investigation, 9,730 hate crimes were reported in the United States in 2001. That is over 26 hate crimes a day, every day. More than 83,000 hate crimes have been reported since 1991.

The need for an effective national response is as compelling as it has ever been. Hate crimes against Arabs and Muslims rose dramatically in the weeks following the September 11 terrorist attacks. These hate crimes included murder, beatings, arson, attacks on mosques, shootings, and other assaults. In 2001, anti-Islamic incidents were the second highest-reported type of hate crimes based on religion—second only to anti-Jewish hate crimes.

Los Angeles and Chicago reported a massive increase in the number of anti-Arab and anti-Muslim crimes after 9/11.

Hate crimes based on sexual orientation continue to be a serious danger, constituting 14 percent of all hate crimes reported.

Each person's life is valuable, and even one life lost is too many. It is not the frequency of hate crimes alone that makes these acts of violence so serious. It is the terror and intimidation they inflict on the victims, their families, their communities, and, in some cases, the entire Nation.

Congress cannot sit silent while this hatred spreads. It is long past time for us to do more to end hate-motivated violence. The Local Law Enforcement Enhancement Act will strengthen the ability of Federal, State and local governments to investigate and prosecute these vicious and senseless crimes. Our legislation is supported by over 175 law enforcement, civil rights, civic, and religious organizations.

The current Federal law on hate crimes was passed soon after the assassination of Dr. Martin Luther King Jr. Today, however, it is a generation out of date. It has two significant deficiencies. It does not cover hate crimes based on sexual orientation, gender, or disability. And even in cases of hate crimes based on race, religion, or ethnic background, it contains excessive restrictions requiring proof that the victims were attacked because they were engaged in certain ''federally protected activities.''

Our bill is designed to close these substantial loopholes. It has six principal provisions: 1. It removes the ''federally protected activity'' barrier. 2. It adds sexual orientation, gender and disability to the existing categories of race, color, religion, and national origin. 3. It protects State interests with a strict certification procedure that requires the Federal Government to consult with local officials before bringing a Federal case. 4. It offers federal assistance to State and local law enforcement officials to investigate and prosecute heated crimes in any of the federal categories. 5. It offers training grants for local law enforcement. 6. It amends the Federal Hate Crime Statistics Act to add gender to the existing categories of race, religion, ethnic background, sexual orientation, and disability.

These much needed changes in current law will help ensure that the Department of Justice has what it needs to combat the growing problem of hate-motivated violence more effectively.

Nothing in the bill prohibits or punishes speech, expression, or association in any way—even ''hate speech.'' It addresses only violent actions that result in death or injury. The Supreme Court has ruled repeatedly—and as recently as this year, in the cross-burning decision Virginia v. Black—that a hate crimes statute that considers bias motivation directly connected to a defendant's criminal conduct does not violate the First Amendment. No one has a First Amendment right to commit a crime.

A strong Federal role in prosecuting hate crimes is essential, because crimes have an impact far greater than their impact on individual victims. Nevertheless, our bill fully respects the primary role of state and local law enforcement in responding to violent crime. The vast majority of hate crimes will continue to be prosecuted at the state and local level. The bill authorizes the Justice Department to assist State and local authorities in hate crimes cases, but it authorizes Federal prosecutions only when a state does not have jurisdiction, or when it asks the Federal Government to take jurisdiction, or when it fails to act against hate-motivated violence. In other words, the bill establishes an appropriate back-up for State and local law enforcement, to deal with hate crimes in cases where states request assistance, or cases that would not otherwise be effectively investigated and prosecuted.

Working cooperatively, State, local and Federal law enforcement officials have the best chance to bring the perpetrators of hate crimes to justice. Federal resources and expertise in the identification and proof of hate crimes can provide invaluable assistance to state and local authorities without undermining the traditional role of states in prosecuting crimes. As Attorney General Ashcroft has said of current law, ''Cooperation between federal agents and local law enforcement officers and between Justice Department prosecutors and local prosecutors has been outstanding.'' And it will continue to be so, and be even more effective, when this legislation is enacted into law.

Now is the time for Congress to speak with one voice and insist that all Americans will be guaranteed the equal protection of the laws. Now is the time to make combating hate crimes a high national priority. The Local Law Enforcement Enhancement Act is a needed response to a serious problem that continues to plague the nation, and I urge the Senate to support it.

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. 966

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 ''Local Law Enforcement Enhancement Act of 2003''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The incidence of violence motivated by the actual or perceived race, color, religion, national origin, gender, sexual orientation, or disability of the victim poses a serious national problem.

(2) Such violence disrupts the tranquility and safety of communities and is deeply divisive.

(3) State and local authorities are now and will continue to be responsible for prosecuting the overwhelming majority of violent crimes in the United States, including violent crimes motivated by bias. These authorities can carry out their responsibilities more effectively with greater Federal assistance.

(4) Existing Federal law is inadequate to address this problem.

(5) The prominent characteristic of a violent crime motivated by bias is that it devastates not just the actual victim and the family and friends of the victim, but frequently savages the community sharing the traits that caused the victim to be selected.

(6) Such violence substantially affects interstate commerce in many ways, including—

(A) by impeding the movement of members of targeted groups and forcing such members to move across State lines to escape the incidence or risk of such violence; and

(B) by preventing members of targeted groups from purchasing goods and services, obtaining or sustaining employment, or participating in other commercial activity.

(7) Perpetrators cross State lines to commit such violence.

(8) Channels, facilities, and instrumentalities of interstate commerce are used to facilitate the commission of such violence.

(9) Such violence is committed using articles that have traveled in interstate commerce.

(10) For generations, the institutions of slavery and involuntary servitude were defined by the race, color, and ancestry of those held in bondage. Slavery and involuntary servitude were enforced, both prior to and after the adoption of the 13th amendment to the Constitution of the United States, through widespread public and private violence directed at persons because of their race, color, or ancestry, or perceived race, color, or ancestry. Accordingly, eliminating racially motivated violence is an important means of eliminating, to the extent possible, the badges, incidents, and relics of slavery and involuntary servitude.

(11) Both at the time when the 13th, 14th, and 15th amendments to the Constitution of the United States were adopted, and continuing to date, members of certain religious and national origin groups were and are perceived to be distinct ''races''. Thus, in order to eliminate, to the extent possible, the badges, incidents, and relics of slavery, it is necessary to prohibit assaults on the basis of real or perceived religions or national origins, at least to the extent such religions or national origins were regarded as races at the time of the adoption of the 13th, 14th, and 15th amendments to the Constitution of the United States.

(12) Federal jurisdiction over certain violent crimes motivated by bias enables Federal, State, and local authorities to work together as partners in the investigation and prosecution of such crimes.

(13) The problem of crimes motivated by bias is sufficiently serious, widespread, and interstate in nature as to warrant Federal assistance to States and local jurisdictions.

SEC. 3. DEFINITION OF HATE CRIME.

In this Act, the term ''hate crime'' has the same meaning as in section 280003(a) of the Violent Crime Control and Law Enforcement Act of 1994 (28 U.S.C. 994 note).

SEC. 4. SUPPORT FOR CRIMINAL INVESTIGATIONS AND PROSECUTIONS BY STATE AND LOCAL LAW ENFORCEMENT OFFICIALS.

(a) ASSISTANCE OTHER THAN FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—At the request of a law enforcement official of a State or Indian tribe, the Attorney General may provide technical, forensic, prosecutorial, or any other form of assistance in the criminal investigation or prosecution of any crime that—

(A) constitutes a crime of violence (as defined in section 16 of title 18, United States Code);

(B) constitutes a felony under the laws of the State or Indian tribe; and

(C) is motivated by prejudice based on the race, color, religion, national origin, gender, sexual orientation, or disability of the victim, or is a violation of the hate crime laws of the State or Indian tribe.

(2) PRIORITY.—In providing assistance under paragraph (1), the Attorney General shall give priority to crimes committed by offenders who have committed crimes in more than 1 State and to rural jurisdictions that have difficulty covering the extraordinary expenses relating to the investigation or prosecution of the crime.

(b) GRANTS.—

(1) IN GENERAL.—The Attorney General may award grants to assist State, local, and Indian law enforcement officials with the extraordinary expenses associated with the investigation and prosecution of hate crimes.

(2) OFFICE OF JUSTICE PROGRAMS.—In implementing the grant program, the Office of Justice Programs shall work closely with the funded jurisdictions to ensure that the concerns and needs of all affected parties, including community groups and schools, colleges, and universities, are addressed through the local infrastructure developed under the grants.

(3) APPLICATION.—

(A) IN GENERAL.—Each State that desires a grant under this subsection shall submit an application to the Attorney General at such time, in such manner, and accompanied by or containing such information as the Attorney General shall reasonably require.

(B) DATE FOR SUBMISSION.—Applications submitted pursuant to subparagraph (A) shall be submitted during the 60-day period beginning on a date that the Attorney General shall prescribe.

(C) REQUIREMENTS.—A State or political subdivision of a State or tribal official applying for assistance under this subsection shall—

(i) describe the extraordinary purposes for which the grant is needed;

(ii) certify that the State, political subdivision, or Indian tribe lacks the resources necessary to investigate or prosecute the hate crime;

(iii) demonstrate that, in developing a plan to implement the grant, the State, political subdivision, or tribal official has consulted and coordinated with nonprofit, nongovernmental victim services programs that have experience in providing services to victims of hate crimes; and

(iv) certify that any Federal funds received under this subsection will be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this subsection.

(4) DEADLINE.—An application for a grant under this subsection shall be approved or disapproved by the Attorney General not later than 30 business days after the date on which the Attorney General receives the application.

(5) GRANT AMOUNT.—A grant under this subsection shall not exceed $100,000 for any single jurisdiction within a 1 year period.

(6) REPORT.—Not later than December 31, 2004, the Attorney General shall submit to Congress a report describing the applications submitted for grants under this subsection, the award of such grants, and the purposes for which the grant amounts were expended.

(7) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $5,000,000 for each of fiscal years 2004 and 2005.

SEC. 5. GRANT PROGRAM.

(a) AUTHORITY TO MAKE GRANTS.—The Office of Justice Programs of the Department of Justice shall award grants, in accordance with such regulations as the Attorney General may prescribe, to State and local programs designed to combat hate crimes committed by juveniles, including programs to train local law enforcement officers in identifying, investigating, prosecuting, and preventing hate crimes.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 6. AUTHORIZATION FOR ADDITIONAL PERSONNEL TO ASSIST STATE AND LOCAL LAW ENFORCEMENT.

There are authorized to be appropriated to the Department of the Treasury and the Department of Justice, including the Community Relations Service, for fiscal years 2004, 2005, and 2006 such sums as are necessary to increase the number of personnel to prevent and respond to alleged violations of section 249 of title 18, United States Code, as added by section 7.

SEC. 7. PROHIBITION OF CERTAIN HATE CRIME ACTS.

(a) IN GENERAL.—Chapter 13 of title 18, United States Code, is amended by adding at the end the following:

"§ 249. Hate crime acts

''(a) IN GENERAL.—

''(1) OFFENSES INVOLVING ACTUAL OR PERCEIVED RACE, COLOR, RELIGION, OR NATIONAL ORIGIN.—Whoever, whether or not acting under color of law, willfully causes bodily injury to any person or, through the use of fire, a firearm, or an explosive or incendiary device, attempts to cause bodily injury to any person, because of the actual or perceived race, color, religion, or national origin of any person—

''(A) shall be imprisoned not more than 10 years, fined in accordance with this title, or both; and

''(B) shall be imprisoned for any term of years or for life, fined in accordance with this title, or both, if—

''(i) death results from the offense; or

''(ii) the offense includes kidnaping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

''(2) OFFENSES INVOLVING ACTUAL OR PERCEIVED RELIGION, NATIONAL ORIGIN, GENDER, SEXUAL ORIENTATION, OR DISABILITY.—

''(A) IN GENERAL.—Whoever, whether or not acting under color of law, in any circumstance described in subparagraph (B), willfully causes bodily injury to any person or, through the use of fire, a firearm, or an explosive or incendiary device, attempts to cause bodily injury to any person, because of the actual or perceived religion, national origin, gender, sexual orientation, or disability of any person—

''(i) shall be imprisoned not more than 10 years, fined in accordance with this title, or both; and

''(ii) shall be imprisoned for any term of years or for life, fined in accordance with this title, or both, if—

''(I) death results from the offense; or

''(II) the offense includes kidnaping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

''(B) CIRCUMSTANCES DESCRIBED.—For purposes of subparagraph (A), the circumstances described in this subparagraph are that—

''(i) the conduct described in subparagraph (A) occurs during the course of, or as the result of, the travel of the defendant or the victim—

''(I) across a State line or national border; or

''(II) using a channel, facility, or instrumentality of interstate or foreign commerce;

''(ii) the defendant uses a channel, facility, or instrumentality of interstate or foreign commerce in connection with the conduct described in subparagraph (A);

''(iii) in connection with the conduct described in subparagraph (A), the defendant employs a firearm, explosive or incendiary device, or other weapon that has traveled in interstate or foreign commerce; or

''(iv) the conduct described in subparagraph (A)—

''(I) interferes with commercial or other economic activity in which the victim is engaged at the time of the conduct; or

''(II) otherwise affects interstate or foreign commerce.

''(b) CERTIFICATION REQUIREMENT.—No prosecution of any offense described in this subsection may be undertaken by the United States, except under the certification in writing of the Attorney General, the Deputy Attorney General, the Associate Attorney General, or any Assistant Attorney General specially designated by the Attorney General that—

''(1) he or she has reasonable cause to believe that the actual or perceived race, color, religion, national origin, gender, sexual orientation, or disability of any person was a motivating factor underlying the alleged conduct of the defendant; and

''(2) he or his designee or she or her designee has consulted with State or local law enforcement officials regarding the prosecution and determined that—

''(A) the State does not have jurisdiction or does not intend to exercise jurisdiction;

''(B) the State has requested that the Federal Government assume jurisdiction;

''(C) the State does not object to the Federal Government assuming jurisdiction; or

''(D) the verdict or sentence obtained pursuant to State charges left demonstratively unvindicated the Federal interest in eradicating bias-motivated violence.

''(c) DEFINITIONS.—In this section—

''(1) the term 'explosive or incendiary device' has the meaning given the term in section 232 of this title; and

''(2) the term 'firearm' has the meaning given the term in section 921(a) of this title.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 13 of title 18, United States Code, is amended by adding at the end the following:

''249. Hate crime acts.''.

SEC. 8. DUTIES OF FEDERAL SENTENCING COMMISSION.

(a) AMENDMENT OF FEDERAL SENTENCING GUIDELINES.—Pursuant to the authority provided under section 994 of title 28, United States Code, the United States Sentencing Commission shall study the issue of adult recruitment of juveniles to commit hate crimes and shall, if appropriate, amend the Federal sentencing guidelines to provide sentencing enhancements (in addition to the sentencing enhancement provided for the use of a minor during the commission of an offense) for adult defendants who recruit juveniles to assist in the commission of hate crimes.

(b) CONSISTENCY WITH OTHER GUIDELINES.—In carrying out this section, the United States Sentencing Commission shall—

(1) ensure that there is reasonable consistency with other Federal sentencing guidelines; and

(2) avoid duplicative punishments for substantially the same offense.

SEC. 9. STATISTICS.

Subsection (b)(1) of the first section of the Hate Crimes Statistics Act (28 U.S.C. 534 note) is amended by inserting ''gender,'' after ''race,''.

SEC. 10. SEVERABILITY.

If any provision of this Act, an amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

By Mr. SESSIONS:

S. 968. A bill to amend the Internal Revenue Code of 1986 to provide capital gain treatment under section 631(b) of such Code for outright sales of timber by landowners; to the Committee on Finance.

Mr. SESSIONS. Mr. President, I rise today to introduce legislation which will simplify and update a provision of the tax code that affects the sale of timber. It is both a simplification measure and a fairness measure. I call it the Timber Tax Simplification Act.

Under current law, landowners that are occasional sellers of timer are often classified by the Internal Revenue Service as ''dealers.'' As a result, the small landowner is forced to choose, because of the tax code, between two different methods of selling their timber. The first method, ''lump sum sales provides for good business practice but is subjected to a high income tax. The second method ''pay-as-cut'' sales, allows for lower capital gains tax treatment, but often results in an underrealization of the fair value of the contract. Why, one might ask, do these conflicting incentives exist for our Nation's timber growers?

Ealier in this century, outright, or ''lump sum,'' sales on a cash in advance, sealed basis, were associated with a ''cut and run'' mentality that did not promote good forest management. ''Pay-as-cut sales,'' however, in which a timber owner is only paid for timber that is harvested, were associated with ''enlighted'' resource management. Consequently, in 1943, Congress, in an effect to provide an incentive for improved forest management, passed legislation that allowed capital gains treatment under 631(b) of the IRS Code for pay-as-cut sales, leaving lump-sum sales to pay the much higher rate of income tax. It is said that President Roosevelt opposed the bill and almost vetoed it.

Today, however, Section 631(b) like so many provisions in the IRS Code, is outdated. Forest management practices are much different from what they were in 1943 and lump-sum sales are no longer associated with poor forest management. And while there are occasional special situations where other methods may be more appropriate, most timber owners prefer this method over the ''pay-as-cut'' method. The reasons are simple: title to the timber is transferred upon the closing of the sale and the buyer assumes the risk of any physical loss of timber to fire, insects, disease, storms, etc. Furthermore, the price to be paid for the timber is determined and received at the time of the sale.

Unfortunately, in order for timber owners to qualify for the favorable capital gains treatment, they must market their timber on a ''pay-as-cut'' basis under Section 631(b) which requires timber owners to sell their timber with a ''retained economic interest.'' This means that the timber owner, not the buyer, must bear the risk of any physical loss during the timber sale contract period and must be paid only for the timber that is actually harvested. As a result, this type of sale can be subject to fraud and abuse by the timber buyer. Since the buyer pays only for the timber that is removed and scaled, there is an incentive to waste poor quality timber by breaking the tree during the logging process, underscaling the timber, or removing the timber without scaling. But because 631(b) provides for the favorable tax treatment, many timber owners are forced into exposing themselves to unnecessary risk of loss by having to market their timber in this disadvantageous way instead of the more preferable lump-sum method.

Like many of the provisions in the tax code, Section 631(b) is outdated and prevents good forestry business management. Timber farmers, who have usually spent decades producing their timber ''crop,'' should be able to receive equal tax treatment regardless of the method used for marketing their timber.

In the past, the Joint Committee on Taxation has studied this legislation to consider what impact it might have on the Treasury and found that it would have no real cost—only a ''negligible change'' according to their analysis.

The IRS has no business stepping in and dictating the kind of sales contract a landowner must choose. My legislation will provide greater consistency by removing the exclusive ''retained economic interest'' requirement in the IRC Section 631(b). Reform of 631(b) is important to our Nation's non-industrial, private landowners because it will improve the economic viability of their forestry investments and protect the taxpayer from unnecessary exposure to risk of loss. This in turn will benefit the entire forest products industry, the U.S. economy and especially small landowners.

By Mr. LAUTENBERG (for himself, Mr. KENNEDY, Mr. CORZINE, and Mr. REED):

S. 969. A bill to enhance the security and safety of the Nation by increasing the time allowed to track terrorists during periods of elevated alert, closing loopholes that have allowed terrorists to acquire firearms, maintaining records of certain handgun transfers during periods of heightened terrorist risk, and for other purposes; to the Committee on the Judiciary.

Mr. LAUTENBERG. Mr. President, I rise to introduce a critical piece of legislation, the Homeland Security Gun Safety Act.

In the aftermath of the tragic events of 9–11, the Federal Government has reassessed the Nation's vulnerabilities to acts and threats of terrorism.

And in response, the United States Congress gave the Department of Justice expanded powers to detain suspected terrorists, conduct surveillance and obtain confidential information on American citizens. In addition, we have created the new Department of Homeland Security—the largest reorganization of the Federal Government since the 1940s.

In short, the events of 9–11 required us to reevaluate our safety concerns and the security of the Nation.

Echoing this need, President Bush said before the United Nations on November 10, 2001, that ''we have the responsibility to deny weapons to terrorists and to actively prevent private citizens from providing them.''

I wholeheartedly agree with this statement. And I believe the American people want the U.S. Senate to follow through with concrete legislative action.

However, we have failed to address a significant remaining threat: the accessibility to firearms and explosives within our own borders.

How can we truly protect this Nation, if we do not enact legislation which prevents terrorists and potential terrorists from acquiring guns in the United States?

Terrorists have identified the lax gun laws of the United States as a means to advance their evil goal to terrorize and harm the American people.

In December 2001, during the war on terror, we attacked a terrorist training facility south of Kabul. Found among the rubble at that facility was a manual called: ''How I Can Train Myself for Jihad.''

This manual, contains an entire section on ''Firearms Training'' and singles out the United States for its easy availability of firearms. It stipulates that terrorists living in the U.S. should ''obtain an assault weapon legally, preferably AK-47 or variations.'' It also advises would-be terrorsts on how they should conduct themselves in order to avoid arousing suspicion as they amass and transport firearms.

There are other examples where terrorists have sought to take advantage of this nation's lax gun laws.

On the eve of the September 11 terrorist attack, on September 10, 2001, a Federal jury convicted Ali Boumelhem, a known member of the terrorist group Hezbollah on seven counts of weapons charges and conspiracy to ship weapons and ammunition to Lebanon.

And we have seen how firearms can be used to terrorize an entire community.

We are all familiar with the case of John Muhammad and John Malvo, who terrorized the Washington, DC area for more than three weeks as they embarked on a shooting spree with a sniper rifle, shooting 13 innocent people before being caught.

Homeland Security Secretary Tom Ridge agrees that there is a dangerous link between guns and terror. During his confirmation hearing before Governmental Affairs Committee on January 17, 2003, in response to a question I asked him about guns and terror, Secretary Ridge said:

[W]hen anyone uses a firearm, whether it's the kind of terrorism that we are trying to combat with al Qaeda and these non-state terrorists, or as a former district attorney involved in the conviction of an individual who used firearms against innocent citizens—regardless of how we define terrorism, that individual and that family felt that they were victims of a terrorist act. Brandishing a firearm in front of anybody under any set of circumstances is a terrorist act and needs to be dealt with.

Well, the Homeland Security Gun Safety Act deals with it. The Act deals with this threat that leaves America especially vulnerable to future terrorist attacks.

The Homeland Security Gun Safety Act would enact specific measures that would help prevent terrorists from acquiring firearms within our own borders.

Under current law, there are cases when law enforcement is blocked from conducting an adequate investigation when a terrorist or criminal tries to buy a gun.

Current law says if law enforcement takes over three days to conduct a background check on someone who wants a weapon—just hand over the gun.

That is ludicrous—especially when we are in an elevated state of terrorist threat.

When we are at Code Yellow, the Department of Homeland Security has determined that we are at a significant risk of terrorist attack.

The bill I am introducing today would suspend these loopholes in our gun safety laws when we are at Code Yellow or above in the interest of homeland security.

The three-day limit on law enforcement is nothing more than a loophole in our laws put there by the gun lobby.

And it's a dangerous loophole—a recent study showed that, from December 1998 to June 2001, nearly 10,000 people who should not have been permitted to buy guns, did receive guns because the three-day period passed before law enforcement could finish a background check.

Our bill will also require that the Federal Government retain records of weapons transactions while we are in an elevated state of alert. There is no reason we should handicap law enforcement during such a dangerous time.

This bill will also close a number of loopholes that have allowed rogue gun dealers to skirt the law. These are the same few gun dealers that are now the subject of lawsuits across the country.

These dangerous loopholes that the gun lobby built into our gun laws now pose a major threat to homeland security.

This bill will help shut down those loopholes. The bill would require gun dealers to: immediately report ''missing'' guns or face suspension of their license; and put appropriate security measures in place to prevent theft of their weapons; and check with the FBI's Stolen Gun Registry to make sure that secondhand weapons they purchase are not stolen.

This bill will also step up enforcement of gun dealers: law enforcement would not be restricted in its ability to inspect dealers. Currently, law enforcement is only allowed one unannounced inspection per year.

The bill will also increase the penalties for violations of gun dealer laws to a felony. Right now, the maximum penalty is only a misdemeanor. It has no teeth.

I know the NRA will cry wolf to gun owners about this bill. But this bill will not affect the vast majority of honest, law abiding Americans who want to purchase guns. This bill focuses on preventing weapons from getting into the hands of terrorists and criminals.

Over 75 percent of background checks are performed in mere minutes. However, there are those purchasers who raise red flags that require further investigation.

Those are red flags we can no longer afford to ignore.

When we are at Code Yellow, everyday Americans are prevented from taking a tour of the White House—but a terrorist can buy weapons.

It makes no sense.

This bill offers Congress a clear choice: protect our homeland or protect the gun lobby.

I ask unanimous consent that a summary of my bill, the Homeland Security Gun Safety Act, be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

THE HOMELAND SECURITY GUN SAFETY ACT OF 2003

In the aftermath of the tragic events of September 11, 2001, the Federal Government has reassessed the Nation's vulnerabilities to acts and threats of terrorism. However, actions taken thus far have failed to address a major remaining threat: accessibility to firearms and explosives within our own borders. The Homeland Security Gun Safety Act of 2003 addresses this threat that leaves America especially vulnerable to future terrorist attacks.

The Act would enact specific measures that would help prevent terrorists from acquiring firearms and explosives in the United States. Specifically, the Act: 1. enacts increased homeland security measures regarding firearm sales when the terrorist risk level of the Homeland Security Advisory System is raised to ''Elevated''; 2. closes loopholes that have allowed rogue gun dealers to abuse existing law and supply weapons to terrorists and criminals; and 3. strengthens the enforcement of laws federally licensed gun dealers are required to follow.

''We have the responsibility to deny weapons to terrorists and to actively prevent private citizens from providing them.''—President George W. Bush, Address to the United Nations, November 10, 2001.

THE PROBLEM: TERRORISM AND GUNS

There are a number of cases in which terrorists, both domestic and international, have been acquiring firearms in our country and are using them here and abroad for despicable acts of violence. Firearms are being acquired by prohibited persons due to the weakness and lack of enforceability of existing gun laws.

Examples of the link between terrorism and firearms in the U.S. include:

In December, 2001, a manual titled ''How I Can Train Myself for Jihad'' was found among the rubble at a training facility for a radical Pakistan-based Islamic terrorist organization in Afghanistan. This manual contains an entire section on ''Firearms Training'' and singles out the United States for its easy availability of firearms. It stipulates that terrorists living in the U.S. ''obtain an assault weapon legally, preferably AK–47 or variations.'' It also advises would-be terrorists on how they should conduct themselves in order to avoid arousing suspicion as they amass and transport firearms.

In November 2000, Ali Bourmelhem, was arrested for shipping guns and ammunition to Hezbollah militants in Lebanon by hiding the arms in cargo crates. Boumelhem, who was a resident of Detroit and Beirut, was observed by authorities traveling to gun shows to buy gun parts and ammunition for shipment overseas. He was arrested just before he was scheduled to travel to Lebanon.

In September 2000, Conor Claxton, an admitted member of the IRA, bought dozens of handguns, rifles and rounds of high-powered ammunition through illegal multiple sales and at gun shows. Police in Northern Ireland intercepted 23 of the packages which contained 122 guns and other weapons originating from the group. Claxton's team enlisted the assistance of a licensed firearms dealer in Florida who sold at least 43 handguns to associates of Claxton. The dealer agreed not to report all of the sales on required Federal forms in exchange for an extra $50 per gun. The dealer admitted that he suspected the guns could wind up in the hands of assassins. The dealer later cooperated with prosecutors and pleaded guilty to conspiring to export guns illegally. According to the FBI Agent interviewing Claxton: ''Claxton stated that it is common knowledge that obtaining weapons in the United States is easy,'' and that ''Claxton blamed the United States government for not having tougher gun laws.''

In 1993, the owners of the Al Fajr Trading Company in Atlanta were convicted of illegally shipping hundreds of guns to Muslim street gangs and drug dealers in New York, Detroit and Philadelphia. Among the customers was a gang associated with Sheik Omar Abdel-Rahman, the Egyptian cleric who was involved in the 1993 terrorist bombing of the World Trade Center. Al Fajr was a licensed dealer but intentionally failed to maintain firearms transaction records of nearly 1,000 guns that were trafficked to the Northeast.

In 1992, an Iranian immigrant in the United States was shot and killed execution style outside her home in Northern New Jersey by a suspected Iranian terrorist. The gun was bought at a Virginia gun shop that was preferred by straw purchasers, high-volume buyers, gun traffickers and convicted felons. The Virginia gun shop owners were arrested 2 months prior to the murder and pleaded guilty to charges stemming from straw purchases.

Cases of the use of firearms for terrorist acts include:

In 2002, John Muhammad and John Malvo terrorized the Washington, DC area for more than 3 weeks by embarking on a shooting spree with a sniper rifle. The weapon used to shoot 13 innocent victims was a Bushmaster XM–15 rifle purchased at the Bull's Eye Shooter Supply in Tacoma, WA. Muhammad

could not have legally purchased it because he is under a domestic violence restraining order and Malvo at age 17 is disqualified as a minor and an illegal immigrant. Two employees of the store admitted that they noticed that the .223 caliber Bushmaster was ''missing'' from a display case but the store's owner did not report the loss as required by Federal law. Following the sniper killings, the shop revealed that over 200 guns went ''missing'' in the last several years. Bull's Eye Shooter Supply remains in operation today.

In February 1997, Ali Abu Kamal opened fire on a crowd of tourists at the Empire State Building, killing one person and wounding six others. Kamal arrived in New York from Cairo on a tourist visa. After a short stay in New York, he traveled to Melbourne, FL where he checked into a motel. He showed the motel receipt as proof of residency to obtain a Florida ID card which he used to buy a 14-shot, semi-automatic Beretta handgun. Total time from arrival in this country to purchase of the gun was 37 days. The same gun store in Melbourne sold a Ruger Mini 14 rifle to mass-murderer William Cruse a month before he went on a shooting spree in Palm Bay, FL. Cruse killed six people and wounded two dozen others.

''[W]hen anyone uses a firearm, whether it's the kind of terrorism that we are trying to combat with al Qaeda and these non-state terrorists, or as a former district attorney involved in the conviction of an individual who used firearms against innocent citizens—regardless of how we define terrorism, that individual and that family felt that they were victims of a terrorist act. Brandishing a firearm in front of anybody under any set of circumstances is a terrorist act and needs to be dealt with.''—Tom Ridge, January 17, 2003, at his confirmation hearing for Secretary of Homeland Security, before the Senate Government Affairs Committee.

CONFRONTING THE THREAT: THE HOMELAND SECURITY GUN SAFETY ACT OF 2003

The Homeland Security Gun Safety Act of 2003 integrates gun safety into our national homeland security strategy. The bill will suspend the current restrictions on law enforcement's investigative powers during periods of ''Elevated'' terror threat.

Currently, law enforcement is severely limited in its ability to conduct background checks on suspicious gun purchasers. While over 70 percent of background checks are completed within seconds, and approximately 95 percent are completed within 2 hours, red flags raised on some people's records require further investigation. Under current law, law enforcement only has 3 days to conduct a background check. Given the complexity of tracing court records, the 3-day period often does not give law enforcement enough time to complete a check in some important cases. However, under current law, after the 3-day period has expired, the firearm is handed over to the purchaser—even if the person is a convicted felon or part of a terrorist organization.

Under the Homeland Security Gun Safety Act, when the Department of Homeland Security determines that the nation is in an ''Elevated'' (yellow) risk of attack or above, the 3-day rule would be suspended and law enforcement would have as much time as needed to complete a background check on an individual seeking a weapon or explosive. Upon reverting to a ''Low,'' green, risk for a period of 180 consecutive days, the 3-day rule would resume.

The Homeland Security Gun Safety Act would suspend this record destruction rule, and require that all records of firearms transfers subject to background checks and records of the National Instant Criminal Background Check system be maintained indefinitely when the Department of Homeland Security determines that the nation is at an ''elevated,'' yellow, risk of terrorist attack or above. Upon reverting to a ''Low,'' green, risk for a period of 180 consecutive days, the standard destruction of records rule resumes. This information will be critical to investigators who are tracking potential terrorists within our borders while we are in a heightened state of alert.

Federal Firearms Dealer Responsibilities

The Homeland Security Gun Safety Act requires more responsibility on the part of Federal Firearms Licensees; FFLs; to prevent the flow of illegal firearms. Under the current regime, rules gun dealers are ''required'' to follow are routinely ignored, as the gun laws provide for little enforcement, and even restrict the ability of law enforcement to check gun dealer compliance. In addition, the current system allows terrorists and criminals to travel from dealer to dealer to attempt to purchase a gun until they ''score''—without worrying about detection of their failed purchases. The Homeland Security Gun Safety Act would close these loopholes that allow rogue gun dealers to evade the law and sell guns to criminals and terrorists. Specifically, the Act would:

Require FFLs to report missing weapons immediately and satisfy record keeping requirements, for multiple handgun sales, theft or loss of firearm registration documents, trace requests, out of business and demand records, or face suspension of their licenses. As the ATF's ability to trace crime guns depends on the records kept by FFLs, it is imperative that FFLs fulfill their responsibility to timely report missing weapons and relevant records.

Requires FFLs not to sell a firearm to an individual when they have reasonable cause to believe that a gun will be used in the commission of a crime.

If a FFL has reasonable cause to believe that a purchaser is not buying a firearm for his or her own use, but intends to transfer it to another individual who would not qualify for a legal gun purchase, he or she will be prohibited from making the transfer. This is commonly known as a ''straw purchase'' and is a major problem in firearm trafficking in the United States.

Require FFLs to abide by security standards for the storage and display of firearms. According to the ATF, in 1998 and 1999, FFLs filed reports on over 27,287 missing or stolen firearms. The Act would authorize suspensions and fines of FFLs who fail to abide by security standards for the display and storage of firearms.

Require FFLs to check all secondhand firearm purchases through the FBI's Stolen Gun Registry to confirm that the firearm was not stolen prior to the purchase.

Require that FFLs notify NICS immediately upon receiving a request from a prospective transferee, of any check conducted within the previous 30 days that did not result in the transfer of a handgun.

Increase the number of permissible inspections of gun dealers from one unannounced inspection per year, current law, to an unlimited amount of inspections for any violation. If a licensee has a poor compliance record, such as one of the 1.2 percent of firearms dealers who account for 57 percent of crime guns, multiple compliance inspections within the 1-year period are necessary for adequate supervision.

Increase penalties for FFLs who fail to account for missing weapons, fail to timely record or maintain records, record keeping violations or knowingly make false statements in connection with firearms from 1 year to 5 years and assess fines up to $10,000 per violation. The current penalty for this violation is a misdemeanor.

Prohibit any licensed firearms dealer from selling two or more handguns to an unlicensed individual during any 30-day period. This prohibition will be inapplicable to an exchange of one handgun for one handgun.

Increase the penalties for persons who unlawfully transfer handguns to juveniles from a misdemeanor to a felony.

Suspend a FFL's license if the licensee is charged with a crime. Currently, a gun dealer can remain in operation if charged with a crime.

Require the termination of a FFLs license upon a conviction of a felony. Under current law, a licensee convicted of a felony may continue to conduct business until appeal rights are exhausted. This is a serious loophole which jeopardizes public safety by allowing convicted felons to continue buying and selling large quantities of firearms in interstate commerce pending the resolution of their appeals.

Require criminal background checks of gun industry employees who deal with firearms, including gun shops, manufacturers and distributors.

Increase the penalty for persons who unlawfully transfer firearms to a juvenile, from a misdemeanor to a felony.

Decrease the amount of black powder explosive one is able to acquire without a permit from 50 pounds to 5 pounds.

According to the ATF report on Commerce in Firearms in the United States, only 1.2 percent of Federal firearms licensees—1,020 of the approximately 83,200 FFL retail dealers—account for over half, 57 percent, of the crime guns traced to current FFLs. This is a staggering number that depicts the disregard of existing laws by these rogue gun dealers. The Homeland and Security Gun Safety Act will strengthen current regulatory control and enforcement in order to protect the safety of the public, while allowing law-abiding Americans to purchase firearms for their own use.

''It's our position at the Justice Department and the position of this Administration that we need to unleash every possible tool in the fight against terrorism and do so promptly.''—Attorney General John Ashcroft, Testimony before Congress, September 24, 2001.

It is time we take a common sense approach to the terrorist threats that face our country today. Terrorists are well aware of our lax gun laws, and we must act preemptively to prevent future tragedies. It is time for action to prevent terrorism by strengthening our country's current gun laws. Our citizens demand it and our homeland security depends on it.

It is time we take a common sense approach to the terrorist threats that face our country today. Terrorists are well aware of our lax gun laws, and we must act preemptively to prevent future tragedies. It is time for action to prevent future tragedies by strengthening our country's current gun laws. Our homeland security depends on it.

By Mr. HOLLINGS:

S. 970. A bill to amend the Internal Revenue Code of 1986 to preserve jobs and production activities in the United States; to the Committee on Finance.

Mr. HOLLINGS. Mr. President, March marked the 32nd consecutive month, since July 2000), that manufacturing employment has declined in the United States. This is the longest consecutive monthly decline in the post

World War II era. Already, more than 2 million manufacturing jobs are gone.

In South Carolina, we have seen a steady erosion of our manufacturing job base, and if we don't come up with new concepts to create and maintain domestic manufacturing jobs, America will go out of business.

For all of 2002, industrial production fell 0.6 percent following a 3.5 percent decline in 2001. That represented the first back-to-back annual declines in industrial output since 1974–1975.

Quite frankly, this is unacceptable.

We must act to save our manufacturing jobs. Earlier this Congress, I introduced S. 592, the ''Save American Manufacturing Act of 2003,'' that seeks to eliminate the tax incentives for offshore production. Today, I introduce complementary legislation to provide tax incentives to produce in the United States.

The legislation I'm introducing today would provide tax benefits to domestic producers. These tax incentives would become increasingly beneficial as the percentage of manufacturing done in the United States increases. Conversely, as the percentage of domestic production decreases the incentives would also decrease.

This mechanism will provide a strong incentive for manufacturers to maintain U.S. production and to return runaway production to the United States.

Our communities, our industries and our workers are being harmed by the erosion of our manufacturing base. Today's legislation is one additional way that we can provide assistance to these vital groups.

This legislation is the companion to H.R. 1769 introduced earlier this session in the House by Representatives RANGEL and CRANE.

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. 970

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 ''Job Protection Act of 2003''.

SEC. 2. REPEAL OF EXCLUSION FOR EXTRATERRITORIAL INCOME.

(a) IN GENERAL.—Section 114 of the Internal Revenue Code of 1986 is hereby repealed.

(b) CONFORMING AMENDMENTS.—

(1) Subpart E of part III of subchapter N of chapter 1 of such Code (relating to qualifying foreign trade income) is hereby repealed.

(2) The table of subparts for such part III is amended by striking the item relating to subpart E.

(3) The table of sections for part III of subchapter B of chapter 1 of such Code is amended by striking the item relating to section 114.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to transactions occurring after the date of the enactment of this Act.

(2) BINDING CONTRACTS.—The amendments made by this section shall not apply to any transaction in the ordinary course of a trade or business which occurs pursuant to a binding contract—

(A) which is between the taxpayer and a person who is not a related person (as defined in section 943(b)(3) of such Code, as in effect on the day before the date of the enactment of this Act), and

(B) which is in effect on April 11, 2003, and at all times thereafter.

For purposes of this paragraph, a binding contract shall include a purchase option, renewal option, or replacement option which is included in such contract.

(d) REVOCATION OF SECTION 943(e) ELECTIONS.—

(1) IN GENERAL.—In the case of a corporation that elected to be treated as a domestic corporation under section 943(e) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of this Act)—

(A) the corporation may revoke such election, effective as of the date of the enactment of this Act, and

(B) if the corporation does revoke such election—

(i) such corporation shall be treated as a domestic corporation transferring (as of the date of the enactment of this Act) all of its property to a foreign corporation in connection with an exchange described in section 354 of the Internal Revenue Code of 1986, and

(ii) no gain or loss shall be recognized on such transfer.

(2) EXCEPTION.—Subparagraph (B)(ii) of paragraph (1) shall not apply to gain on any asset held by the revoking corporation if—

(A) the basis of such asset is determined in whole or in part by reference to the basis of such asset in the hands of the person from whom the revoking corporation acquired such asset,

(B) the asset was acquired by transfer (not as a result of the election under section 943(e) of such Code) occurring on or after the 1st day on which its election under section 943(e) of such Code was effective, and

(C) a principal purpose of the acquisition was the reduction or avoidance of tax.

(e) GENERAL TRANSITION.—

(1) IN GENERAL.—In the case of a taxable year ending after the date of the enactment of this Act and beginning before January 1, 2009, for purposes of chapter 1 of such Code, each current FSC/ETI beneficiary shall be allowed a deduction equal to the transition amount determined under this subsection with respect to such beneficiary for such year.

(2) CURRENT FSC/ETI BENEFICIARY.—The term ''current FSC/ETI beneficiary'' means any corporation which entered into one or more transactions during its taxable year beginning in calendar year 2001 with respect to which FSC/ETI benefits were allowable.

(3) TRANSITION AMOUNT.—For purposes of this subsection—

(A) IN GENERAL.—The transition amount applicable to any current FSC/ETI beneficiary for any taxable year is the phaseout percentage of the adjusted base period amount.

(B) PHASEOUT PERCENTAGE.—

(i) IN GENERAL.—In the case of a taxpayer using the calendar year as its taxable year, the phaseout percentage shall be determined under the following table:

''Years:	**The phaseout percentage is:**
2004 and 2005	100
2006	75
2007	75
2008	50
2009 and thereafter	0

(ii) SPECIAL RULE FOR 2003.—The phaseout percentage for 2003 shall be the amount that bears the same ratio to 100 percent as the number of days after the date of the enactment of this Act bears to 365.

(iii) SPECIAL RULE FOR FISCAL YEAR TAXPAYERS.—In the case of a taxpayer not using the calendar year as its taxable year, the phaseout percentage is the weighted average of the phaseout percentages determined under the preceding provisions of this paragraph with respect to calendar years any portion of which is included in the taxpayer's taxable year. The weighted average shall be determined on the basis of the respective portions of the taxable year in each calendar year.

(4) ADJUSTED BASE PERIOD AMOUNT.—For purposes of this subsection—

(A) IN GENERAL.—In the case of a taxpayer using the calendar year as its taxable year, the adjusted base period amount for any taxable year is the base period amount multiplied by the applicable percentage, as determined in the following table:

''Years:	**The applicable percentage is:**
2003	100
2004	100
2005	105
2006	110
2007	115
2008	120
2009 and thereafter	0

(B) BASE PERIOD AMOUNT.—The base period amount is the aggregate FSC/ETI benefits for the taxpayer's taxable year beginning in calendar year 2001.

(C) SPECIAL RULES FOR FISCAL YEAR TAXPAYERS, ETC.—Rules similar to rules of clauses (ii) and (iii) of paragraph (3)(B) shall apply for purposes of this paragraph.

(5) FSC/ETI BENEFIT.—For purposes of this subsection, the term 'FSC/ETI benefit' means—

(A) amounts excludable from gross income under section 114 of such Code, and

(B) the exempt foreign trade income of related foreign sales corporations from property acquired from the taxpayer (determined without regard to section 923(a)(5) of such Code (relating to special rule for military property), as in effect on the day before the date of the enactment of the FSC Repeal and Extraterritorial Income Exclusion Act of 2000).

In determining the FSC/ETI benefit there shall be excluded any amount attributable to a transaction with respect to which the taxpayer is the lessor unless the leased property was manufactured or produced in whole or in part by the taxpayer.

(6) SPECIAL RULE FOR FARM COOPERATIVES.—Under regulations prescribed by the Secretary, determinations under this subsection with respect to an organization described in section 943(g)(1) of such Code, as in effect on the day before the date of the enactment of this Act, shall be made at the cooperative level and the purposes of this subsection shall be carried out by excluding amounts from the gross income of its patrons.

(7) CERTAIN RULES TO APPLY.—Rules similar to the rules of section 41(f) of such Code shall apply for purposes of this subsection.

(8) COORDINATION WITH BINDING CONTRACT RULE.—The deduction determined under paragraph (1) for any taxable year shall be reduced by the phaseout percentage of any FSC/ETI benefit realized for the taxable year by reason of subsection (c)(2). The preceding sentence shall not apply to any FSC/ETI benefit attributable to a transaction described in the last sentence of paragraph (5).

(9) SPECIAL RULE FOR TAXABLE YEAR WHICH INCLUDES DATE OF ENACTMENT.—In the case of a taxable year which includes the date of the enactment of this Act, the deduction allowed under this subsection to any current FSC/ETI beneficiary shall in no event exceed—

(A) 100 percent of such beneficiary's adjusted base period amount for calendar year 2003, reduced by

(B) the aggregate FSC/ETI benefits of such beneficiary with respect to transactions occurring during the portion of the taxable year ending on the date of the enactment of this Act.

SEC. 3. DEDUCTION RELATING TO INCOME ATTRIBUTABLE TO UNITED STATES PRODUCTION ACTIVITIES.

(a) IN GENERAL.—Part VIII of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to special deductions for corporations) is amended by adding at the end the following new section:

"SEC. 250. INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION ACTIVITIES.

''(a) IN GENERAL.—In the case of a corporation, there shall be allowed as a deduction an amount equal to 10 percent of the qualified production activities income of the corporation for the taxable year.

''(b) PHASEIN.—In the case of taxable years beginning in 2006, 2007, 2008 or 2009, subsection (a) shall be applied by substituting for the percentage contained therein the transition percentage determined under the following table:

"Taxable years beginning in:	The transition percentage is:
2006	1
2007	2
2008	4
2009	9

''(c) QUALIFIED PRODUCTION ACTIVITIES INCOME.—For purposes of this section, the term 'qualified production activities income' means the product of—

''(1) the portion of the modified taxable income of the taxpayer which is attributable to domestic production activities, and

''(2) the domestic/foreign fraction.

''(d) DETERMINATION OF INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION ACTIVITIES.—For purposes of this section—

''(1) IN GENERAL.—The portion of the modified taxable income which is attributable to domestic production activities is so much of the modified taxable income for the taxable year as does not exceed—

''(A) the taxpayer's domestic production gross receipts for such taxable year, reduced by

''(B) the sum of—

''(i) the costs of goods sold that are allocable to such receipts,

''(ii) other deductions, expenses, or losses directly allocable to such receipts, and

''(iii) a ratable portion of other deductions, expenses, and losses that are not directly allocable to such receipts or another class of income.

''(2) ALLOCATION METHOD.—Except as provided in regulations, allocations under clauses (ii) and (iii) of paragraph (1)(B) shall be made under the principles used in determining the portion of taxable income from sources within and without the United States.

''(3) SPECIAL RULE.—

''(A) For purposes of determining costs under clause (i) of paragraph (1)(B), any item or service brought into the United States without a transfer price meeting the requirements of section 482 shall be treated as acquired by purchase, and its cost shall be treated as not less than its value when it entered the United States. A similar rule shall apply in determining the adjusted basis of leased or rented property where the lease or rental gives rise to domestic production gross receipts.

''(B) In the case of any property described in subparagraph (A) that had been exported by the taxpayer for further manufacture, the increase in cost (or adjusted basis) under subparagraph (A) shall not exceed the difference between the value of the property when exported and the value of the property when brought back into the United States after the further manufacture.

''(4) MODIFIED TAXABLE INCOME.—The term 'modified taxable income' means taxable income computed without regard to the deduction allowable under this section.

''(e) DOMESTIC PRODUCTION GROSS RECEIPTS.—For purposes of this section—

''(1) IN GENERAL.—The term 'domestic production gross receipts' means the gross receipts of the taxpayer which are derived from—

''(A) any sale, exchange, or other disposition of, or

''(B) any lease, rental or license of,

qualifying production property which was manufactured, produced, grown, or extracted in whole or in significant part by the taxpayer within the United States.

''(2) SPECIAL RULE.—The term 'domestic production gross receipts' includes gross receipts of the taxpayer from the sale, exchange, or other disposition of replacement parts if—

''(A) such parts are sold by the taxpayer as replacement parts for qualified production property produced or manufactured in whole or significant part by the taxpayer in the United States, and

''(B) the taxpayer (or a related party) owns the designs for such parts.

''(3) RELATED PARTY.—The term 'related party' means any corporation which is a member of the taxpayer's expanded afiliated group.

''(f) QUALIFYING PRODUCTION PROPERTY.—For purposes of this section—

''(1) IN GENERAL.—Except as otherwise provided in this paragraph, the term 'qualifying production property' means—

''(A) any tangible personal property,

''(B) any computer software, and

''(C) any films, tapes, records, or similar reproductions.

''(2) EXCLUSIONS FROM QUALIFYING PRODUCTION PROPERTY.—The term 'qualifying production property' shall not include—

''(A) consumable property that is sold, leased, or licensed by the taxpayer as an integral part of the provision of services,

''(B) oil or gas (or any primary product thereof),

''(C) electricity,

''(D) water supplied by pipeline to the consumer,

''(E) any unprocessed timber which is softwood,

''(F) utility services, or

''(G) any property (not described in paragraph (1)(B)) which is a film, tape, recording, book, magazine, newspaper, or similar property the market for which is primarily topical or otherwise essentially transitory in nature.

For purposes of subparagraph (E), the term 'unprocessed timber' means any log, cant, or similar form of timber.

''(g) DOMESTIC/FOREIGN FRACTION.—For purposes of this section—

''(1) IN GENERAL.—The term 'domestic/foreign fraction' means a fraction—

''(A) the numerator of which is the value of the domestic production of the taxpayer, and

''(B) the denominator of which is the value of the worldwide production of the taxpayer.

''(2) VALUE OF DOMESTIC PRODUCTION.—The value of domestic production is the excess of—

''(A) the domestic production gross receipts, over

''(B) the cost of purchased inputs allocable to such receipts that are deductible under this chapter for the taxable year.

''(3) PURCHASED INPUTS.—

''(A) IN GENERAL.—Purchased inputs are any of the following items acquired by purchase:

''(i) Services (other than services of employees) used in manufacture, production, growth, or extraction activities.

''(ii) Items consumed in connection with such activities.

''(iii) Items incorporated as part of the property being manufactured, produced, grown, or extracted.

''(B) SPECIAL RULE.—Rules similar to the rules of subsection (d)(3) shall apply for purposes of this subsection.

''(4) VALUE OF WORLDWIDE PRODUCTION.—

''(A) IN GENERAL.—The value of worldwide production shall be determined under the principles of paragraph (2), except that—

''(i) worldwide production gross receipts shall be taken into account, and

''(ii) paragraph (3)(B) shall not apply.

''(B) WORLDWIDE PRODUCTION GROSS RECEIPTS.—The worldwide production gross receipts is the amount that would be determined under subsection (e) if such subsection were applied without any reference to the United States.

''(5) SPECIAL RULE FOR AFFILIATED GROUPS.—

''(A) IN GENERAL.—In the case of a taxpayer that is a member of an expanded affiliated group, the domestic/foreign fraction shall be the amount determined under the preceding provisions of this subsection by treating all members of such group as a single corporation.

''(B) EXPANDED AFFILIATED GROUP.—The term 'expanded affiliated group' means an affiliated group as defined in section 1504(a), determined—

''(i) by substituting '50 percent' for '80 percent' each place it appears, and

''(ii) without regard to paragraphs (2), (3), and (4) of section 1504(b).

''(h) DEFINITIONS AND SPECIAL RULES.—

''(1) UNITED STATES.—For purposes of this section, the term 'United States' includes the Commonwealth of Puerto Rico and any other possession of the United States.

''(2) SPECIAL RULE FOR PARTNERSHIPS.—For purposes of this section, a corporation's distributive share of any partnership item shall be taken into account as if directly realized by the corporation.

''(3) COORDINATION WITH MINIMUM TAX.—The deduction under this section shall be allowed for purposes of the tax imposed by section 55; except that for purposes of section 55, alternative minimum taxable income shall be taken into account in determining the deduction under this section.

''(4) ORDERING RULE.—The amount of any other deduction allowable under this chapter shall be determined as if this section had not been enacted.

''(5) COORDINATION WITH TRANSITION RULES.—For purposes of this section—

''(A) domestic production gross receipts shall not include gross receipts from any transaction if the binding contract transition relief of section 2(c)(2) of the Job Protection Act of 2003 applies to such transaction, and

''(B) any deduction allowed under section 2(e) of such Act shall be disregarded in determining the portion of the taxable income which is attributable to domestic production gross receipts.''.

(b) CLERICAL AMENDMENT.—The table of sections for part VIII of subchapter B of chapter 1 of such Code is amended by adding at the end the following new item:

''Sec. 250. Income attributable to domestic production activities.''.

(c) EFFECTIVE DATE.—

''(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after 2005.

''(2) APPLICATION OF SECTION 15.—Section 15 of the Internal Revenue Code of 1986 shall apply to the amendments made by this section as if they were changes in a rate of tax.

By Mr. HARKIN (for himself, Mr. SPECTER, Mr. KENNEDY, Mr. COCHRAN, Mr. BIDEN, Ms. LANDRIEU, Mr. KERRY, Mr. CORZINE, Mr. SCHUMER, Mrs. CLINTON, and Mr. DAYTON):

S. 971. A bill to amend title XIX of the Social Security Act to provide individuals with disabilities and older Americans with equal access to community-based attendant services and supports, and for other purposes; to the Committee on Finance.

Mr. HARKIN. Mr. President, today Senator SPECTER and I and others introduce the Medicaid Community-Based Attendant Services and Supports Act of 2003, MICASSA. This legislation is needed to truly bring people with disabilities into the mainstream of society and provide equal opportunity for employment and community activities.

In order to work or live in their own homes, Americans with disabilities and older Americans need access to community-based services and supports. Unfortunately, under current Federal Medicaid policy, the deck is stacked in favor of living in an institution. The purpose of our bill is to level the playing field and give eligible individuals equal access to community-based services and supports.

The Medicaid Community Attendant Services and Supports Act accomplishes four goals.

First, the bill amends Title XIX of the Social Security Act to provide a new Medicaid plan benefit that would give individuals who are currently eligible for nursing home services or an intermediate care facility for the mentally retarded equal access to community-based attendant services and supports.

Second, for a limited time, States would have the opportunity to receive additional funds to support community attendant services and supports and for certain administrative activities. Each State currently gets Federal money for their Medicaid program based on a set percentage. This percentage is the Medicaid match rate. This bill would increase that percentage to provide some additional funding to States to help them reform their long term care systems.

Third, the bill provides States with financial assistance to support ''real choice systems change initiatives'' that include specific action steps to increase the provision of home and community based services.

Finally, the bill establishes a demonstration project to evaluate service coordination and cost sharing approaches with respect to the provision of services and supports for individuals with disabilities under the age of 65 who are dually eligible for Medicaid and Medicare.

Some States have already recognized the benefits of home and community based services. Every State offers certain services under home and community based waiver programs, which serve a capped number of individuals with an array of home and community based services to meet their needs and avoid institutionalization. Some States also are now providing the personal care optional benefit through their Medicaid program.

However, despite this market progress, home and community based services are unevenly distributed within and across states and only reach a small percentage of eligible individuals.

Those left behind are often needlessly institutionalize because they cannot access community alternatives. A person with a disability's civil right to be integrated into his or her community should not depend on his or her address. In Olmstead v. LC, the Supreme Court recognized that needless institutionalization is a form of discrimination under the Americans With Disabilities Act. We in Congress have a responsibility to help States meet their obligations under Olmstead.

This MICASSA legislation is designed to do just that and make the promise of the ADA a reality. It will help rebalance the current Medicaid long term care system, which spends a disproportionate amount on institutional services. For example, in 2000, 49.5 billion dollars were spent on institutional care, compared to 18.2 billion on community based care. In the same year, only 3 States spent 50 percent or more of their long term care funds under the Medicaid program on home and community based care.

And that means that individuals do not have equal access to community based care throughout this country. An individual should not be asked to move to another state in order to avoid needless segregation. They also should not be moved away from family and friends because their only choice is an institution.

For example, I know a young man in Iowa, Ken Kendall, who is currently living in a nursing home because he cannot access home and community based care. Ken was injured in a serious accident at the age of 17 and sustained a spinal chord injury. With the help of community based services covered by his insurance company, Ken could live in his home in Iowa City. Remaining independent made a tremendous difference in his life.

However, several years ago, Ken lost his health insurance and after a time, he went onto Medicaid. As a Medicaid recipient, Ken was only given the option to live in a nursing home in Waterloo, almost two hours from his friends and family in Iowa City. In the nursing home, Ken has become isolated. He is very far from his family and friends and does not have access to transportation. He has not been to a restaurant or a movie since he moved to the nursing home over two years ago. His life has dramatically changed from when he lived in his own apartment and hired his own attendants to care for him. MICASSA would give him that choice again—the choice to control his own life and live a full and meaningful life in his home community surrounded by his friends and family.

Federal Medicaid policy should reflect the consensus reached in the ADA that Americans with Disabilities should have equal opportunity to contribute to our communities and participate in our society as full citizens. That means no one has to sacrifice their full participation in society because they need help getting out of the house in the morning or assistance with personal care or some other basic service.

I am very pleased that the administration has included the Real Choice Systems Change grants in its budget this year at $40 million dollars. Senator Specter and I have supported these grants for several years now. I also applaud the administration's commitment to The President's New Freedom Initiative for People with Disabilities and believe that this legislation helps promote the goals of that initiative.

Community based attendant services and supports allow people with disabilities to lead independent lives, have jobs, and participate in the community. Some will become taxpayers, some will get an education, and some will participate in recreational and civic activities. But all will experience a chance to make their own choices and govern their own lives.

This bill will open the door to full participation by people with disabilities in our workplaces, our economy, and our American Dream, and I urge all my colleagues to support us on this issue. I want to thank Senator SPECTER for his leadership on this issue and his commitment to improving access to home and community based services for people with disabilities. I would also like to thank Senators KENNEDY, COCHRAN, BIDEN, LANDRIEU, KERRY, CORZINE, SCHUMER, and CLINTON for joining me in this important initiative.

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. 971

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Medicaid Community-Based Attendant Services and Supports Act of 2003''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purposes.

TITLE I—ESTABLISHMENT OF MEDICAID PLAN BENEFIT

Sec. 101. Coverage of community-based attendant services and supports under the medicaid program.

Sec. 102. Enhanced FMAP for ongoing activities of early coverage States that enhance and promote the use of community-based attendant services and supports.
Sec. 103. Increased Federal financial participation for certain expenditures.
TITLE II—PROMOTION OF SYSTEMS CHANGE AND CAPACITY BUILDING
Sec. 201. Grants to promote systems change and capacity building.
Sec. 202. Demonstration project to enhance coordination of care under the medicare and medicaid programs for non-elderly dual eligible individuals.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) Long-term services and supports provided under the medicaid program established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) must meet the ability and life choices of individuals with disabilities and older Americans, including the choice to live in one's own home or with one's own family and to become a productive member of the community.

(2) Research on the provision of long-term services and supports under the medicaid program (conducted by and on behalf of the Department of Health and Human Services) has revealed a significant funding bias toward institutional care. Only about 27 percent of long term care funds expended under the medicaid program, and only about 9 percent of all funds expended under that program, pay for services and supports in home and community-based settings.

(3) In the case of medicaid beneficiaries who need long term care, the only long-term care service currently guaranteed by Federal law in every State is nursing home care. Only 27 States have adopted the benefit option of providing personal care services under the medicaid program. Although every State has chosen to provide certain services under home and community-based waivers, these services are unevenly available within and across States, and reach a small percentage of eligible individuals. In fiscal year 2000, only 3 States spent 50 percent or more of their medicaid long term care funds under the medicaid program on home and community-based care.

(4) Despite the funding bias and the uneven distribution of home and community-based services, 2½ times more people are served in home and community-based settings than in institutional settings.

(5) The goals of the Nation properly include providing families of children with disabilities, working-age adults with disabilities, and older Americans with—

(A) a meaningful choice of receiving long-term services and supports in the most integrated setting appropriate to their needs;

(B) the greatest possible control over the services received and, therefore, their own lives and futures; and

(C) quality services that maximize independence in the home and community, including in the workplace.

(b) PURPOSES.—The purposes of this Act are the following:

(1) To reform the medicaid program established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) to provide equal access to community-based attendant services and supports.

(2) To provide financial assistance to States as they reform their long-term care systems to provide comprehensive statewide long-term services and supports, including community-based attendant services and supports that provide consumer choice and direction, in the most integrated setting appropriate.

TITLE I—ESTABLISHMENT OF MEDICAID PLAN BENEFIT

SEC. 101. COVERAGE OF COMMUNITY-BASED ATTENDANT SERVICES AND SUPPORTS UNDER THE MEDICAID PROGRAM.

(a) MANDATORY COVERAGE.—Section 1902(a)(10)(D) of the Social Security Act (42 U.S.C. 1396a(a)(10)(D)) is amended—

(1) by inserting ''(i)'' after ''(D)'';

(2) by adding ''and'' after the semicolon; and

(3) by adding at the end the following new clause:

''(ii) subject to section 1935, for the inclusion of community-based attendant services and supports for any individual who—

''(I) is eligible for medical assistance under the State plan;

''(II) with respect to whom there has been a determination that the individual requires the level of care provided in a nursing facility or an intermediate care facility for the mentally retarded (whether or not coverage of such intermediate care facility is provided under the State plan); and

''(III) who chooses to receive such services and supports;''.

(b) COMMUNITY-BASED ATTENDANT SERVICES AND SUPPORTS.—

(1) IN GENERAL.—Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) is amended—

(A) by redesignating section 1935 as section 1936; and

(B) by inserting after section 1934 the following:

''COMMUNITY-BASED ATTENDANT SERVICES AND SUPPORTS

''SEC. 1935. (a) REQUIRED COVERAGE.—

''(1) IN GENERAL.—Not later than October 1, 2007, a State shall provide through a plan amendment for the inclusion of community-based attendant services and supports (as defined in subsection (g)(1)) for individuals described in section 1902(a)(10)(D)(ii) in accordance with this section.

''(2) ENHANCED FMAP AND ADDITIONAL FEDERAL FINANCIAL SUPPORT FOR EARLIER COVERAGE.—Notwithstanding section 1905(b), during the period that begins on or after October 1, 2003, and ends on September 30, 2007, in the case of a State with an approved plan amendment under this section during that period that also satisfies the requirements of subsection (c) the Federal medical assistance percentage shall be equal to the enhanced FMAP described in section 2105(b) with respect to medical assistance in the form of community-based attendant services and supports provided to individuals described in section 1902(a)(10)(D)(ii) in accordance with this section.

''(b) DEVELOPMENT AND IMPLEMENTATION OF BENEFIT.—In order for a State plan amendment to be approved under this section, a State shall provide the Secretary with the following assurances:

''(1) ASSURANCE OF DEVELOPMENT AND IMPLEMENTATION COLLABORATION.—That the State has developed and shall implement the provision of community-based attendant services and supports under the State plan through active collaboration with—

''(A) individuals with disabilities;

''(B) elderly individuals;

''(C) representatives of such individuals; and

''(D) providers of, and advocates for, services and supports for such individuals.

''(2) ASSURANCE OF PROVISION ON A STATEWIDE BASIS AND IN MOST INTEGRATED SETTING.—That community-based attendant services and supports will be provided under the State plan to individuals described in section 1902(a)(10)(D)(ii) on a statewide basis and in a manner that provides such services and supports in the most integrated setting appropriate for each individual eligible for such services and supports.

''(3) ASSURANCE OF NONDISCRIMINATION.—That the State will provide community-based attendant services and supports to an individual described in section 1902(a)(10)(D)(ii) without regard to the individual's age, type of disability, or the form of community-based attendant services and supports that the individual requires in order to lead an independent life.

''(4) ASSURANCE OF MAINTENANCE OF EFFORT.—That the level of State expenditures for optional medical assistance that—

''(A) is described in a paragraph other than paragraphs (1) through (5), (17) and (21) of section 1905(a) or that is provided under a waiver under section 1915, section 1115, or otherwise; and

''(B) is provided to individuals with disabilities or elderly individuals for a fiscal year, shall not be less than the level of such expenditures for the fiscal year preceding the fiscal year in which the State plan amendment to provide community-based attendant services and supports in accordance with this section is approved.

''(c) REQUIREMENTS FOR ENHANCED FMAP FOR EARLY COVERAGE.—In addition to satisfying the other requirements for an approved plan amendment under this section, in order for a State to be eligible under subsection (a)(2) during the period described in that subsection for the enhanced FMAP for early coverage under subsection (a)(2), the State shall satisfy the following requirements:

''(1) SPECIFICATIONS.—With respect to a fiscal year, the State shall provide the Secretary with the following specifications regarding the provision of community-based attendant services and supports under the plan for that fiscal year:

''(A)(i) The number of individuals who are estimated to receive community-based attendant services and supports under the plan during the fiscal year.

''(ii) The number of individuals that received such services and supports during the preceding fiscal year.

''(B) The maximum number of individuals who will receive such services and supports under the plan during that fiscal year.

''(C) The procedures the State will implement to ensure that the models for delivery of such services and supports are consumer controlled (as defined in subsection (g)(2)(B)).

''(D) The procedures the State will implement to inform all potentially eligible individuals and relevant other individuals of the availability of such services and supports under the this title, and of other items and services that may be provided to the individual under this title or title XVIII.

''(E) The procedures the State will implement to ensure that such services and supports are provided in accordance with the requirements of subsection (b)(1).

''(F) The procedures the State will implement to actively involve individuals with disabilities, elderly individuals, and representatives of such individuals in the design, delivery, administration, and evaluation of the provision of such services and supports under this title.

''(2) PARTICIPATION IN EVALUATIONS.—The State shall provide the Secretary with such substantive input into, and participation in, the design and conduct of data collection, analyses, and other qualitative or quantitative evaluations of the provision of community-based attendant services and supports under this section as the Secretary deems necessary in order to determine the effectiveness of the provision of such services and supports in allowing the individuals receiving such services and supports to lead

an independent life to the maximum extent possible.

''(d) QUALITY ASSURANCE PROGRAM.—

''(1) STATE RESPONSIBILITIES.—In order for a State plan amendment to be approved under this section, a State shall establish and maintain a quality assurance program with respect to community-based attendant services and supports that provides for the following:

''(A) The State shall establish requirements, as appropriate, for agency-based and other delivery models that include—

''(i) minimum qualifications and training requirements for agency-based and other models;

''(ii) financial operating standards; and

''(iii) an appeals procedure for eligibility denials and a procedure for resolving disagreements over the terms of an individualized plan.

''(B) The State shall modify the quality assurance program, as appropriate, to maximize consumer independence and consumer control in both agency-provided and other delivery models.

''(C) The State shall provide a system that allows for the external monitoring of the quality of services and supports by entities consisting of consumers and their representatives, disability organizations, providers, families of disabled or elderly individuals, members of the community, and others.

''(D) The State shall provide for ongoing monitoring of the health and well-being of each individual who receives community-based attendant services and supports.

''(E) The State shall require that quality assurance mechanisms appropriate for the individual be included in the individual's written plan.

''(F) The State shall establish a process for the mandatory reporting, investigation, and resolution of allegations of neglect, abuse, or exploitation in connection with the provision of such services and supports.

''(G) The State shall obtain meaningful consumer input, including consumer surveys, that measure the extent to which an individual receives the services and supports described in the individual's plan and the individual's satisfaction with such services and supports.

''(H) The State shall make available to the public the findings of the quality assurance program.

''(I) The State shall establish an ongoing public process for the development, implementation, and review of the State's quality assurance program.

''(J) The State shall develop and implement a program of sanctions for providers of community-based services and supports that violate the terms or conditions for the provision of such services and supports.

''(2) FEDERAL RESPONSIBILITIES.—

''(A) PERIODIC EVALUATIONS.—The Secretary shall conduct a periodic sample review of outcomes for individuals who receive community-based attendant services and supports under this title.

''(B) INVESTIGATIONS.—The Secretary may conduct targeted reviews and investigations upon receipt of an allegation of neglect, abuse, or exploitation of an individual receiving community-based attendant services and supports under this section.

''(C) DEVELOPMENT OF PROVIDER SANCTION GUIDELINES.—The Secretary shall develop guidelines for States to use in developing the sanctions required under paragraph (1)(J).

''(e) REPORTS.—The Secretary shall submit to Congress periodic reports on the provision of community-based attendant services and supports under this section, particularly with respect to the impact of the provision of such services and supports on—

''(1) individuals eligible for medical assistance under this title;

''(2) States; and

''(3) the Federal Government.

''(f) NO EFFECT ON ABILITY TO PROVIDE COVERAGE UNDER A WAIVER.—

''(1) IN GENERAL.—Nothing in this section shall be construed as affecting the ability of a State to provide coverage under the State plan for community-based attendant services and supports (or similar coverage) under a waiver approved under section 1915, section 1115, or otherwise.

''(2) ELIGIBILITY FOR ENHANCED MATCH.—In the case of a State that provides coverage for such services and supports under a waiver, the State shall not be eligible under subsection (a)(2) for the enhanced FMAP for the early provision of such coverage unless the State submits a plan amendment to the Secretary that meets the requirements of this section.

''(g) DEFINITIONS.—In this title:

''(1) COMMUNITY-BASED ATTENDANT SERVICES AND SUPPORTS.—

''(A) IN GENERAL.—The term 'community-based attendant services and supports' means attendant services and supports furnished to an individual, as needed, to assist in accomplishing activities of daily living, instrumental activities of daily living, and health-related functions through hands-on assistance, supervision, or cueing—

''(i) under a plan of services and supports that is based on an assessment of functional need and that is agreed to by the individual or, as appropriate, the individual's representative;

''(ii) in a home or community setting, which may include a school, workplace, or recreation or religious facility, but does not include a nursing facility or an intermediate care facility for the mentally retarded;

''(iii) under an agency-provider model or other model (as defined in paragraph (2)(C)); and

''(iv) the furnishing of which is selected, managed, and dismissed by the individual, or, as appropriate, with assistance from the individual's representative.

''(B) INCLUDED SERVICES AND SUPPORTS.—Such term includes—

''(i) tasks necessary to assist an individual in accomplishing activities of daily living, instrumental activities of daily living, and health-related functions;

''(ii) the acquisition, maintenance, and enhancement of skills necessary for the individual to accomplish activities of daily living, instrumental activities of daily living, and health-related functions;

''(iii) backup systems or mechanisms (such as the use of beepers) to ensure continuity of services and supports; and

''(iv) voluntary training on how to select, manage, and dismiss attendants.

''(C) EXCLUDED SERVICES AND SUPPORTS.—Subject to subparagraph (D), such term does not include—

''(i) the provision of room and board for the individual;

''(ii) special education and related services provided under the Individuals with Disabilities Education Act and vocational rehabilitation services provided under the Rehabilitation Act of 1973;

''(iii) assistive technology devices and assistive technology services;

''(iv) durable medical equipment; or

''(v) home modifications.

''(D) FLEXIBILITY IN TRANSITION TO COMMUNITY-BASED HOME SETTING.—Such term may include expenditures for transitional costs, such as rent and utility deposits, first month's rent and utilities, bedding, basic kitchen supplies, and other necessities required for an individual to make the transition from a nursing facility or intermediate care facility for the mentally retarded to a community-based home setting where the individual resides.

''(2) ADDITIONAL DEFINITIONS.—

''(A) ACTIVITIES OF DAILY LIVING.—The term 'activities of daily living' includes eating, toileting, grooming, dressing, bathing, and transferring.

''(B) CONSUMER CONTROLLED.—The term 'consumer controlled' means a method of providing services and supports that allow the individual, or where appropriate, the individual's representative, maximum control of the community-based attendant services and supports, regardless of who acts as the employer of record.

''(C) DELIVERY MODELS.—

''(i) AGENCY-PROVIDER MODEL.—The term 'agency-provider model' means, with respect to the provision of community-based attendant services and supports for an individual, a method of providing consumer controlled services and supports under which entities contract for the provision of such services and supports.

''(ii) OTHER MODELS.—The term 'other models' means methods, other than an agency-provider model, for the provision of consumer controlled services and supports. Such models may include the provision of vouchers, direct cash payments, or use of a fiscal agent to assist in obtaining services.

''(D) HEALTH-RELATED FUNCTIONS.—The term 'health-related functions' means functions that can be delegated or assigned by licensed health-care professionals under State law to be performed by an attendant.

''(E) INSTRUMENTAL ACTIVITIES OF DAILY LIVING.—The term 'instrumental activities of daily living' includes meal planning and preparation, managing finances, shopping for food, clothing, and other essential items, performing essential household chores, communicating by phone and other media, and traveling around and participating in the community.

''(F) INDIVIDUAL'S REPRESENTATIVE.—The term 'individual's representative' means a parent, a family member, a guardian, an advocate, or an authorized representative of an individual.''.

(c) CONFORMING AMENDMENTS.—

(1) MANDATORY BENEFIT.—Section 1902(a)(10)(A) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)) is amended, in the matter preceding clause (i), by striking ''(17) and (21)'' and inserting ''(17), (21), and (27)''.

(2) DEFINITION OF MEDICAL ASSISTANCE.—Section 1905(a) of the Social Security Act (42 U.S.C. 1396d) is amended—

(A) by striking ''and'' at the end of paragraph (26);

(B) by redesignating paragraph (27) as paragraph (28); and

(C) by inserting after paragraph (26) the following:

''(27) community-based attendant services and supports (to the extent allowed and as defined in section 1935); and''.

(3) IMD/ICFMR REQUIREMENTS.—Section 1902(a)(10)(C)(iv) of the Social Security Act (42 U.S.C. 1396a(a)(10)(C)(iv)) is amended by inserting ''and (27)'' after ''(24)''.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section (other than the amendment made by subsection (c)(1)) take effect on October 1, 2003, and apply to medical assistance provided for community-based attendant services and supports described in section 1935 of the Social Security Act furnished on or after that date.

(2) MANDATORY BENEFIT.—The amendment made by subsection (c)(1) takes effect on October 1, 2007.

SEC. 102. ENHANCED FMAP FOR ONGOING ACTIVITIES OF EARLY COVERAGE STATES THAT ENHANCE AND PROMOTE THE USE OF COMMUNITY-BASED ATTENDANT SERVICES AND SUPPORTS.

(a) IN GENERAL.—Section 1935 of the Social Security Act, as added by section 101(b), is amended—

(1) by redesignating subsections (d) through (g) as subsections (f) through (i), respectively;

(2) in subsection (a)(1), by striking ''subsection (g)(1)'' and inserting ''subsection (i)(1)'';

(3) in subsection (a)(2), by inserting '', and with respect to expenditures described in subsection (d), the Secretary shall pay the State the amount described in subsection (d)(1)'' before the period;

(4) in subsection (c)(1)(C), by striking ''subsection (g)(2)(B)'' and inserting ''subsection (i)(2)(B)''; and

(5) by inserting after subsection (c), the following:

''(d) INCREASED FEDERAL FINANCIAL PARTICIPATION FOR EARLY COVERAGE STATES THAT MEET CERTAIN BENCHMARKS.—

''(1) IN GENERAL.—Subject to paragraph (2), for purposes of subsection (a)(2), the amount and expenditures described in this subsection are an amount equal to the Federal medical assistance percentage, increased by 10 percentage points, of the expenditures incurred by the State for the provision or conduct of the services or activities described in paragraph (3).

''(2) EXPENDITURE CRITERIA.—A State shall—

''(A) develop criteria for determining the expenditures described in paragraph (1) in collaboration with the individuals and representatives described in subsection (b)(1); and

''(B) submit such criteria for approval by the Secretary.

''(3) SERVICES AND ACTIVITIES DESCRIBED.—For purposes of paragraph (1), the services and activities described in this subparagraph are the following:

''(A) One-stop intake, referral, and institutional diversion services.

''(B) Identifying and remedying gaps and inequities in the State's current provision of long-term services, particularly those services that are provided based on such factors as age, disability type, ethnicity, income, institutional bias, or other similar factors.

''(C) Establishment of consumer participation and consumer governance mechanisms, such as cooperatives and regional service authorities, that are managed and controlled by individuals with significant disabilities who use community-based services and supports or their representatives.

''(D) Activities designed to enhance the skills, earnings, benefits, supply, career, and future prospects of workers who provide community-based attendant services and supports.

''(E) Continuous improvement activities that are designed to ensure and enhance the health and well-being of individuals who rely on community-based attendant services and supports, particularly activities involving or initiated by consumers of such services and supports or their representatives.

''(F) Family support services to augment the efforts of families and friends to enable individuals with disabilities of all ages to live in their own homes and communities.

''(G) Health promotion and wellness services and activities.

''(H) Provider recruitment and enhancement activities, particularly such activities that encourage the development and maintenance of consumer controlled cooperatives or other small businesses or microenterprises that provide community-based attendant services and supports or related services.

''(I) Activities designed to ensure service and systems coordination.

''(J) Any other services or activities that the Secretary deems appropriate.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) take effect on October 1, 2003.

SEC. 103. INCREASED FEDERAL FINANCIAL PARTICIPATION FOR CERTAIN EXPENDITURES.

(a) IN GENERAL.—Section 1935 of the Social Security Act, as added by section 101(b) and amended by section 102, is amended by inserting after subsection (d) the following:

''(e) INCREASED FEDERAL FINANCIAL PARTICIPATION FOR CERTAIN EXPENDITURES.—

''(1) ELIGIBILITY FOR PAYMENT.—

''(A) IN GENERAL.—In the case of a State that the Secretary determines satisfies the requirements of subparagraph (B), the Secretary shall pay the State the amounts described in paragraph (2) in addition to any other payments provided for under section 1903 or this section for the provision of community-based attendant services and supports.

''(B) REQUIREMENTS.—The requirements of this subparagraph are the following:

''(i) The State has an approved plan amendment under this section.

''(ii) The State has incurred expenditures described in paragraph (2).

''(iii) The State develops and submits to the Secretary criteria to identify and select such expenditures in accordance with the requirements of paragraph (3).

''(iv) The Secretary determines that payment of the applicable percentage of such expenditures (as determined under paragraph (2)(B)) would enable the State to provide a meaningful choice of receiving community-based services and supports to individuals with disabilities and elderly individuals who would otherwise only have the option of receiving institutional care.

''(2) AMOUNTS AND EXPENDITURES DESCRIBED.—

''(A) EXPENDITURES IN EXCESS OF 150 PERCENT OF BASELINE AMOUNT.—The amounts and expenditures described in this paragraph are an amount equal to the applicable percentage, as determined by the Secretary in accordance with subparagraph (B), of the expenditures incurred by the State for the provision of community-based attendant services and supports to an individual that exceed 150 percent of the average cost of providing nursing facility services to an individual who resides in the State and is eligible for such services under this title, as determined in accordance with criteria established by the Secretary.

''(B) APPLICABLE PERCENTAGE.—The Secretary shall establish a payment scale for the expenditures described in subparagraph (A) so that the Federal financial participation for such expenditures gradually increases from 70 percent to 90 percent as such expenditures increase.

''(3) SPECIFICATION OF ORDER OF SELECTION FOR EXPENDITURES.—In order to receive the amounts described in paragraph (2), a State shall—

''(A) develop, in collaboration with the individuals and representatives described in subsection (b)(1) and pursuant to guidelines established by the Secretary, criteria to identify and select the expenditures submitted under that paragraph; and

''(B) submit such criteria to the Secretary.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on October 1, 2003.

TITLE II—PROMOTION OF SYSTEMS CHANGE AND CAPACITY BUILDING

SEC. 201. GRANTS TO PROMOTE SYSTEMS CHANGE AND CAPACITY BUILDING.

(a) AUTHORITY TO AWARD GRANTS.—

(1) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the ''Secretary'') shall award grants to eligible States to carry out the activities described in subsection (b).

(2) APPLICATION.—In order to be eligible for a grant under this section, a State shall submit to the Secretary an application in such form and manner, and that contains such information, as the Secretary may require.

(b) PERMISSIBLE ACTIVITIES.—A State that receives a grant under this section may use funds provided under the grant for any of the following activities, focusing on areas of need identified by the State and the Consumer Task Force established under subsection (c):

(1) The development and implementation of the provision of community-based attendant services and supports under section 1935 of the Social Security Act (as added by section 101(b) and amended by sections 102 and 103) through active collaboration with—

(A) individuals with disabilities;

(B) elderly individuals;

(C) representatives of such individuals; and

(D) providers of, and advocates for, services and supports for such individuals.

(2) Substantially involving individuals with significant disabilities and representatives of such individuals in jointly developing, implementing, and continually improving a mutually acceptable comprehensive, effectively working statewide plan for preventing and alleviating unnecessary institutionalization of such individuals.

(3) Engaging in system change and other activities deemed necessary to achieve any or all of the goals of such statewide plan.

(4) Identifying and remedying disparities and gaps in services to classes of individuals with disabilities and elderly individuals who are currently experiencing or who face substantial risk of unnecessary institutionalization.

(5) Building and expanding system capacity to offer quality consumer controlled community-based services and supports to individuals with disabilities and elderly individuals, including by—

(A) seeding the development and effective use of community-based attendant services and supports cooperatives, independent living centers, small businesses, microenterprises and similar joint ventures owned and controlled by individuals with disabilities or representatives of such individuals and community-based attendant services and supports workers;

(B) enhancing the choice and control individuals with disabilities and elderly individuals exercise, including through their representatives, with respect to the personal assistance and supports they rely upon to lead independent, self-directed lives;

(C) enhancing the skills, earnings, benefits, supply, career, and future prospects of workers who provide community-based attendant services and supports;

(D) engaging in a variety of needs assessment and data gathering;

(E) developing strategies for modifying policies, practices, and procedures that result in unnecessary institutional bias or the overmedicalization of long-term services and supports;

(F) engaging in interagency coordination and single point of entry activities;

(G) providing training and technical assistance with respect to the provision of community-based attendant services and supports;

(H) engaging in—

(i) public awareness campaigns;

(ii) facility-to-community transitional activities; and

(iii) demonstrations of new approaches; and

(I) engaging in other systems change activities necessary for developing, implementing, or evaluating a comprehensive statewide system of community-based attendant services and supports.

(6) Ensuring that the activities funded by the grant are coordinated with other efforts to increase personal attendant services and supports, including—

(A) programs funded under or amended by the Ticket to Work and Work Incentives Improvement Act of 1999 (Public Law 106–170; 113 Stat. 1860);

(B) grants funded under the Families of Children With Disabilities Support Act of 2000 (42 U.S.C. 15091 et seq.); and

(C) other initiatives designed to enhance the delivery of community-based services and supports to individuals with disabilities and elderly individuals.

(7) Engaging in transition partnership activities with nursing facilities and intermediate care facilities for the mentally retarded that utilize and build upon items and services provided to individuals with disabilities or elderly individuals under the medicaid program under title XIX of the Social Security Act, or by Federal, State, or local housing agencies, independent living centers, and other organizations controlled by consumers or their representatives.

(c) CONSUMER TASK FORCE.—

(1) ESTABLISHMENT AND DUTIES.—To be eligible to receive a grant under this section, each State shall establish a Consumer Task Force (referred to in this subsection as the ''Task Force'') to assist the State in the development, implementation, and evaluation of real choice systems change initiatives.

(2) APPOINTMENT.—Members of the Task Force shall be appointed by the Chief Executive Officer of the State in accordance with the requirements of paragraph (3), after the solicitation of recommendations from representatives of organizations representing a broad range of individuals with disabilities, elderly individuals, representatives of such individuals, and organizations interested in individuals with disabilities and elderly individuals.

(3) COMPOSITION.—

(A) IN GENERAL.—The Task Force shall represent a broad range of individuals with disabilities from diverse backgrounds and shall include representatives from Developmental Disabilities Councils, Mental Health Councils, State Independent Living Centers and Councils, Commissions on Aging, organizations that provide services to individuals with disabilities and consumers of long-term services and supports.

(B) INDIVIDUALS WITH DISABILITIES.—A majority of the members of the Task Force shall be individuals with disabilities or representatives of such individuals.

(C) LIMITATION.—The Task Force shall not include employees of any State agency providing services to individuals with disabilities other than employees of entities described in the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15001 et seq.).

(d) ANNUAL REPORT.—

(1) STATES.—A State that receives a grant under this section shall submit an annual report to the Secretary on the use of funds provided under the grant in such form and manner as the Secretary may require.

(2) SECRETARY.—The Secretary shall submit to Congress an annual report on the grants made under this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section, $50,000,000 for each of fiscal years 2004 through 2006.

(2) AVAILABILITY.—Amounts appropriated to carry out this section shall remain available without fiscal year limitation.

SEC. 202. DEMONSTRATION PROJECT TO ENHANCE COORDINATION OF CARE UNDER THE MEDICARE AND MEDICAID PROGRAMS FOR NON-ELDERLY DUAL ELIGIBLE INDIVIDUALS.

(a) DEFINITIONS.—In this section:

(1) NON-ELDERLY DUALLY ELIGIBLE INDIVIDUAL.—The term ''non-elderly dually eligible individual'' means an individual who—

(A) has not attained age 65; and

(B) is enrolled in the medicare and medicaid programs established under titles XVIII and XIX, respectively, of the Social Security Act (42 U.S.C. 1395 et seq., 1396 et seq.).

(2) PROJECT.—The term ''project'' means the demonstration project authorized to be conducted under this section.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(b) AUTHORITY TO CONDUCT PROJECT.—The Secretary shall conduct a project under this section for the purpose of evaluating service coordination and cost-sharing approaches with respect to the provision of community-based services and supports to non-elderly dually eligible individuals.

(c) REQUIREMENTS.—

(1) NUMBER OF PARTICIPANTS.—Not more than 5 States may participate in the project.

(2) APPLICATION.—A State that desires to participate in the project shall submit an application to the Secretary, at such time and in such form and manner as the Secretary shall specify.

(3) DURATION.—The project shall be conducted for at least 5, but not more than 10 years.

(d) EVALUATION AND REPORT.—

(1) EVALUATION.—Not later than 1 year prior to the termination date of the project, the Secretary, in consultation with States participating in the project, representatives of non-elderly dually eligible individuals, and others, shall evaluate the impact and effectiveness of the project.

(2) REPORT.—The Secretary shall submit a report to Congress that contains the findings of the evaluation conducted under paragraph (1) along with recommendations regarding whether the project should be extended or expanded, and any other legislative or administrative actions that the Secretary considers appropriate as a result of the project.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

Mr. SPECTER. Mr. President, I have sought recognition to join Senator TOM HARKIN, my colleague and distinguished ranking member of the Appropriations Subcommittee on Labor, Health and Human Services and Education, which I chair, in introducing the ''Medicaid Attendant Care Services and Supports Act of 2003.'' This creative proposal addresses a glaring gap in Federal health coverage, and assists one of our Nation's most vulnerable populations, persons with disabilities.

In an effort to improve the delivery of care and the comfort of those with long-term disabilities, this vital legislation would allow for reimbursement for community-based attendant care services, in lieu of institutionalization, for eligible individuals who require such services based on functional need, without regard to the individual's age or the nature of the disability. The most recent data available tell us that 58.5 million individuals receive care for disabilities under the Medicaid program. The number of disabled who are not currently enrolled in the program who would apply for this improved benefit is not easily counted, but would likely be substantial given the preference of home and community-based care over institutional care.

Under this proposal, States may apply for grants for assistance in implementing ''systems change'' initiatives, in order to eliminate the institutional bias in their current policies and for needs assessment activities. Further, if a state can show that the aggregate amounts of Federal expenditures on people living in the community exceeds what would have been spent on the same people had they been in nursing homes, the state can limit the program. No limiting mechanism is mandated under this bill, And finally, States would be required to maintain expenditures for attendant care services under other Medicaid community-based programs, thereby preventing the states from shifting patients into the new benefit proposed under this bill.

Let me speak briefly about why such a change in Medicaid law is so desperately needed. In 1999 the Supreme Court held in Olmstead v. L.C., 119 S. Ct. 2176 (1999), that the Americans with Disabilities Act, ADA, requires States, under some circumstances, to provide community-based treatment to persons with mental disabilities rather than placing them in institutions. This decision and several lower court decisions have pointed to the need for a structured Medicaid attendant-care services benefit in order to meet obligations under the ADA. Disability advocates strongly support this legislation, arguing that the lack of Medicaid community-based services options is discriminatory and unhealthful for disabled individuals. Virtually every major disability advocacy group supports this bill, including ADAPT, the Arc, the National Council on Independent Living, Paralyzed Veterans of America, and the National Spinal Cord Injury Association.

Senator HARKIN and I recognize that such a shift in the Medicaid program is a huge undertaking—but feel that it is a vitally important one. We are introducing this legislation today in an attempt to move ahead with the consideration of crucial disability legislation and to provide a starting point for debate. The time has come for concerted action in this arena.

I urge the Congressional leadership, including the appropriate committee chairmen, to move forward in considering this legislation, and take the significant next step forward in achieving the objective of providing individuals with disabilities the freedom to live in their own communities.

By Mr. COLEMAN:

S. 972. A bill to clarify the authority of States to establish conditions for insurers to conduct the business of insurance within a State based on the provision of information regarding Holocaust era insurance policies of the insurer, to establish a Federal cause of action for claims for payment of such insurance policies, and for other purposes; to the Committee on the Judiciary.

Mr. COLEMAN. Mr. President, I ask unanimous consent that the bill I introduce today to clarify the authority of States to establish conditions for insurers to conduct the business of insurance within a State based on the provision of information regarding Holocaust era insurance policies of the insurer, to establish a Federal cause of action for claims of payment of such insurance policies, and for other purposes be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 972

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 ''Comprehensive Holocaust Accountability in Insurance Act''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Between 1933 and 1945, the Nazi regime and its collaborators conducted systematic, bureaucratic, and State-sponsored persecution and murder of approximately 6,000,000 Jews—the genocidal act known as the Holocaust.

(2) Before and during World War II, millions of European Jews purchased, in good faith, life insurance policies with certain European insurance companies because these policies were a popular form of savings and investment that provided a means of safeguarding family assets, assisting in retirement planning, providing for a dowry, or saving for the education of children.

(3) After the Nazis came to power in Germany, they systematically confiscated the insurance assets, including the cash value of life insurance policies, of Jews and other designated enemies of the Nazi regime.

(4) After the conclusion of World War II, European insurers often rejected insurance claims of Holocaust victims and heirs who lacked required documentation, such as death certificates.

(5) During the 50 years since the end of the war, only a small percentage of Holocaust victims and their families have been successful in collecting on their policies.

(6) In 1998, the International Commission on Holocaust Era Insurance Claims (ICHEIC) was established by State insurance regulators in the United States, European insurers, and certain nongovernmental organizations to act as a facilitator between insurers and beneficiaries to help expedite payouts on contested insurance policies.

(7) To date ICHEIC has received more than 90,000 claims and has only made 2,281 settlement offers, which amounts to a resolution rate of less than a 3 percent.

(8) These insurance payments should to be expedited to the victims of the most heinous crime of the 20th Century to ensure that they do not become victims a second time.

(9) States should be allowed to collect Holocaust-era insurance information from foreign-based insurance companies that want to do business in such States.

(10) Holocaust victims and their families should be able to recover claims on Holocaust era insurance policies in Federal court when they consider it necessary to seek redress through the judicial system.

SEC. 3. STATE AUTHORITY TO ESTABLISH REQUIREMENTS FOR CONDUCTING INSURANCE BUSINESS.

(a) IN GENERAL.—A State may establish requirements on insurers as a condition of doing insurance business in that State, to the extent such requirements are consistent with the due process guarantees of the Constitution of the United States, as follows:

(1) INFORMATION REQUIREMENTS.—The State may require that an insurer provide to the State the following information regarding Holocaust era insurance policies:

(A) Whether the insurer, or any affiliate or predecessor company, sold any such policies.

(B) The number of such policies sold by the insurer, and any affiliates and predecessor companies, and the number the insurer and its affiliates currently have in their possession.

(C) The identity of the holder and beneficiary of each such policy sold or held and the current status of each such policy.

(D) The city of origin, domicile, and address for each policyholder listed.

(E) If an insurer has no such policies to report because records are no longer in the possession of the insurer or its affiliates, a statement explaining the reasons for the lack of possession of such records.

(F) Any other information regarding such policies as the State considers appropriate.

(2) REQUIREMENTS REGARDING PAYMENT OF POLICIES.—A State may require that an insurer certify that, with respect to any Holocaust era insurance policies sold or at any time held by the insurer—

(A) the proceeds of the policy were paid;

(B) the beneficiaries of the policy or heirs or such beneficiaries could not, after diligent search, be located, and the proceeds were distributed to Holocaust survivors or charities;

(C) a court of law has certified a plan for the distribution of the proceeds; or

(D) the proceeds have not been distributed.

(b) HOLOCAUST ERA INSURANCE POLICIES.—In this section, the term ''Holocaust era insurance policy'' means a policy for insurance coverage that—

(1) was in force at any time during the period beginning with 1920 and ending with 1945; and

(2) has a policy beneficiary, policyholder, or insured life that is a listed Holocaust victim.

SEC. 4. FEDERAL CAUSE OF ACTION FOR COVERED CLAIMS.

(a) FEDERAL CAUSE OF ACTION.—

(1) IN GENERAL.—There shall exist a Federal cause of action for any covered claim.

(2) STATUTE OF LIMITATIONS.—Any action brought under paragraph (1) shall be filed not later than 10 years after the date of the enactment of this Act.

(b) SUBJECT MATTER JURISDICTION.—The district courts shall have original jurisdiction of any civil action on a covered claim (whether brought under subsection (a) or otherwise).

(c) PERSONAL JURISDICTION.—Notwithstanding any provision of Rule 4 of the Federal Rules of Civil Procedure to the contrary, in a civil action on a covered claim (whether brought under subsection (a) or otherwise) commenced in a district where the defendant is not a resident—

(1) the court may exercise jurisdiction over such defendant on any basis not inconsistent with the Constitution of the United States; and

(2) service of process, summons, and subpoena may be made on such defendant in any manner not inconsistent with the Constitution of the United States.

(d) DEFINITIONS.—In this section:

(1) COVERED CLAIM.—The term ''covered claim'' means a claim against a covered foreign insurance company that arises out of the insurance coverage involved in an original request.

(2) ORIGINAL REQUEST.—The term ''original request'' means a request that—

(A) seeks payment of any claim on insurance coverage that—

(i) was provided by a covered foreign insurance company;

(ii) had as the policyholder, insured, or beneficiary a listed Holocaust victim; and

(iii) was in effect during any portion of the 13-year period beginning with 1933 and ending with 1945; and

(B) was made by a listed Holocaust victim, or the heirs of beneficiaries of such victim, to the covered foreign insurance company or the International Commission on Holocaust Era Insurance Claims.

(3) COVERED FOREIGN INSURANCE COMPANY.—The term ''covered foreign insurance company'' means each of the following companies, and its affiliates and predecessor companies:

(A) Assicurazioni Generali S.p.A.

(B) Union Des Assurances de Paris.

(C) Victoria Lebenversicherungs AG.

(D) Winterthur Lebensversicherungs Gesellschaft.

(E) Allianz Lebensversicherungs AG.

(F) Wiener Allianz Versicherungs AG.

(G) Riunione Adriatica di Sicurta.

(H) Vereinte Lebensversicherungs AG.

(I) Basler Lebens-Versicherungs Gesellschaft.

(J) Deutscher Ring Lebensversicherungs AG.

(K) Nordstern Lebensversicherungs AG.

(L) Gerling Konzern Lebensversicherungs AG.

(M) Manheimer Lebensversicherung AG.

(N) Der Anker.

(O) Allgemeine Versicherungs AG.

(P) Zuerich Lebensversicherungs Gesellschaft.

(Q) Any other foreign insurance company that a State or the Attorney General determines was in a position to have financial dealings with any individual who was a victim of the Holocaust.

SEC. 5. LISTED HOLOCAUST VICTIMS.

In this Act, the term ''listed Holocaust victim'' means the following individuals:

(1) LIST OF SURVIVORS.—Any individual whose name is on the list of Jewish Holocaust Survivors maintained by the United States Holocaust Memorial Museum in Washington, D.C.

(2) LIST OF DECEASED.—Any individual whose name is on the list of individuals who died in the Holocaust maintained by the Yad Veshem of Jerusalem in its Hall of Names.

(3) OTHER LISTS.—Any individual whose name is on any list of Holocaust victims that is designated as appropriate for use under this Act by the chief executive officer of a State or a State insurance commissioner or other principal insurance regulatory authority of a State.

By Mr. NICKLES (for himself and Mr. BREAUX):

S. 973. A bill to amend the Internal Revenue Code of 1986 to provide a shorter recovery period for the depreciation of certain restaurant buildings; to the Committee on Finance.

Mr. NICKLES. Mr. President, I rise today to introduce legislation to provide that restaurant buildings are depreciated over 15 years instead of the

current-law 39 years. My legislation will ensure that the tax laws more accurately reflect the true economic life of restaurant buildings.

Under current law, real estate property and any improvements thereto generally must be depreciated over 39 years. However, restaurant buildings undergo excessive wear and tear, and are renovated on average every 6 to 8 years. Requiring restaurant owners to depreciate these renovations over 39 years leads to a mismatch of income and expenses, thereby increasing the tax consequence of making such improvements. The long depreciation period simply makes no economic sense.

In recent years, Congress has changed the depreciation schedules for competitors of owner-occupied restaurants. For example, convenience stores are depreciated over 15 years. In addition, leased properties, including leased restaurant space, can take advantage of the temporary bonus depreciation incentives contained in the 2001 economic stimulus bill.

I believe that our tax laws should be updated to treat restaurant property in a more rational manner. That is why I am introducing legislation to reduce the depreciable life of restaurant property from 39 years to 15 years. My legislation would ensure that all restaurants, either leased or owner-occupied, are treated equally. It would also ensure a level playing field between restaurants and their competitors. By reducing the time period over which all restaurants are depreciated, my bill will more accurately align a restaurant's income and expenses. According to the National Restaurant Association, enacting this legislation would generate an additional $3.7 billion in cash flow for restaurants over the next 10 years. This is money that could be reinvested and, in turn, generate new jobs.

I look forward to working with my colleagues to enact my legislation that will provide more rational tax-treatment of restaurants on a permanent basis. by doing so, we will take an incremental step toward modernizing the tax code's outdated depreciation rules.

By Mr. SPECTER (for himself and Mr. SANTORUM):

S. 974. A bill to amend the Fair Labor Standards Act of 1938 to permit certain youth to perform certain work with wood products; to the Committee on Health, Education, Labor, and Pensions.

Mr. SPECTER. Mr. President, I have sought recognition today to introduce legislation designed to permit certain youths, those exempt from attending school, between the ages of 14 and 18 to work in sawmills under special safety conditions and close adult supervision. I introduced identical measures in the past three Congresses. Similar legislation introduced by my distinguished colleague, Representative JOSEPH R. PITTS, has already passed in the House in the 105th and 106th Congresses. I am hopeful the Senate will also enact this important issue.

As Chairman of the Labor, Health and Human Services and Education Appropriations Subcommittee, I have strongly supported increased funding for the enforcement of the important child safety protections contained in the Fair Labor Standards Act. I also believe, however, that accommodation must be made for youths who are exempt from compulsory school-attendance laws after the eighth grade. It is extremely important that youths who are exempt from attending school be provided with access to jobs and apprenticeships in areas that offer employment where they live.

The need for access to popular trades is demonstrated by the Amish community. In 1998, I toured an Amish sawmill in Lancaster County, PA, and had the opportunity to meet with some of my Amish constituency. In December 2000, Representative PITTS and I held a meeting in Gap, PA with over 20 members of the Amish community to hear their concerns on this issue. On May 3, 2001, I chaired a hearing of the Labor, Health and Human Services and Education Appropriations Subcommittee to examine these issues.

At the hearing the Amish explained that while they once made their living almost entirely by farming, they have increasingly had to expand into other occupations as farmland has disappeared in many areas due to pressure from development. As a result, many of the Amish have come to rely more and more on work in sawmills to make their living. The Amish culture expects youth, upon the completion of their education at the age of 14, to begin to learn a trade that will enable them to become productive members of society. In many areas, work in sawmills is one of the major occupations available for the Amish, whose belief system limits the types of jobs they may hold. Unfortunately, these youths are currently prohibited by law from employment in this industry until they reach the age of 18. This prohibition threatens both the religion and lifestyle of the Amish.

Under my legislation, youths would not be allowed to operate power machinery, but would be restricted to performing activities such as sweeping, stacking wood, and writing orders. My legislation requires that the youths must be protected from wood particles or flying debris and wear protective equipment, all while under strict adult supervision. The Department of Labor must monitor these safeguards to insure that they are enforced.

The Department of Justice has raised serious concerns under the Establishment Clause with the House legislation. The House measure conferred benefits only to a youth who is a ''member of a religious sect or division thereof whose established teachings do not permit formal education beyond the eighth grade.'' By conferring the ''benefit'' of working in a sawmill only to the adherents of certain religions, the Department argues that the bill appears to impermissibly favor religion to ''irreligion.'' In drafting my legislation, I attempted to overcome such an objection by conferring permission to work in sawmills to all youths who ''are exempted from compulsory education laws after the eighth grade.'' Indeed, I think a broader focus is necessary to create a sufficient range of vocational opportunities for all youth who are legally out of school and in need of vocational opportunities.

I also believe that the logic of the Supreme Court's 1972 decision in Wisconsin v. Yoder supports my bill. In Yoder, the Court held that Wisconsin's compulsory school attendance law requiring children to attend school until the age of 16 violated the Free Exercise Clause. The Court found that the Wisconsin law imposed a substantial burden on the free exercise of religion by the Amish since attending school beyond the eighth grade ''contravenes the basic religious tenets and practices of the Amish faith.'' I believe a similar argument can be made with respect to Amish youth working in sawmills. As their population grows and their subsistence through an agricultural way of life decreases, trades such as sawmills become more and more crucial to the continuation of their lifestyle. Barring youths from the sawmills denies these youths the very vocational training and path to self-reliance that was central to the Yoder Court's holding that the Amish do not need the final two years of public education.

I offer my legislation with the hope that my colleagues will work with me to provide relief for the Amish community.

By Mr. SPECTER (for himself and Mr. SANTORUM):

S. 975. A bill to revise eligibility requirements applicable to essential air service subsidies; to the Committee on Commerce, Science, and Transportation.

Mr. SPECTER. Mr. President, I have sought recognition today to introduce legislation designed to improve the Department of Transportation's Essential Air Services program and reinstate Lancaster, PA's eligibility to receive subsidized air service.

The Essential Air Services program provides operating subsidies to airlines, enabling them to serve smaller markets which would otherwise be unable to attract or retain commercial flights. To be eligible to receive such a subsidy, the community where the airport is located must be greater than 70 miles from the nearest large or medium hub airport. If the airport is located within 70 miles of a hub airport, the Secretary of Transportation may use his or her discretion to award a subsidy if the most commonly used highway route between both places is greater than 70 miles. It is up to the Department of Transportation to determine what route is used in making this mileage determination.

Residents and businesses in many rural and smaller communities throughout the United States rely heavily upon air service to provide a necessary link to larger cities. Lancaster, PA is one such community which had been designated as an Essential Air Services city since the Airline Deregulation Act of 1978. Up until the events of September 11, when the Airport faced a sharp decline in passenger revenue, Lancaster had never required a subsidy under this program.

When Lancaster ultimately found it necessary to seek a subsidy for its three daily flights to Pittsburgh, the Department of Transportation issued an Order to Show Cause on March 8, 2002, stating that Lancaster was not eligible for an Essential Air Services subsidy because it was located within 70 miles of Philadelphia International Airport. The Secretary of Transportation declined to use his discretion to award the subsidy because the Department identified a driving route of less than 70 miles between Lancaster City and Philadelphia Airport. While there is no question that such a route exists, it is by no means the most commonly used highway route as required by law.

The route selected by the Department of Transportation is one which the average person would never travel, via back roads and seldom used streets. In making its distance determination, the Department used a 66 mile route along Route 30 which would take over three hours to drive. The more commonly used highway route to the Philadelphia International Airport would be along US 222 to the Pennsylvania Turnpike, and then on to I–76, which is over 70 miles.

The legislation I am introducing today addresses this issue by designating an area's local metropolitan planning organization, rather than the Department of Transportation, as the organization responsible for determining the most commonly used highway route. If no such organization exists, the Governor of the State in which the airport is located, or the Governor's designee will make the determination. I believe that a local entity, not the Department of Transportation, is better suited to identify the route most travelers would drive. In such cases where that route exceeds 70 miles, the Department should be required to designate a community as eligible to receive subsidized air service.

My legislation will not place too great a burden upon the Essential Air Services program by allowing additional airports to participate. I am advised that there are only eight other communities, including Lancaster, which could become newly eligible to receive subsidized air service as a result of the changes I am proposing. Further, I would note that of the $113 million the program received in Fiscal Year 2002, there was an excess of $10.9 million which remained unspent and which carried over into Fiscal Year 2003.

Lancaster Airport's only commercial air carrier, Colgan Air, ceased operations on March 23, 2003, because it could not sustain service without a subsidy. The loss of commercial air service has already had a serious impact upon the Lancaster community. I am confident that my legislation will not only reinstate Lancaster's eligibility for subsidized air service and allow for the return of commercial air service, but it will also provide for a greater level of fairness for other communities which rely so heavily upon this important program.

By Mr. WARNER (for himself and Mr. ALLEN):

S. 976. A bill to provide for the issuance of a coin to commemorate the 400th anniversary of the Jamestown settlement; to the Committee on Banking, Housing, and Urban Affairs.

Mr. WARNER. Mr. President, I rise today to introduce legislation, along with my colleague, Senator ALLEN, to mint a commemorative coin celebrating the 400th anniversary of the founding of Jamestown, VA in 2007.

The lasting significance of Jamestown stretches far beyond its contributions to the Commonwealth of Virginia. Our Nation is indebted to the 104 original inhabitants of Jamestown who, after completing a harrowing journey across the Atlantic in May of 1607, established the first permanent English settlement in America.

The legacies of Jamestown extend from the founding of our representative democracy in which we serve today, to the free market enterprise system on which our economy has flourished. Our unshakeable traditions of common law, agricultural production, manufacturing, and our free market economy received their humble beginnings from the entrepreneurial spirit of the Jamestown colonists.

The colonists established and implemented the principles of a representative government to build our American democracy that has withstood the test of time and internal conflict. The Jamestown settlers elected America's first democratic assembly, the Virginia House of Burgesses. The structure and procedures of this first legislative body still resonates in the chamber we serve in today. Our political philosophies and traditions took hold in the untamed landscape of Jamestown Island and remain the cornerstone of our republic today.

Jamestown also marked the beginning of the American cultural identity, hosting a combination of diverse cultural traditions. The settlement united English, Native American, and African cultures compelling each one to learn valuable lessons from the others. The colonists at Jamestown were the first immigrants to travel to America, making us a nation of immigrants of which we are so proud today.

The colony at Jamestown showcased the triumph of American ingenuity and hard work. Colonists at Jamestown were forced to battle starvation, disease, and the weather of their new home. Life in Jamestown was a struggle, and the determination shown by the colonists set the foundation for the revolutionary ideas that guided Americans through the colonial era.

Now 395 years later, the history of our Nation continues to come alive in Jamestown. Since 1994, archaeologists have found the remains of the original Jamestown fort constructed in 1607 and over 350,000 artifacts from the colonial period. These fascinating discoveries have given scholars, visitors, and most importantly, America's young people, a realistic view of 17th century American life. The continuing restoration and discovery of the original Jamestown colony provides all Americans with a window on their roots, and to the foundation on which this great Nation was built.

The proceeds from this commemorative coin will help both the National Park Service and the Association for the Preservation of Virginia Antiquities continue their research at the Jamestown site, complete necessary construction projects at the Jamestown National Park, and provide funds for events surrounding the 400th anniversary celebration. In addition, this legislation would help ensure that the Jamestown Rediscovery project will have adequate funds to continue educating the American public on our colonial history. In the 106th Congress, the House and Senate created the Jamestown 400th Commemoration Commission to ensure that the anniversary in 2007 is a truly national event. This legislation that I introduce today continues along this same line.

Recent events have brought about a renewed reverence and interest in our nation's history among the American people. This legislation would help bring national attention to this important anniversary and would serve as a fitting tribute to America's first permanent settlers. This event celebrates America's colonial history and gives every American a chance to help support America's Hometown, Jamestown, VA.

I ask my colleagues in the Senate to join me in supporting our Nation's and Virginia's colonial traditions with this important legislation. I ask unanimous consent that the text of this legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 976

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 ''Jamestown 400th Anniversary Commemorative Coin Act of 2003''.

SEC. 2. FINDINGS.

Congress finds that—

(1) the founding of the colony at Jamestown, Virginia in 1607, the first permanent English colony in America, and the capital of Virginia for 92 years, has major significance in the history of the United States;

(2) the Jamestown settlement brought people from throughout the Atlantic Basin together to form a multicultural society, including English, other Europeans, Native Americans, and Africans;

(3) the economic, political, religious, and social institutions that developed during the first 9 decades of the existence of Jamestown continue to have profound effects on the United States, particularly in English common law and language, cross cultural relationships, manufacturing, and economic structure and status;

(4) the National Park Service, the Association for the Preservation of Virginia Antiquities, and the Jamestown-Yorktown Foundation of the Commonwealth of Virginia collectively own and operate significant resources related to the early history of Jamestown;

(5) in 2000, Congress established the Jamestown 400th Commemoration Commission to ensure a suitable national observance of the Jamestown 2007 anniversary and to support and facilitate marketing efforts for a commemorative coin, stamp, and related activities for the Jamestown 2007 observances;

(6) a commemorative coin will bring national and international attention to the lasting legacy of Jamestown, Virginia; and

(7) the proceeds from a surcharge on the sale of such commemorative coin will assist the financing of a suitable national observance in 2007 of the 400th anniversary of the founding of Jamestown, Virginia.

SEC. 3. COIN SPECIFICATIONS.

(a) $5 GOLD COINS.—The Secretary of the Treasury (in this Act referred to as the ''Secretary'') shall issue not more than 100,000 $5 coins, which shall—

(1) weigh 8.359 grams;

(2) have a diameter of 0.850 inches; and

(3) contain 90 percent gold and 10 percent alloy.

(b) $1 SILVER COINS—The Secretary shall issue not more than 500,000 $1 coins, which shall—

(1) weigh 26.73 grams;

(2) have a diameter of 1,500 inches; and

(3) contain 90 percent silver and 10 percent copper.

(c) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(d) NUMISMATIC ITEMS.—For purposes of section 5132(a)(1) of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

(e) SOURCES OF BULLION.—

(1) GOLD.—The Secretary shall obtain gold for minting coins under this Act pursuant to the authority of the Secretary under section 5116 of title 31, United States Code.

(2) SILVER.—The Secretary shall obtain silver for the coins minted under this Act only from stockpiles established under the Strategic and Critical Minerals Stock Piling Act (50 U.S.C. 98 et seq.).

SEC. 4. DESIGN OF COINS.

(a) DESIGN REQUIREMENTS.—

(1) IN GENERAL.—The design of the coins minted under this Act shall be emblematic of the settlement of Jamestown, Virginia, the first permanent English settlement in America.

(2) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this Act, there shall be—

(A) a designation of the value of the coin;

(B) an inscription of the year ''2007''; and

(C) inscriptions of the words ''Liberty'', ''In God We Trust'', ''United States of America'', and ''E Pluribus Unum''.

(b) DESIGN SELECTION.—Subject to subsection (a), the design for the coins minted under this Act shall be—

(1) selected by the Secretary after consultation with—

(A) the Jamestown 2007 Steering Committee, created by the Jamestown-Yorktown Foundation of the Commonwealth of Virginia;

(B) the National Park Service; and

(C) the Commission of Fine Arts; and

(2) reviewed by the Citizens Commemorative Coin Advisory Committee.

SEC. 5. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) MINT FACILITY.—Only 1 facility of the United States Mint may be used to strike any particular quality of the coins minted under this Act.

(c) PERIOD FOR ISSUANCE.—The Secretary may issue coins minted under this Act only during the period beginning on January 1, 2007, and ending on December 31, 2007.

SEC. 6. SALE OF COINS.

(a) SALE PRICE.—The coins minted under this Act shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coins;

(2) the surcharge provided in subsection (c) with respect to such coins; and

(3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) PREPAID ORDERS.—

(1) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

(c) BULK SALES.—The Secretary shall make bulk sales of the coins minted under this Act at a reasonable discount.

(d) SURCHARGE.—All sales of coins minted under this Act shall include a surcharge of—

(1) $35 per coin for the $5 coin; and

(2) $10 per coin for the $1 coin.

SEC. 7. GENERAL WAIVER OF PROCUREMENT REGULATIONS.

(a) IN GENERAL.—Except as provided in subsection (b), no provision of law governing procurement or public contracts shall be applicable to the procurement of goods and services necessary for carrying out the provisions of this Act.

(b) EQUAL EMPLOYMENT OPPORTUNITY.—Subsection (a) shall not relieve any person entering into a contract under the authority of this Act from complying with any law relating to equal employment opportunity.

SEC. 8. DISTRIBUTION OF SURCHARGES.

(a) RECIPIENTS.—

(1) IN GENERAL.—All surcharges received by the Secretary from the sale of coins minted under this Act shall be promptly paid by the Secretary to the recipients listed under paragraphs (2) and (3).

(2) JAMESTOWN-YORKTOWN FOUNDATION.—The Secretary shall distribute 50 percent of the surcharges described under paragraph (1) to the Jamestown-Yorktown Foundation of the Commonwealth of Virginia, to support programs to promote the understanding of the legacies of Jamestown.

(3) OTHER RECIPIENTS.—

(A) IN GENERAL.—The Secretary shall distribute 50 percent of the surcharges described under paragraph (1) to the entities specified under subparagraph (B), in equal shares, for the purposes of—

(i) sustaining the ongoing mission of preserving Jamestown;

(ii) enhancing the national and international educational programs;

(iii) improving infrastructure and archaeological research activities; and

(iv) conducting other programs to support the commemoration of the 400th anniversary of Jamestown.

(B) ENTITIES SPECIFIED.—Entities specified under this subparagraph are—

(i) the Secretary of the Department of the Interior;

(ii) the President of the Association for the Preservation of Virginia Antiquities; and

(iii) the Chairman of the Jamestown Yorktown Foundation.

(b) AUDITS.—The Comptroller General of the United States shall have the right to examine such books, records, documents, and other data of the entities specified in subsection (a), as may be related to the expenditure of amounts distributed under subsection (a).

SEC. 9. FINANCIAL ASSURANCES.

(a) NO NET COST TO THE GOVERNMENT.—The Secretary shall take such actions as may be necessary to ensure that minting and issuing coins under this Act will not result in any net cost to the United States Government.

(b) PAYMENT FOR COINS.—A coin shall not be issued under this Act unless the Secretary has received—

(1) full payment for the coin;

(2) security satisfactory to the Secretary to indemnify the United States for full payment; or

(3) a guarantee of full payment satisfactory to the Secretary from a depository institution, the deposits of which are insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration.

By Mr. FITZGERALD (for himself, Mr. KENNEDY, and Ms. SNOWE):

S. 977. A bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide coverage from treatment of a minor child's congenital or developmental deformity or disorder due to trauma, infection, tumor, or disease; to the Committee on Health, Education, Labor, and Pensions.

Mr. FITZGERALD. Mr. President, I rise today to introduce the Children's Deformities Act of 2003, which will require insurance companies to cover corrective surgeries for children with congenital or developmental deformities.

According to the March of Dimes, 3.8 percent of babies born annually—about 150,000 babies per year suffer from birth defects. Approximately 50,000 of these babies require reconstructive surgery. Examples of these deformities include cleft lip, cleft palate, skin lesions, vascular anomalies, malformations of the ear, hand, or foot, and other more profound craniofacial deformities.

Plastic surgeons are able to correct many of these problems, and doing so is critical to both the physical and mental health and development of the child. On average, children with congenital deformities or developmental anomalies will need three to five surgical procedures before normalcy is achieved. An increasing number of insurance companies are denying access

to care by labeling the surgical procedures cosmetic or nonfunctional in nature. In some cases, carriers may provide coverage for initial procedures, but resist covering later, necessary procedures, claiming that they are cosmetic and not medically necessary.

Although insurance companies ultimately have decided to cover some of these procedures, families have had to battle through the appeals process of insurance companies for extended periods of time, thereby forcing children to wait unnecessarily for needed surgeries. The treatment plan for children with congenital defects usually requires staged surgical care in accordance with the child's growth pattern. Onerous and time-consuming appeals procedures can jeopardize the physical and psychological health of children with deformities.

The American Medical Association defines cosmetic surgery as being performed to reshape normal structures of the body in order to improve the patient's appearance and self-esteem. In contrast, reconstructive surgery is defined as being performed on abnormal structures of the body, caused by congenital defects, developmental abnormalities, trauma, infection, tumors, or disease. According to the American Society of Plastic Surgeons, reconstructive surgery is performed in order to improve function and approximate a normal appearance.

The Treatment of Children's Deformities Act of 2003 will prohibit insurers from denying coverage for reconstructive surgery for children. This bill identifies the difference between cosmetic and reconstructive surgery and incorporates the American Medical Association's definition of reconstructive surgery. The measure requires group and individual health insurers and group health plans to provide coverage for treatment of a minor child's congenital or developmental deformity, disease, or injury. The legislation defines ''treatment'' to include reconstructive surgical procedures. These are procedures that are performed on abnormal structures of the body caused by congenital defects, developmental abnormalities, trauma, infection, tumors, or disease.

The Treatment of Children's Deformities Act of 2003 has been endorsed by the American Society of Plastic Surgeons, the American Medical Association, the American Academy of Pediatrics, and several other medical organizations. Fifteen States have already enacted legislation that to different degrees require insurance companies to cover treatment of craniofacial and congenital anomalies. While governor of Texas, George W. Bush signed into law legislation that is similar to the legislation I introduce today.

I would like to thank Senator KENNEDY and Senator SNOWE for cosponsoring this important legislation. I urge all of my colleagues to join me in supporting this bill so that children who suffer from congenital deformities or developmental anomalies do not have to wait unnecessarily for needed treatment.

I ask unanimous consent that the bill be printed in the RECORD following the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 977

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 ''Treatment of Children's Deformities Act of 2003''.

SEC. 2. COVERAGE OF MINOR CHILD'S CONGENITAL OR DEVELOPMENTAL DEFORMITY OR DISORDER.

(a) GROUP HEALTH PLANS.—

(1) PUBLIC HEALTH SERVICE ACT AMENDMENTS.—

(A) IN GENERAL.—Subpart 2 of part A of title XXVII of the Public Health Service Act (42 U.S.C. 300gg-4 et seq.) is amended by adding at the end the following:

''SEC. 2707. STANDARDS RELATING TO BENEFITS FOR MINOR CHILD'S CONGENITAL OR DEVELOPMENTAL DEFORMITY OR DISORDER.

''(a) REQUIREMENTS FOR RECONSTRUCTIVE SURGERY.—

''(1) IN GENERAL.—A group health plan, and a health insurance issuer offering group health insurance coverage, that provides coverage for surgical benefits shall provide coverage for outpatient and inpatient diagnosis and treatment of a minor child's congenital or developmental deformity, disease, or injury. A minor child shall include any individual through 21 years of age.

''(2) REQUIREMENTS.—Any coverage provided under paragraph (1) shall be subject to pre-authorization or pre-certification as required by the plan or issuer, and such coverage shall include any surgical treatment which, in the opinion of the treating physician, is medically necessary to approximate a normal appearance.

''(3) TREATMENT DEFINED.—

''(A) IN GENERAL.—In this section, the term 'treatment' includes reconstructive surgical procedures (procedures that are generally performed to improve function, but may also be performed to approximate a normal appearance) that are performed on abnormal structures of the body caused by congenital defects, developmental abnormalities, trauma, infection, tumors, or disease, including—

''(i) procedures that do not materially affect the function of the body part being treated; and

''(ii) procedures for secondary conditions and follow-up treatment.

''(B) EXCEPTION.—Such term does not include cosmetic surgery performed to reshape normal structures of the body to improve appearance or self-esteem.

''(b) NOTICE.—A group health plan under this part shall comply with the notice requirement under section 714(b) of the Employee Retirement Income Security Act of 1974 with respect to the requirements of this section as if such section applied to such plan.''.

(B) CONFORMING AMENDMENT.—Section 2723(c) of the Public Health Service Act (42 U.S.C. 300gg–23(c)) is amended by striking ''section 2704'' and inserting ''sections 2704 and 2707''.

(2) ERISA AMENDMENTS.—

(A) IN GENERAL.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185 et seq.) is amended by adding at the end the following:

''SEC. 714. STANDARDS RELATING TO BENEFITS FOR MINOR CHILD'S CONGENITAL OR DEVELOPMENTAL DEFORMITY OR DISORDER.

''(a) REQUIREMENTS FOR RECONSTRUCTIVE SURGERY.—

''(1) IN GENERAL.—A group health plan, and a health insurance issuer offering group health insurance coverage, that provides coverage for surgical benefits shall provide coverage for outpatient and inpatient diagnosis and treatment of a minor child's congenital or developmental deformity, disease, or injury. A minor child shall include any individual through 21 years of age.

''(2) REQUIREMENTS.—Any coverage provided under paragraph (1) shall be subject to pre-authorization or pre-certification as required by the plan or issuer, and such coverage shall include any surgical treatment which, in the opinion of the treating physician, is medically necessary to approximate a normal appearance.

''(3) TREATMENT DEFINED.—

''(A) IN GENERAL.—In this section, the term 'treatment' includes reconstructive surgical procedures (procedures that are generally performed to improve function, but may also be performed to approximate a normal appearance) that are performed on abnormal structures of the body caused by congenital defects, developmental abnormalities, trauma, infection, tumors, or disease, including—

''(i) procedures that do not materially affect the function of the body part being treated; and

''(ii) procedures for secondary conditions and follow-up treatment.

''(B) EXCEPTION.—Such term does not include cosmetic surgery performed to reshape normal structures of the body to improve appearance or self-esteem.

''(b) NOTICE UNDER GROUP HEALTH PLAN.—The imposition of the requirements of this section shall be treated as a material modification in the terms of the plan described in section 102(a)(1), for purposes of assuring notice of such requirements under the plan; except that the summary description required to be provided under the last sentence of section 104(b)(1) with respect to such modification shall be provided by not later than 60 days after the first day of the first plan year in which such requirements apply.''.

(B) CONFORMING AMENDMENTS.—

(i) Section 731(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1191(c)) is amended by striking ''section 711'' and inserting ''sections 711 and 714''.

(ii) Section 732(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1191a(a)) is amended by striking ''section 711'' and inserting ''sections 711 and 714''.

(iii) The table of contents in section 1 of the Employee Retirement Income Security Act of 1974 is amended by inserting after the item relating to section 713 the following:

''Sec. 714. Standards relating to benefits for minor child's congenital or developmental deformity or disorder.''.

(3) INTERNAL REVENUE CODE AMENDMENTS.—Subchapter B of chapter 100 of the Internal Revenue Code of 1986 is amended—

(A) in the table of sections, by inserting after the item relating to section 9812 the following:

''Sec. 9813. Standards relating to benefits for minor child's congenital or developmental deformity or disorder.''; and

(B) by inserting after section 9812 the following:

"SEC. 9813. STANDARDS RELATING TO BENEFITS FOR MINOR CHILD'S CONGENITAL OR DEVELOPMENTAL DEFORMITY OR DISORDER.

''(a) REQUIREMENTS FOR RECONSTRUCTIVE SURGERY.—

''(1) IN GENERAL.—A group health plan, and a health insurance issuer offering group health insurance coverage, that provides coverage for surgical benefits shall provide coverage for outpatient and inpatient diagnosis and treatment of a minor child's congenital or developmental deformity, disease, or injury. A minor child shall include any individual through 21 years of age.

''(2) REQUIREMENTS.—Any coverage provided under paragraph (1) shall be subject to pre-authorization or pre-certification as required by the plan or issuer, and such coverage shall include any surgical treatment which, in the opinion of the treating physician, is medically necessary to approximate a normal appearance.

''(3) TREATMENT DEFINED.—

''(A) IN GENERAL.—In this section, the term 'treatment' includes reconstructive surgical procedures (procedures that are generally performed to improve function, but may also be performed to approximate a normal appearance) that are performed on abnormal structures of the body caused by congenital defects, developmental abnormalities, trauma, infection, tumors, or disease, including—

''(i) procedures that do not materially affect the function of the body part being treated; and

''(ii) procedures for secondary conditions and follow-up treatment.

''(B) EXCEPTION.—Such term does not include cosmetic surgery performed to reshape normal structures of the body to improve appearance or self-esteem.''.

(b) INDIVIDUAL HEALTH INSURANCE.—

(1) IN GENERAL.—Part B of title XXVII of the Public Health Service Act is amended by inserting after section 2752 the following:

"SEC. 2753. STANDARDS RELATING TO BENEFITS FOR MINOR CHILD'S CONGENITAL OR DEVELOPMENTAL DEFORMITY OR DISORDER.

''(a) REQUIREMENTS FOR RECONSTRUCTIVE SURGERY.—

''(1) IN GENERAL.—A group health plan, and a health insurance issuer offering group health insurance coverage, that provides coverage for surgical benefits shall provide coverage for outpatient and inpatient diagnosis and treatment of a minor child's congenital or developmental deformity, disease, or injury. A minor child shall include any individual through 21 years of age.

''(2) REQUIREMENTS.—Any coverage provided under paragraph (1) shall be subject to pre-authorization or pre-certification as required by the plan or issuer, and such coverage shall include any surgical treatment which, in the opinion of the treating physician, is medically necessary to approximate a normal appearance.

''(3) TREATMENT DEFINED.—

''(A) IN GENERAL.—In this section, the term 'treatment' includes reconstructive surgical procedures (procedures that are generally performed to improve function, but may also be performed to approximate a normal appearance) that are performed on abnormal structures of the body caused by congenital defects, developmental abnormalities, trauma, infection, tumors, or disease, including—

''(i) procedures that do not materially affect the function of the body part being treated; and

''(ii) procedures for secondary conditions and follow-up treatment.

''(B) EXCEPTION.—Such term does not include cosmetic surgery performed to reshape normal structures of the body to improve appearance or self-esteem.

''(b) NOTICE.—A health insurance issuer under this part shall comply with the notice requirement under section 714(b) of the Employee Retirement Income Security Act of 1974 with respect to the requirements referred to in subsection (a) as if such section applied to such issuer and such issuer were a group health plan.''.

(2) CONFORMING AMENDMENT.—Section 2762(b)(2) of the Public Health Service Act (42 U.S.C. 300gg–62(b)(2)) is amended by striking ''section 2751'' and inserting ''sections 2751 and 2753''.

(c) EFFECTIVE DATES.—

(1) GROUP HEALTH COVERAGE.—The amendments made by subsection (a) shall apply with respect to group health plans for plan years beginning on or after January 1, 2004.

(2) INDIVIDUAL HEALTH COVERAGE.—The amendment made by subsection (b) shall apply with respect to health insurance coverage offered, sold, issued, renewed, in effect, or operated in the individual market on or after such date.

(d) COORDINATED REGULATIONS.—Section 104(1) of Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 300gg-92 note) is amended by striking ''this subtitle (and the amendments made by this subtitle and section 401)'' and inserting ''the provisions of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974, the provisions of parts A and C of title XXVII of the Public Health Service Act, and chapter 100 of the Internal Revenue Code of 1986''.

Mr. KENNEDY. Mr. President, it is a privilege to join Senator FITIZGERALD and Senator SNOWE in introducing the Treatment of Children's Deformities Act. The purpose of our bill is to see that health insurers and health plans cover the treatment of children's congenital and developmental deformities and disorders.

About 7 percent of all children are born with significant problems, including cleft lips or cleft palates, serious skin lesions such as port wine stains, malformations of the ear, or facial deformities. Plastic surgery can correct many of these conditions, but too often parents face significant barriers in obtaining care for their children. More than half of all plastic surgeons report that these patients are denied insurance coverage or had the struggle to receive it. Too often, insurers deny coverage by calling the treatment cosmetic or not medically necessary.

The medical, developmental, and psychological problems associated with denied or delayed treatment of these deformities are enormous. Treatment often requires a series of treatments as the child grow. No child should be forced to live with an untreated cleft lip or a facial deformity while parents appeal an insurer's unfair denial. Delayed or denied treatment puts a child's physical and mental health at risk.

Our bill requires health insurers and health plans to provide coverage to treat a child's congenial or developmental deformity, or disorders caused by disease, trauma, infection, or tumor. It is supported by many medical organizations, including the American Academy of Pediatrics, the American Medical Association, and the American Society of Plastic Surgeons. I urge the Senate to support this important bill, and give children and families the support they deserve.

By Mr. ENSIGN (for himself, Mrs. BOXER, Ms. CANTWELL, Mr. CRAPO, Mr. CRAIG, Mr. ALLEN, Mrs. MURRAY, Mrs. FEINSTEIN, Mr. REID, Mr. ALLARD, Mr. BURNS, Mr. WARNER, Mr. BENNETT, Mr. SMITH, Ms. STABENOW, and Mr. COLEMAN):

S. 979. A bill to direct the Securities and Exchange Commission to require enhanced disclosures of employee stock options, to require a study on the economic impact of broad-based employee stock options plans, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. ENSIGN. Mr. President, I rise today, along with my good friend, the junior Senator from California, to introduce legislation on an issue that could have a significant impact on the economy.

The financial scandals which occurred last year at Enron, WorldCom, and other corporations rocked our financial markets and greatly diminished investor confidence in this country. In response to abuses by a few high-profile corporate executives, Congress passed the Sarbanes-Oxley Corporate Responsibility Act, which closed loopholes that led to those scandals and sought to restore investor confidence in our markets.

However, in the wake of those scandals, I believe that stock options have been incorrectly equated with abuse.

Stock option plans reflect America's best business values—the willingness to take risks, the vision to develop new entrepreneurial companies and technologies, and a way to broaden ownership and participation among all employees.

Last week, the Financial Accounting Standards Board made a tentative decision to mandate the expensing of stock options. This would effectively kill broad-based stock option plans which are used by many high-growth, entrepreneurial companies. Such board-based plans distribute options to rank-and-file employees, not just to senior executives. This is a very different approach than that used by companies associated with the scandals of last year.

This issue was brought to my attention by a couple hundred chief executive officers and leaders in the high-tech world. This is their No. 1 issue because, when they are properly structured, stock options are valuable incentives for productivity and growth. They also help startup companies recruit and retain workers—an essential tool in a struggling economy.

I think it is absolutely ludicrous that we would risk destroying growth when there isn't even a workable model available to accurately expense stock options. Not only is the plan wrong, it is not doable.

The legislation that we are introducing today would provide shareholders with accurate information

about a company's use of stock options, while also preserving this critical tool for all company employees. It would enhance the availability of financial reporting by requiring the SEC to take very specific steps to give shareholders and investors the important financial information they need.

Additionally, this bill places a 3-year moratorium on the mandatory expensing of stock options. This will allow the Department of Commerce to take a very detailed look at the negative impact that mandating expensing of stock options could have on our economy.

It is important that we do not react to the corporate scandals of last year by stifling this vital tool for economic growth. It would be bad for the economy, bad for workers in this country, and bad for potential investors.

Mr. President, before I yield the floor, I would like to thank the Senator from California, Mrs. BOXER, for her hard work on this issue. I would also like to recognize and thank my colleagues who have signed on in support of this bill, Senators GEORGE ALLEN, MIKE CRAPO, LARRY CRAIG, MARIA CANTWELL, PATTY MURRAY, DIANNE FEINSTEIN, HARRY REID, WAYNE ALLARD, CONRAD BURNS, GORDON SMITH, ROBERT BENNETT and JOHN WARNER.

I yield the floor.

I ask unanimous consent that the text of the bill be printed in the RECORD in the appropriate place.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 979

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 ''Broad-Based Stock Option Plan Transparency Act of 2003''.

SEC. 2. CONGRESSIONAL FINDINGS.

Congress finds that—

(1) innovation and entrepreneurship, particularly in the high technology industry, helped propel the economic growth of the 1990s, and will continue to be the essential building blocks of economic growth in the 21st century;

(2) broad-based employee stock option plans enable entrepreneurs and corporations to attract quality workers, to incentivize worker innovation, and to stimulate productivity, which in turn increase shareholder value;

(3) broad-based employee stock options plans that expand corporate ownership to rank-and-file employees spur capital formation, benefit workers, and improve corporate performance to the benefit of investors and the economy;

(4) concerns raised about the impact of employee stock option plans on shareholder value raise legitimate issues relevant to the current level of disclosure and transparency of those plans to current and potential investors; and

(5) investors deserve to have accurate, reliable, and meaningful information about the existence of outstanding employee stock options and their impact on the share value of a going concern.

SEC. 3. IMPROVED EMPLOYEE STOCK OPTION TRANSPARENCY AND REPORTING DISCLOSURES.

(a) ENHANCED DISCLOSURES REQUIRED.—Not later than 180 days after the date of enactment of this Act, the Securities and Exchange Commission (in this Act referred to as the ''Commission'') shall, by rule, require, for each company required to file periodic reports under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m, 78o(d)), that such reports include detailed information regarding stock option plans, stock purchase plans, and other arrangements involving an employee acquisition of an equity interest in the company, particularly with respect to the dilutive effect of such plans, including—

(1) a discussion, written in ''plain English'' (in accordance with the Plain English Handbook published by the Office of Investor Education and Assistance of the Commission), of the dilutive effect of stock option plans, including tables or graphic illustrations of such dilutive effects;

(2) expanded disclosure of the dilutive effect of employee stock options on the earnings per share number of the company;

(3) prominent placement and increased comparability of all stock option related information; and

(4) a summary of the stock options granted to the 5 most highly compensated executive officers of the company, including any outstanding stock options of those officers.

(b) EQUITY INTEREST.—As used in this section, the term ''equity interest'' includes common stock, preferred stock, stock appreciation rights, phantom stock, and any other security that replicates the investment characteristics of such securities, and any right or option to acquire any such security.

SEC. 4. EVALUATION OF EMPLOYEE STOCK OPTION PLANS TRANSPARENCY AND REPORTING DISCLOSURES AND REPORT TO CONGRESS.

(a) STUDY AND REPORT.—

(1) STUDY.—During the 3-year period following the date of issuance of a final rule under section 3(a), the Commission shall conduct a study of the effectiveness of the enhanced disclosures required by section 3 in increasing transparency to current and potential investors.

(2) REPORT.—Not later than 180 days after the end of the 3-year period referred to in paragraph (1), the Commission shall transmit a report of the results of the study conducted under paragraph (1) to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate.

(b) MORATORIUM ON NEW ACCOUNTING STANDARDS RELATED TO STOCK OPTIONS.—During the period beginning on the date of enactment of this Act and ending 60 days after the date of transmission of the report required under subsection (a)(2), the Commission shall not recognize as generally accepted accounting principles for purposes of enforcing the securities laws any accounting standards related to the treatment of stock options that the Commission did not recognize for that purpose before April 1, 2003.

SEC. 5. STUDY ON THE ECONOMIC IMPACT OF BROAD-BASED EMPLOYEE STOCK OPTION PLANS AND REPORT TO CONGRESS.

(a) STUDY.—

(1) IN GENERAL.—The Secretary of Commerce shall conduct a study and analysis of broad-based employee stock option plans, particularly in the high technology and any other high growth industries.

(2) CONTENT.—The study and analysis required by paragraph (1) shall include an examination of—

(A) the impact of such plans on expanding employee corporate ownership to workers at a wide-range of income levels, with a particular focus on rank-and-file employees;

(B) the role of such plans in the recruitment and retention of skilled workers; and

(C) the role of such plans in stimulating research and innovation;

(D) the impact of such plans on the economic growth of the United States; and

(E) the role of such plans in strengthening the international competitiveness of companies organized under the laws of the United States.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of Commerce shall submit a report on the study and analysis required by subsection (a) to—

(1) the Committee on Energy and Commerce and the Committee on Financial Services of the House of Representatives; and

(2) the Committee on Commerce, Science, and Transportation and the Committee on Banking, Housing, and Urban Affairs of the Senate.

Mrs. FEINSTEIN. Mr. President, I rise in support of legislation introduced by Senators BOXER and ENSIGN to improve disclosure of stock option grants in company financial statements while, at the same time, delaying the adoption of new accounting standards that could fundamentally distort reported earnings.

I believe that at this time of continued economic weakness it is critical that we take action to both increase transparency and improve corporate governance, without which we cannot hope to restore investor confidence.

The Broad-Based Stock Option Plan Transparency Act would increase the transparency of stock option grants at all levels of public companies, particularly executive compensation, and would provide investors with additional tools to make investment decisions.

Increased disclosure provisions in the bill include: expanded disclosure of the dilutive effect of employee stock options on reported earnings per share; a ''plain English'' discussion of share value dilution, which would allow individual investors to understand the impact of options grants on their investment; more prominent placement and increased comparability of stock option-related footnotes; and a summary of stock options granted to the 5 most highly compensated executives of the company.

These provisions help us fulfill the goal of greater transparency in our markets and improved corporate governance. With passage of the Sarbanes-Oxley accounting reform legislation last summer, we took a major step in that direction, and I believe this bill adds to those achievements.

If individual investors do not feel comfortable with the information reported by public companies or the advice given by banks and other major players in our financial markets, they will not feel comfortable making new investments and our markets are unlikely to recover.

In addition to requiring new disclosure of the impact of employee stock options on a company's earnings per share, this bill also requires the SEC to

monitor the effectiveness of increased disclosure requirements for 3 years.

The bill also specifies that the SEC must examine the impact of broad-based stock option plans on worker productivity and the performance of the firms which use such plans.

As anyone who has spent time in Silicon Valley can attest, the phenomenal achievements of high tech companies in California and across the country would not have been possible without employee stock options.

Stock options give employees a stake in the success of their company and create a degree of employee loyalty, productivity, and achievement that simply would not be possible if cash were the only form of compensation available. Moreover, it has allowed start-ups that are cash-poor to hire and retain talent that might otherwise have been available only to established firms.

A mandatory expensing standard will sharply limit the use of stock options, particularly for rank and file workers, and will slow our economic recovery.

Without a strong high tech sector developing new technologies and bringing new products to market, we cannot hope to return to the robust economic growth of the last decade.

Moreover, mandatory expensing could actually decrease transparency for the average investor. The Financial Accounting Standards Board (FASB) has indicated it will implement such a rule within the next year, but has not come up with an adequate means of valuing those options for expensing purposes.

The binomial pricing model currently used to value short-term derivatives, also known as Black/Scholes, does not work with the types of long-term, restricted options packages granted to employees. Without an accurate valuation methodology, we risk giving investors a much less accurate picture of a company's financial health than they would have otherwise.

I have spoken with the chief executive officers of a number of companies in my state, including John Chambers, CEO of Cisco Systems, Craig Barrett, CEO of Intel, and Richard Kovacevich, CEO of Wells Fargo. Each one of those corporate leaders has told me that a mandatory expensing standard would lead them to sharply limit the number of options he grants to his employees.

They also told me that it would lead them cut back on hiring and possibly send more jobs abroad. I found those comments disturbing, and they should give us pause and compel us to act prudently. That is why we should support further study of the accounting treatment of stock options, during which period no new accounting rules pertaining tot stock options could be adopted.

I would like to describe briefly the impact of employee stock options on the value of an investor's holdings in the company that granted the option.

In order for employee stock options not to be counted as an expense, they must be set at or above the average closing price of the company's stock during a fixed period. They are also generally restricted, and usually cannot be exercised for several years after their grant date.

Should the value of the underlying shares fall during the life of the option, the options are underwater and are effectively worthless. Should the share price increase, however, the exercise of those options creates no cash charge to the company whatsoever. Instead, it increases the total number of shares outstanding.

To take one concrete example, Cisco Systems recently reported approximately 7.3 billion shares outstanding in their latest annual report. They also reported approximately 600 million options to purchase shares that were ''in the money,'' or had an exercise price below the current share price.

If all those options were exercised, and no shares were repurchased, each share would be entitled to approximately 8 percent less in dividends than before. In fact, the actual dilution would likely be somewhat less.

If options are expensed, however, the impact on Cisco's bottom line would be dramatic, despite the fact that their only tangible impact is on the number of shares outstanding. Had Cisco expensed their stock options for the 2001 fiscal year, their reported profits would have been 171 percent lower. A roughly $1 billion profit would instead have been a nearly $1 billion loss.

Yet the actual value of those options now is almost nil. They were all granted at exercise prices well above the current share price, and may never be exercised.

Options are not a cash expense and represent no tangible exchange of assets. They are a form of incentive pay that may ultimately be worthless. In short, they are nothing like a cash salary.

The legislation introduced by Senators BOXER and ENSIGN recognizes the need for further study, but does not place an indefinite moratorium on FASB action. It is a balanced bill that will help the average investor and ultimately strengthen our financial markets.

I urge my colleagues to support the Broad-Based Stock Option Transparency Act.

By Mr. GRAHAM of South Carolina (for himself and Mr. MILLER):

S. 980. A bill to conduct a study on the effectiveness of ballistic imaging technology and evaluate its effectiveness as a law enforcement tool; to the Committee on the Judiciary.

Mr. GRAHAM of South Carolina. 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. 980

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 ''Ballistic Imaging Evaluation and Study Act of 2003''.

SEC. 2. PURPOSES.

The purposes of this Act are the following:

(1) To conduct a comprehensive study of ballistic imaging technology and evaluate design parameters for packing and shipping of fired cartridge cases and projectiles.

(2) To determine the effectiveness of the National Integrated Ballistic Information Network (NIBIN) as a tool in investigating crimes committed with handguns and rifles.

(3) To establish the cost and overall effectiveness of State-mandated ballistic imaging systems and the sharing and retention of the data collected by the systems.

SEC. 3. STUDY.

(a) IN GENERAL.—Not later than six (6) months after the date of the enactment of this Act, the Attorney General shall enter into an arrangement with the National Research Council of the National Academy of Sciences, which shall have sole responsibility for conducting under the arrangement a study to determine the following:

(1) The design parameters for an effective and uniform system for packing fired cartridge cases and projectiles, and for collecting information that will accompany a fired cartridge case and projectile and be entered into a ballistic imaging system.

(2) The most effective method for projectile recovery that can be used to collect fired projectiles for entry into a ballistic imaging system and the cost of such recovery equipment.

(3) Which countries are employing ballistic imaging systems and the results of the systems as a tool in investigating crimes committed with handguns and rifles.

(4) The comprehensive cost, to date, for Federal, State, and local jurisdictions that have implemented a ballistic imaging system to include startup, operating costs, and outlays for personnel and administration.

(5) The estimated yearly cost for administering a ballistic imaging system, the storage of cartridge cases and projectiles on a nationwide basis, and the costs to industry and consumers of doing so.

(6) How many revolvers, manually operated handguns, semiautomatic handguns, manually operated rifles, and semiautomatic rifles are sold in the United States each year, the percentage of crimes committed with revolvers, other manually operated handguns, and manually operated rifles as compared with semiautomatic handguns and semiautomatic rifles, and the percentage of each currently on record in the NIBIN system.

(7) Whether in countries where ballistic identification has been implemented, a shift has occurred in the number of semiautomatic handguns and semiautomatic rifles, compared with revolvers, other manually operated handguns, and manually operated rifles that are used to commit a crime.

(8) A comprehensive list of environmental and nonenvironmental factors, including modifications to a firearm, that can substantially alter or change the identifying marks on a cartridge case and projectile so as to preclude a scientifically reliable comparison between specimens and the stored image from the same firearm being admissible as evidence in a court of law.

(9) The technical improvements in database management that will be necessary to keep pace with system growth and the estimated cost of the improvements.

(10) What redundant or duplicate systems exist, or have existed, the ability of the various systems to share information, and the

cost and time it will take to integrate operating systems.

(11) Legal issues that need to be addressed at the Federal and State levels to codify the type of information that would be captured and stored as part of a national ballistic identification program and the sharing of the information between State systems and NIBIN.

(12) What storage and retrieval procedures guarantee the integrity of cartridge cases and projectiles for indefinite periods of time and insure proper chain of custody and admissibility of ballistic evidence or images in a court of law.

(13) The time, cost, and resources necessary to enter images of fired cartridge cases and fired projectiles into a ballistic imaging identification system of all new handguns and rifles sold in the United States and those possessed lawfully by firearms owners.

(14) Whether an effective procedure is available to collect fired cartridge cases and projectiles from privately owned handguns and rifles.

(15) Whether the cost of ballistic imaging technology is worth the investigative benefit to law enforcement officers.

(16) Whether State-based ballistic imaging systems, or a combination of State and Federal ballistic imaging systems that record and store cartridge cases and projectiles can be used to create a centralized list of firearms owners.

(17) The cost-effectiveness of using a Federal, NIBIN-based approach to using ballistic imaging technology as opposed to State-based initiatives.

SEC. 4. CONSULTATION.

In carrying out this Act, the National Research Council of the National Academy of Sciences shall consult with—

(1) Federal, State, and local officials with expertise in budgeting, administering, and using a ballistic imaging system, including the Bureau of Alcohol, Tobacco and Firearms, and the Federal Bureau of Investigation, and the Bureau of Forensic Services at the California Department of Justice, and the National Institute for Forensic Sciences in Brussels, Belgium;

(2) law enforcement officials who use ballistic imaging systems;

(3) entities affected by the actual and proposed uses of ballistic imaging technology, including manufacturers, distributors, importers, and retailers of firearms and ammunition, firearms purchasers and owners and their organized representatives, the Sporting Arms and Ammunition Manufacturers' Institute, Inc., and the National Shooting Sports Foundation, Inc.;

(4) experts in ballistics imaging and related fields, such as the Association of Firearm and Tool Mark Examiners, projectile recovery system manufacturers, and ballistic imaging device manufacturers;

(5) foreign officials administering ballistic imaging systems;

(6) individuals or organizations with significant expertise in the field of ballistic imaging technology, as the Attorney General deems necessary.

SEC. 5. REPORT.

Not later than 30 days after the National Research Council of the National Academy of Sciences completes the study conducted under section 3, the National Research Council shall submit to the Attorney General a report on the results of the study, and the Attorney General shall submit to the Congress a report, which shall be made public, that contains—

(1) the results of the study; and

(2) recommendations for legislation, if applicable.

SEC. 6. SUSPENSION OF USE OF FEDERAL FUNDS FOR BALLISTIC IMAGING TECHNOLOGY.

(a) IN GENERAL.—Notwithstanding any other provision of law, a State shall not use Federal funds for ballistic imaging technology until the report referred to in section 5 is completed and transmitted to the Congress.

(b) WAIVER AUTHORITY.—On request of a State, the Secretary of the Treasury may waive the application of subsection (a) to a use of Federal funds upon a showing that the use would be in the national interest.

SEC. 7. DEFINITIONS.

In this Act:

(1) The term ''ballistic imaging technology'' means software and hardware that records electronically, stores, retrieves, and compares the marks or impressions on the cartridge case and projectile of a round of ammunition fired from a handgun or rifle.

(2) The term ''handgun'' has the meaning given the term in section 921(a)(29) of title 18, United States Code.

(3) The term ''rifle'' has the meaning given the term in section 921(a)(7) of title 18, United States Code.

(4) The term ''cartridge case'' means the part of a fully assembled ammunition cartridge that contains the propellant and primer for firing.

(5) The terms ''manually operated handgun'' and ''manually operated rifle'' mean any handgun or rifle, as the case may be, in which all loading, unloading, and reloading of the firing chamber is accomplished through manipulation by the user.

(6) The term ''semiautomatic handgun'' means any repeating handgun which utilizes a portion of the energy of a firing cartridge to extract the fired cartridge case and chamber the next round, which requires a pull of the trigger to fire each cartridge.

(7) The term ''semiautomatic rifle'' has the meaning given the term in section 921(a)(28) of title 18, United States Code.

(8) The term ''projectile'' means that part of ammunition that is, by means of an explosive, expelled through the barrel of a handgun or rifle.

By Mrs. BOXER:

S. 981. A bill to limit the period for which the Federal Government may procure property or services using noncompetitive procedures during emergency and urgent situations; to the Committee on Governmental Affairs.

Mrs. BOXER. Mr. President, today I am introducing legislation is to ensure that American taxpayers and American businesses are protected when the Federal Government procures property or services.

The purpose of this legislation is to close certain loopholes that allow Federal agencies to enter into contracts through a process that does not ensure full and open competition. Current law provides several exceptions that allow Federal agencies to limit competition or provide a sole-source contract. My legislation does not eliminate any of these exceptions, but it does place a 90-day limitation on the broadest exceptions to ensure that a full and fair bidding process takes place as soon as possible.

This bill does not extend the 90-day limitation on sole-source or limited-source contracts when full and open competition is not practicable. For example, the legislation will continue to allow sole-source or limited-source contracts when there is a threat to the national security of the United States or when the property or service is only available from one party.

But we must take a common-sense approach to shield taxpayers from waste and abuse. This bill does just that. I have heard from people throughout my state who believe that the administration is abusing its authority in providing sole-source and limited-source contacts in Iraq.

One example is the sole-source contract worth up to $7 billion that was awarded earlier this year to Kellogg, Brown and Root—a subsidiary of Halliburton—to extinguish oil fires in Iraq. The exception under Federal law used to provide KBR with the sole-source contract was that a full and open bid process would cause unacceptable delays. While it is understandable that oil fires cannot be allowed to burn while an open bid process takes place, it is not acceptable that the term of this contract was 2 years.

Recently, the administration announced that this contract would be terminated and an open bid process take place. While I applaud this move, I fear it would not have happened without the outcry of the American people. My legislation will ensure that certain sole-source contracts will be limited to 90 days. During the 90-day period, a full and open competition would take place so that the long-term contract is awarded to the qualified low-bidder.

It is the responsibility of Congress to ensure that these contracts are awarded in a competitive manner whenever possible. This legislation is a step in the right direction.

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. 981

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 and Taxpayer Procurement Protection Act.''

SECTION 2. LIMITATION ON CONTRACTS AWARDED ON A NONCOMPETITIVE BASIS.

(a) IN GENERAL.—Notwithstanding any other provision of law or regulation, including the Federal Property and Administrative Services Act of 1949, section 2304 of title 10, United States Code, and the Federal Acquisition Regulation—

(1) any procurement for property or services that is not subject to competitive procedures under a provision of law or regulation set forth in subsection (b) may not exceed 90 days; and

(2) if any property or services procured under the limitations of paragraph (1) are required beyond the 90 days referred to in paragraph (1), such property or services shall—

(A) during the 90-day period, be the subject of a full and open competition in accordance with the appropriate law or regulation; and

(B) shall not be procured using procedures other than competitive procedures under a provision of law or regulation set forth in subsection (b).

(b) APPLICABILITY.—The provisions of law and regulations referred to in subsection (a) are the following:

(1) Subsections (c)(2), (c)(3)(A), (c)(7), and (d)(1)(B)(ii) of section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253).

(2) Subsections (c)(2), (c)(3)(A), (c)(7), and (d)(1)(B)(ii) of section 2304 of title 10, United States Code.

(3) Any other provision of law or regulation that provides for the use of noncompetitive procedures for the same or a similar reason as those referred to in clauses (1) and (2).

SECTION 3. EFFECTIVE DATE.

This Act shall apply with respect to contracts entered into after the date of the enactment of this Act.

By Mrs. BOXER (for herself and Mr. SANTORUM):

S. 982. A bill to halt Syrian support for terrorism, end its occupation of Lebanon, stop its development of weapons of mass destruction, cease its illegal importation of Iraqi oil, and hold Syria accountable for its role in the Middle East, and for other purposes; to the Committee on Foreign Relations.

Mrs. BOXER. Mr. President, today I am reintroducing the Syria Accountability Act, a bill that aims to end Syrian support for terrorism by diplomatic and economic means.

It is well known that terrorist organizations like Hizballah, Hamas, and the Popular Front for the Liberation of Palestine maintain offices, training camps, and other facilities on Syrian territory and in areas of Lebanon occupied by the Syrian armed forces. We must address this issue not with saber rattling but by confronting the Government of Syria in a diplomatic way that shows the seriousness of our concerns.

The Syria Accountability Act works to achieve our foreign policy goals by expanding economic and diplomatic sanctions against Syria until the President certifies that Syria has ended its support of terrorism, withdrawn from Lebanon, ceased its chemical and biological weapons program, and no longer illegally imports Iraqi oil. The bill provides flexibility to the President by allowing him to choose from a variety of sanctions, as well as the authority to waive sanctions if it is in the interest of United States national security.

I hope this legislation will receive the support of the Administration and Congress because it provides the President with the flexibility to target specific sanctions against Syria, but in no way threatens or condones the use of military force against Syria.

By Mr. CHAFEE (for himself, Mr. REID, Mr. HATCH, Ms. MIKULSKI, Ms. COLLINS, Mr. LEAHY, Mr. WARNER, Mr. KENNEDY, Mr. VOINOVICH, Mr. BIDEN, Mr. ALLEN, Mrs. CLINTON, Mr. FITZGERALD, MRS. MURRAY, Ms. SNOWE, Mr. JOHNSON, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. REED, and Mr. CORZINE):

S. 983. A bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer; to the Committee on Health, Education, Labor, and Pensions.

Mr. CHAFEE. Mr. President, I am pleased to be joined today by Senator HARRY REID and others in introducing the Breast Cancer and Environmental Research Act of 2003. This bill would establish research centers that would be the first in the Nation to specifically study the environmental factors that may be related to the development of breast cancer. The lack of agreement within the scientific community and among breast cancer advocates on this question highlights the need for further study.

It is generally believed that the environment plays some role in the development of breast cancer, but the extent of that role is not understood. The Breast Cancer and Environmental Research Act of 2003 will enable us to conduct more conclusive and comprehensive research to determine the impact of the environment on breast cancer. Before we can find the answers, we must determine the right questions we should be asking.

While more research is being conducted into the relationship between breast cancer and the environment, there are still several issues that must be resolved to make this research more effective. They are as follows:

There is no known cause of breast cancer. There is little agreement in the scientific community on how the environment affects breast cancer. While studies have been conducted on the links between environmental factors like pesticides, diet, and electromagnetic fields, no consensus has been reached. There are other factors that have not yet been studied that could provide valuable information. While there is much speculation, it is clear that the relationship between environmental exposures and breast cancer is poorly understood.

There are challenges in conducting environmental research. Identifying linkages is difficult. Laboratory experiments and cluster analyses, such as those in Long Island, New York, cannot reveal whether an environmental exposure increases a woman's risk of breast cancer. Epidemiological studies must be designed carefully, because environmental exposures are difficult to measure.

Coordination between the National Institutes of Health, NIH, the National Cancer Institute, NCI, and the National Institute of Environmental Health Sciences, NIEHS, needs to occur. NCI and NIEHS are the two institutes in the NIH that fund most of the research related to breast cancer and the environment; however, comprehensive information is not currently available.

This legislation would establish eight Centers of Excellence to study these potential links. These ''Breast Cancer Environmental Research Centers'' would provide for multi-disciplinary research among basic, clinical, epidemiological and behavioral scientists interested in establishing outstanding, state-of-the-art research programs addressing potential links between the environment and breast cancer. The NIEHS would award grants based on a competitive peer-review process. This legislation would require each Center to collaborate with community organizations in the area, including those that represent women with breast cancer. The bill would authorize $30 million for the next five years for these grants.

''Genetics loads the gun, the environment pulls the trigger,'' as Ken Olden, the Director of NIEHS, frequently says. Many scientists believe that certain groups of women have genetic variations that may make them more susceptible to adverse environmental exposures. We need to step back and gather evidence before we come to conclusions—that is the purpose of this bill. People are hungry for information, and there is a lot of inconclusive data out there, some of which has no scientific merit whatsoever. We have the opportunity through this legislation to gather legitimate and comprehensive data from premier research institutions across the nation.

According to the American Cancer Society, each year 800 women in Rhode Island are diagnosed with breast cancer, and 200 women in my state will die of this terrible disease this year. We owe it to these women who are diagnosed with this life-threatening disease to provide them with answers for the first time.

I urge my colleagues to join me in supporting and cosponsoring this important legislation, and ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 983

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 ''Breast Cancer and Environmental Research Act of 2003''.

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) Breast cancer is the second leading cause of cancer deaths among American women.

(2) More women in the United States are living with breast cancer than any other cancer (excluding skin cancer). Approximately 3,000,000 women in the United States are living with breast cancer, 2,000,000 of which have been diagnosed and an estimated 1,000,000 who do not yet know that they have the disease.

(3) Breast cancer is the most commonly diagnosed cancer among women in the United States and worldwide (excluding skin cancer). In 2003, it is estimated that 258,600 new cases of breast cancer will be diagnosed among women in the United States, 211,300

cases of which will involve invasive breast cancer and 47,300 cases of which will involve ductal carcinoma in situ (DCIS).

(4) Breast cancer is the second leading cause of cancer death for women in the United States. Approximately 40,000 women in the United States die from the disease each year. Breast cancer is the leading cause of cancer death for women in the United States between the ages of 20 and 59, and the leading cause of cancer death for women worldwide.

(5) A woman in the United States has a 1 in 8 chance of developing invasive breast cancer in her lifetime. This risk was 1 in 11 in 1975. In 2001, a new case of breast cancer will be diagnosed every 2 minutes and a woman will die from breast cancer every 13 minutes.

(6) All women are at risk for breast cancer. About 90 percent of women who develop breast cancer do not have a family history of the disease.

(7) The National Action Plan on Breast Cancer, a public private partnership, has recognized the importance of expanding the scope and breadth of biomedical, epidemiological, and behavioral research activities related to the etiology of breast cancer and the role of the environment.

(8) To date, there has been only a limited research investment to expand the scope or coordinate efforts across disciplines or work with the community to study the role of the environment in the development of breast cancer.

(9) In order to take full advantage of the tremendous potential for avenues of prevention, the Federal investment in the role of the environment and the development of breast cancer should be expanded.

(10) In order to understand the effect of chemicals and radiation on the development of cancer, multi-generational, prospective studies are probably required.

SEC. 3. NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES; AWARDS FOR DEVELOPMENT AND OPERATION OF RESEARCH CENTERS REGARDING ENVIRONMENTAL FACTORS RELATED TO BREAST CANCER.

Subpart 12 of part C of title IV of the Public Health Service Act (42 U.S.C. 285L et seq.) is amended by adding at the end the following section:

"SEC. 463B. RESEARCH CENTERS REGARDING ENVIRONMENTAL FACTORS RELATED TO BREAST CANCER.

''(a) IN GENERAL.—The Director of the Institute, based on recommendations from the Breast Cancer and Environmental Research Panel established under subsection (b) (referred to in this section as the 'Panel') shall make grants, after a process of peer review and programmatic review, to public or nonprofit private entities for the development and operation of not more than 8 centers for the purpose of conducting multidisciplinary and multi-institutional research on environmental factors that may be related to the etiology of breast cancer. Each such center shall be known as a Breast Cancer and Environmental Research Center of Excellence.

''(b) BREAST CANCER AND ENVIRONMENTAL RESEARCH PANEL.—

''(1) ESTABLISHMENT.—The Secretary shall establish in the Institute of Environmental Health Sciences a Breast Cancer and Environmental Research Panel.

''(2) COMPOSITION.—The Panel shall be composed of—

''(A) 9 members to be appointed by the Secretary, of which—

''(i) six members shall be appointed from among physicians, and other health professionals, who—

''(I) are not officers or employees of the United States;

''(II) represent multiple disciplines, including clinical, basic, and public health sciences;

''(III) represent different geographical regions of the United States;

''(IV) are from practice settings or academia or other research settings; and

''(V) are experienced in biomedical review; and

''(ii) three members shall be appointed from the general public who are representatives of individuals who have had breast cancer and who represent a constituency; and

''(B) such nonvoting, ex officio members as the Secretary determines to be appropriate.

''(3) CHAIRPERSON.—The members of the Panel appointed under paragraph (2)(A) shall select a chairperson from among such members.

''(4) MEETINGS.—The Panel shall meet at the call of the chairperson or upon the request of the Director, but in no case less often than once each year.

''(5) DUTIES.—The Panel shall—

''(A) oversee the peer review process for the awarding of grants under subsection (a) and conduct the programmatic review under such subsection;

''(B) make recommendations with respect to the funding criteria and mechanisms under which amounts will be allocated under this section; and

''(C) make final programmatic recommendations with respect to grants under this section.

''(c) COLLABORATION WITH COMMUNITY.—Each center under subsection (a) shall establish and maintain ongoing collaborations with community organizations in the geographic area served by the center, including those that represent women with breast cancer.

''(d) COORDINATION OF CENTERS; REPORTS.—The Director of the Institute shall, as appropriate, provide for the coordination of information among centers under subsection (a) and ensure regular communication between such centers, and may require the periodic preparation of reports on the activities of the centers and the submission of the reports to the Director.

''(e) REQUIRED CONSORTIUM.—Each center under subsection (a) shall be formed from a consortium of cooperating institutions, meeting such requirements as may be prescribed by the Director of the Institute. Each center shall require collaboration among highly accomplished scientists, other health professionals and advocates of diverse backgrounds from various areas of expertise.

''(f) DURATION OF SUPPORT.—Support of a center under subsection (a) may be for a period not exceeding 5 years. Such period may be extended for one or more additional periods not exceeding 5 years if the operations of such center have been reviewed by an appropriate technical and scientific peer review group established by the Director of the Institute and if such group has recommended to the Director that such period should be extended.

''(g) GEOGRAPHIC DISTRIBUTION OF CENTERS.—The Director of the Institute shall, to the extent practicable, provide for an equitable geographical distribution of centers under this section.

''(h) INNOVATIVE APPROACHES.—Each center under subsection (a) shall use innovative approaches to study unexplored or under-explored areas of the environment and breast cancer.

''(i) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there is authorized to be appropriated $30,000,000 for each of the fiscal years 2004 through 2009. Such authorization is in addition to any other authorization of appropriations that is available for such purpose.''.

Mr. REID. Mr. President, I am pleased to join Senator CHAFEE in reintroducing the Breast Cancer and Environmental Research Act. Senator CHAFEE and I serve together on the Environment and Public Works Committee where we have had the opportunity to take a closer look at different environment-related health concerns. After a number of children in the small town of Fallon, NV, were diagnosed with leukemia, the committee traveled to Nevada to investigate what environmental factors may have contributed to the cancer cluster.

The Fallon hearing reminded me how little we know about what causes cancer and what, if any, connection exists between the environment and cancer. Three decades have passed since President Nixon declared the ''War on Cancer'' and scientists are still struggling with these and other crucial unanswered questions about cancer. This is particularly true in the case of breast cancer. We still don't know what causes breast cancer. We don't know if the environment plays a role in the development of breast cancer, and if it does, we don't know how significant that role is. In our search for answers about breast cancer, we need to make sure we are asking the right questions.

To date, there has been only a limited research investment to study the role of the environment in the development of breast cancer. More research needs to be done to determine the impact of the environment on breast cancer. The Breast Cancer and Environmental Research Act would give scientists the tools they need to pursue a better understanding about what links between the environment and breast cancer may exist. Specifically, our bill would authorize $30 million to the National Institute of Environmental Health Sciences to establish eight Centers of Excellence that would focus on breast cancer and the environment.

In the year 2003 alone, it is estimated that 258,600 new cases of breast cancer will be diagnosed among women in the United States. In Nevada, an estimated 1400 new cases will be diagnosed in 2003, and tragically, approximately 300 women in Nevada will die of breast cancer this year. If we miss promising research opportunities because of Congress' failure to act, millions of women and their families will face critical unanswered questions about breast cancer. During the 107th Congress, almost half of the Senate cosponsored this important legislation. There is no reason we should not be able to work together during this session to pass this bill so we can find answers for the millions of Americans affected by breast cancer. I urge my colleagues to join in our quest for answers about this deadly disease and to support the Breast Cancer and Environmental Research Act.

By Mr. BAUCUS:

S. 984. A bill to direct the Secretary of the Interior to evaluate opportunities to enhance domestic oil and gas

production through the exchange of nonproducing Federal oil and gas leases located in the Lewis and Clark National Forest, in the Flathead National Forest, and on Bureau of Land Management land in the State of Montana, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BAUCUS. Mr. President, I am introducing a bill today that I hope will take us one step closer to achieving permanent protections for Montana's magnificent Rocky Mountain Front.

The Front, as we call it back home, is part of one of the largest and most intact wild places left in the lower 48. To the North, the Front includes a 200 square mile area known as the Badger-Two Medicine in the Lewis and Clark National Forest. This area sits just south-east of Glacier National Park, one of our greatest national treasures. The Badger-Two Medicine area is sacred ground to the Blackfeet Tribe. In January of 2002, portions of the Badger-Two, known as the Badger-Two Medicine Blackfoot Traditional Cultural District, were declared eligible for listing in the National Register of Historic Places.

South of the Badger-Two, the Front includes a 400 square mile strip of national forest land and about 20 square miles of BLM lands, including three BLM Outstanding Natural Areas.

Not only does the Front still retain almost all its native species, but it also harbors the country's largest bighorn sheep herd and second largest elk herd. The Rocky Mountain Front supports one of the largest populations of grizzly bears south of Canada and is the only place in the lower 48 states where grizzly bears still roam from the mountains to their historic range on the plains.

Because of this exceptional habitat, the Front offers world renowned hunting, fishing and recreational opportunities. Sportsmen, local land owners, hikers, local communities and many other Montanans have worked for decades to protect and preserve the Front for future generations.

In short, a majority of Montanans feel very strongly that oil and gas development, and Montana's Rocky Mountain Front, just don't mix. The habitat is too rich, the landscape too important, to subject it to the roads, drills, pipelines, industrial equipment, chemicals, noise and human activity that come with oil and gas development.

Building upon a significant public and private conservation investment and following an extensive public comment process, the Lewis and Clark National Forest decided in 1997 to withdraw for 15 years 356,000 acres in the Front from any new oil and gas leasing. This was a significant first step in protecting the Front from development that I wholeheartedly supported.

However, in many parts of the Rocky Mountain Front, oil and gas leases exist that pre-date the 1997 decision or are located in the Badger-Two Medicine area, where the lease suspension could be lifted soon. These leaseholders have invested time and resources in acquiring their leases. Several leaseholders have applied to the federal government for permits to drill. These leases are the subject of my proposed bill.

History has shown that energy exploration and development in the Front is likely to result in expensive and time-consuming environmental studies and litigation. This process rarely ends with a solution that is satisfactory to the oil and gas lessee. For example, in the late 1980's both Chevron and Fina applied for permits to drill in the Badger Two Medicine portion of the Front.

After millions of dollars spent on studies and years of public debate, Chevron abandoned or assigned all of its lease rights, and Fina sold its lease rights back to the original owner.

Therefore, I think we should be fair to those leaseholders. We want them to continue to provide for our domestic oil and gas needs, but they are going to have a long, difficult and expensive road if they wish to develop oil and gas in the Rocky Mountain Front.

My legislation would direct the Interior Department to evaluate non-producing leases in the Rocky Mountain Front and look at opportunities to cancel those leases, in exchange for allowing leaseholders to explore for oil and gas somewhere else, namely in the Gulf of Mexico or in the State of Montana. In conducting this evaluation, the Secretary would have to consult with leaseholders, with the State of Montana, the public and other interested parties.

When Interior concludes this study in two years, the bill calls for the agency to make recommendations to Congress and the Energy and Natural Resources Committee on the advisability of pursuing lease exchanges in the Front and any changes in law and regulation needed to enable the Secretary to undertake such an exchange.

Finally, in order to allow the Secretary to conduct this study, my bill would continue the current lease suspension in the Badger-Two Medicine Area for three more years. This lease suspension would only apply to the Badger-Two Medicine Area, not the entire Front.

That's it, that's all my bill does. It doesn't predetermine any outcome, it doesn't impact any existing exploration activities or environmental processes. It just creates a process through which the federal government, the people of Montana and leaseholders can finally have a real, open and honest discussion about the fate of the Rocky Mountain Front.

I would also point out that the Administration recently completed an inventory of the onshore oil and gas reserves on federal lands in five basins in the Interior West, including the Rocky Mountain Front, also known as the Montana Thrust Belt. The Administration's study found that this area contains the smallest volumes of oil and gas resources of all five of the Western inventory areas. For example, the mean estimate of all natural gas reserves in the Uinta/Pinceance Basin in Colorado and Utah is 22 trillion cubic feet. In the Front, the mean estimate is only 8.6 trillion cubic feet.

Additionally, the study concluded that in reality, the vast majority of Federal lands in the interior West are available for leasing with few if any restrictions. Although a large percentage of federal lands in the Front are currently unavailable for leasing, many of those lands are unavailable because they lie under Glacier National Park, Indian lands, and already established wilderness areas, which comprise much of the Federal land in the Front. So, not only is the Front relatively poor in terms of oil and gas reserves, many of those reserves—by Congressional mandate, executive order or treaty—will never be available for leasing.

We should look for ways to fairly compensate leaseholders for investments they've made in their leases if they decide to leave the Front rather than waste years and millions fighting to explore for uncertain—and small—oil and gas reserves. A lot of Montanans just don't want to see the Front developed, and they will fight to protect it. Including me.

So, developers can wait years, or decades, or most likely never, for oil and gas to flow from the Front. Or we can look at ways to encourage domestic production much sooner, in much more cost effective, appropriate and efficient ways somewhere else.

That is what I hope this legislation will accomplish Mr. President, and I hope my colleagues in the Senate will support it.

By Mr. DODD (for himself, Ms. COLLINS, Mrs. CLINTON, Mr. CORZINE, Ms. CANTWELL, Mr. DURBIN, Mr. GRASSLEY, Mr. LEAHY, Ms. SNOWE, Mr. REED, Mr. BIDEN, Mrs. FEINSTEIN, Mr. SCHUMER, Mr. LIEBERMAN, Mr. WARNER, Mr. JOHNSON, Mrs. MURRAY, Mr. CARPER, Mr. KERRY, Mr. BAUCUS, Mr. REID, Mr. SARBANES, and Mr. JEFFORDS):

S. 985. A bill to amend the Federal Law Enforcement Pay Reform Act of 1990 to adjust the percentage differentials payable to Federal law enforcement officers in certain high-cost areas, and for other purposes; to the Committee on Governmental Affairs.

Mr. DODD. Mr. President, I rise today to introduce legislation that is important to America's Federal law enforcement officers and the people they protect across the country. I am joined today by Senator COLLINS, Senator CLINTON, Senator CORZINE, Senator CANTWELL, Senator DURBIN, Senator GRASSLEY, Senator LEAHY, Senator SNOWE, Senator REED, Senator BIDEN, Senator FEINSTEIN, Senator SCHUMER,

Senator LIEBERMAN, Senator WARNER, Senator JOHNSON, Senator MURRAY, Senator CARPER, Senator KERRY, Senator BAUCUS, Senator REID, Senator SARBANES, and Senator JEFFORDS.

The legislation that we are offering will amend the Federal Law Enforcement Pay Reform Act of 1990 to ensure that the government treats Federal law enforcement officers fairly. This bill will partially increase the locality pay adjustments paid to Federal agents in certain high cost areas. These areas have pay disparities so high they are negatively affecting our Federal law enforcement officers, since locality pay adjustments have either not been increased since 1990, or have been increased negligibly.

All over America, Federal law enforcement personnel are enduring tremendous stress associated with our Nation's effort to protect citizens from the threat of terrorism. Unfortunately, that stress has been compounded by ongoing pressing concerns among many such personnel about their pay. I have heard from officers who have described long commutes, high personal debts, and in some cases, almost all-consuming concerns about financial insecurity. Many of these problems occur when agents or officers are transferred from low-cost parts of the country to high-cost areas. I have been told that some Federal officers are forced to separate from their families and rent rooms in the cities to which they have been transferred because they cannot afford to rent or buy homes large enough for a family.

Unfortunately, the raise in the cost of living in many cities across America has outstripped our Federal pay system. I recognize that this is a problem for other Federal employees and I am prepared to work with my colleagues to address this larger issue. The cost of living has also had a very negative impact on non-federal employees as well and I have consistently worked to ensure that all working Americans enjoy a truly livable wage. The legislation that we are introducing today in no way suggests that the needs of other workers should be ignored, but it acknowledges that as we continue to ask Federal law enforcement personnel to put in long hours and remain on heightened alert, we must provide them with a salary sufficient to allow them to focus on their vital work without nagging worries about how to provide their families with the essentials of food, clothing, and shelter.

The Federal Law Enforcement Officers Association, representing more than 19,000 Federal agents, along with the Fraternal Order of Police, National Association of Police Organizations, National Troopers Coalition, National Organization of Black Law Enforcement Executives, International Brotherhood of Police, and the Police Executive Research Forum have endorsed this legislative proposal.

In these difficult times, we must remain committed to recruiting, hiring, and retaining law enforcement officers of the highest caliber. However, we must also recognize that the Federal government is in competition with State and Local police departments that often pay more and provide better standards of living.

I urge all of my colleagues to join us in this effort. I hope that we can quickly pass this important legislation because it will improve the lives of the men and women who are dedicated to protecting us. In so doing, it will improve the Nation's domestic security.

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. 985

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

SECTION 1. ADJUSTED DIFFERENTIALS.

(a) IN GENERAL.—Paragraph (1) of section 404(b) of the Federal Law Enforcement Pay Reform Act of 1990 (5 U.S.C. 5305 note) is amended by striking the matter after ''follows:'' and inserting the following:

''Area	Differential
Atlanta Consolidated Metropolitan Statistical Area	16.82%
Boston-Worcester-Lawrence, MA-NH-ME-CT-RI Consolidated Metropolitan Statistical Area	24.42%
Chicago-Gary-Kenosha, IL-IN-WI Consolidated Metropolitan Statistical Area	25.68%
Cincinnati-Hamilton, OH-KY-IN Consolidated Metropolitan Statistical Area	21.47%
Cleveland Consolidated Metropolitan Statistical Area	17.83%
Columbus Consolidated Metropolitan Statistical Area	16.90%
Dallas Consolidated Metropolitan Statistical Area	18.51%
Dayton Consolidated Metropolitan Statistical Area	15.97%
Denver-Boulder-Greeley, CO Consolidated Metropolitan Statistical Area	22.78%
Detroit-Ann Arbor-Flint, MI Consolidated Metropolitan Statistical Area	25.61%
Hartford, CT Consolidated Metropolitan Statistical Area	24.47%
Houston-Galveston-Brazoria, TX Consolidated Metropolitan Statistical Area	30.39%
Huntsville Consolidated Metropolitan Statistical Area	13.29%
Indianapolis Consolidated Metropolitan Statistical Area	13.38%
Kansas City Consolidated Metropolitan Statistical Area	14.11%
Los Angeles-Riverside-Orange County, CA Consolidated Metropolitan Statistical Area	27.25%
Miami-Fort Lauderdale, FL Consolidated Metropolitan Statistical Area	21.75%
Milwaukee Consolidated Metropolitan Statistical Area	17.45%
Minneapolis-St. Paul, MN-WI Consolidated Metropolitan Statistical Area	20.27%
New York-Northern New Jersey-Long Island, NY-NJ-CT-PA Consolidated Metropolitan Statistical Area	27.11%
Orlando, FL Consolidated Metropolitan Statistical Area	14.22%
Philadelphia-Wilmington-Atlantic City, PA-NJ-DE-MD Consolidated Metropolitan Statistical Area	21.03%
Pittsburgh Consolidated Metropolitan Statistical Area	14.89%
Portland-Salem, OR-WA Consolidated Metropolitan Statistical Area	20.96%
Richmond Consolidated Metropolitan Statistical Area	16.46%
Sacramento-Yolo, CA Consolidated Metropolitan Statistical Area	20.77%
San Diego, CA Consolidated Metropolitan Statistical Area	22.13%
San Francisco-Oakland-San Jose, CA Consolidated Metropolitan Statistical Area	32.98%
Seattle-Tacoma-Bremerton, WA Consolidated Metropolitan Statistical Area	21.18%
St. Louis Consolidated Metropolitan Statistical Area	14.69%
Washington-Baltimore, DC-MD-VA-WV Consolidated Metropolitan Statistical Area	19.48%
Rest of United States Consolidated Metropolitan Statistical Area	14.19%''.

(b) SPECIAL RULES.—For purposes of the provision of law amended by subsection (a)—

(1) the counties of Providence, Kent, Washington, Bristol, and Newport, RI, the counties of York and Cumberland, ME, and the city of Concord, NH, shall be treated as if located in the Boston-Worcester-Lawrence, MA-NH-ME-CT-RI Consolidated Metropolitan Statistical Area; and

(2) members of the Capitol Police shall be considered to be law enforcement officers within the meaning of section 402 of the Federal Law Enforcement Pay Reform Act of 1990.

(c) EFFECTIVE DATE.—The amendment made by subsection (a)—

(1) shall take effect as if included in the Federal Law Enforcement Pay Reform Act of 1990 on the date of the enactment of such Act; and

(2) shall be effective only with respect to pay for service performed in pay periods beginning on or after the date of the enactment of this Act.

Subsection (b) shall be applied in a manner consistent with the preceding sentence.

SEC. 2. SEPARATE PAY, EVALUATION, AND PROMOTION SYSTEM FOR FEDERAL LAW ENFORCEMENT OFFICERS.

(a) STUDY.—Not later than 6 months after the date of the enactment of this Act, the Office of Personnel Management shall study and submit to Congress a report which shall contain its findings and recommendations regarding the need for, and the potential benefits to be derived from, the establishment of a separate pay, evaluation, and promotion system for Federal law enforcement officers. In carrying out this subsection, the Office of Personnel Management shall take into account the findings and recommendations contained in the September 1993 report of the Office entitled ''A Plan to Establish a New Pay and Job Evaluation System for Federal Law Enforcement Officers''.

(b) DEMONSTRATION PROJECT.—

(1) IN GENERAL.—If, after completing its report under subsection (a), the Office of Personnel Management considers it to be appropriate, the Office shall implement, within 12 months after the date of the enactment of this Act, a demonstration project to determine whether a separate system for Federal law enforcement officers (as described in subsection (a)) would result in improved Federal personnel management.

(2) APPLICABLE PROVISIONS.—Any demonstration project under this subsection shall be conducted in accordance with the provisions of chapter 47 of title 5, United States Code, except that a project under this subsection shall not be taken into account for purposes of the numerical limitation under section 4703(d)(2) of such title.

(3) PERMANENT CHANGES.—Not later than 6 months before the demonstration project's scheduled termination date, the Office of Personnel Management shall submit to Congress—

(A) its evaluation of the system tested under the demonstration project; and

(B) recommendations as to whether or not that system (or any aspects of that system) should be continued or extended to other Federal law enforcement officers.

(c) FEDERAL LAW ENFORCEMENT OFFICER DEFINED.—In this section, the term ''Federal law enforcement officer'' means a law enforcement officer as defined under section 8331(20) or 8401(17) of title 5, United States Code.

SEC. 3. LIMITATION ON PREMIUM PAY.

(a) IN GENERAL.—Section 5547 of title 5, United States Code, is amended—

(1) in subsection (a), by striking ''5545a,'';

(2) in subsection (c), by striking ''or 5545a''; and

(3) in subsection (d), by striking the period and inserting ''or a criminal investigator who is paid availability pay under section 5545a.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of section 1114 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1239).

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 130—EXPRESSING THE SENSE OF THE SENATE THAT PUBLIC SERVANTS SHOULD BE COMMENDED FOR THEIR DEDICATION AND CONTINUED SERVICE TO THE NATION DURING PUBLIC SERVICE RECOGNITION WEEK

Mr. AKAKA (for himself, Mr. FITZGERALD, Ms. COLLINS, Mr. LIEBERMAN, Mr. VOINOVICH, Mr. DURBIN, Mr. COLEMAN, and Mr. LEVIN) submitted the following resolution; which was referred to the Committee on Governmental Affairs:

S. RES. 130

Whereas Public Service Recognition Week provides an opportunity to honor and celebrate the commitment of individuals who meet the needs of the Nation through work at all levels of government;

Whereas over 20,000,000 men and women work in government service in every city, county, and State across America and in hundreds of cities abroad;

Whereas Federal, State, and local officials perform essential services the Nation relies upon every day;

Whereas the United States of America is a great and prosperous Nation, and public service employees have contributed significantly to that greatness and prosperity;

Whereas the Nation benefits daily from the knowledge and skills of these highly trained individuals;

Whereas public servants—

(1) help the Nation recover from natural disasters and terrorist attacks;

(2) fight crime and fire;

(3) deliver the mail;

(4) teach and work in the schools;

(5) deliver social security and medicare benefits;

(6) fight disease and promote better health;

(7) protect the environment and national parks;

(8) defend and secure critical infrastructure;

(9) improve and secure transportation and the quality and safety of water and food;

(10) build and maintain roads and bridges;

(11) provide vital strategic and support functions to our military;

(12) keep the Nation's economy stable;

(13) defend our freedom; and

(14) advance United States interests around the world;

Whereas public servants at the Federal, State, and local level are the first line of defense in maintaining homeland security;

Whereas public servants at every level of government are hard-working men and women, committed to doing a good job regardless of the circumstances;

Whereas Federal, State, and local government employees have risen to the occasion and demonstrated professionalism, dedication, and courage while fighting the war against terrorism;

Whereas the men and women serving in the Armed Forces of the United States, as well as those Federal employees who provide support to their efforts, contribute greatly to the security of the Nation and the world;

Whereas May 5 through 11, 2003, has been designated Public Service Recognition Week to honor America's Federal, State, and local government employees; and

Whereas Public Service Recognition Week will be celebrated through job fairs, student activities, and agency exhibits: Now, therefore, be it

Resolved, That the Senate—

(1) commends government employees for their outstanding contributions to this great Nation;

(2) salutes their unyielding dedication and spirit for public service;

(3) honors those public servants who have given their lives in service to their country;

(4) calls upon a new generation of workers to consider a career in public service as an honorable profession; and

(5) encourages efforts to promote public service careers at all levels of government.

Mr. AKAKA. Mr. President. Today I rise to pay tribute to the hard-working men and women who dedicate their lives to public service. Whether it is on the Federal, State, or local level, public servants perform essential functions that Americans rely on every day. For this reason, it is a privilege to submit a resolution to honor these employees for Public Service Recognition Week. I am delighted to be joined in this effort by Senators FITZGERALD, COLLINS, LIEBERMAN, VOINOVICH, DURBIN, COLEMAN, and LEVIN.

Public Service Recognition Week takes place the week of May 5, 2003. Since 1985, the first week in May showcases the talented men and women who serve America as Federal, State and local government employees. Throughout the Nation and around the world, public employees use the week to educate their fellow citizens how government serves them, and how government services make life better for all of us.

For example, public servants help the Nation recover from natural disasters and terrorist attacks; fight crime and fire; deliver the mail; teach our children; provide local transportation; protect the environment; fight disease and promote better health; improve the quality and safety of water and food; and defend our freedom. Since September 11, 2001, public servants at the Federal, State, and local level worked around the clock to prevent terrorist attacks and reduce our vulnerability to future attacks in addition to carrying out their other job related responsibilities. Such dedication and hard work deserve our recognition.

I would like to pay particular attention to the men and women who serve in our armed forces, and the civilian employees who support their missions. These employees are key to the security and defense of our Nation. From the war against terrorism to Operation Iraqi Freedom, our military and civilian support staff show courage in the face of adversity. They too are ready, willing, and able to make this a safer world.

While Public Service Recognition Week represents an opportunity for us to honor and celebrate the commitment of individuals who serve the needs of the Nation as government and municipal employees, it is also a time to call on a new generation of Americans to consider public service. As my colleagues know, the Federal Government is facing a crisis in its recruitment and retention efforts. The problem is so critical that the General Accounting Office, GAO, has placed the so-called 'human capital crisis' on its High Risk List. According to the GAO, nearly 50 percent of the Federal workforce will be eligible to retire by 2005. Although no one knows how many will actually retire, this situation poses serious challenges for succession planning in addition to mission performance. Public Service Recognition Week provides an opportunity for individuals to gain a deeper understanding of the exciting and challenging work in the Federal Government and career opportunities available.

I invite my colleagues to honor the patriotic commitment to public service that our Federal employees exemplify and to join in the Federal Government's annual celebration. During the week there will be an extensive exhibit on the National Mall in Washington, D.C., showcasing many of our Federal agencies and branches of the military, as well as highlighting the services these agencies provide. In addition to the Mall exhibits, I encourage my colleagues to recognize Federal employees in their states, as well as State and local government employees, to let them know how much their work is appreciated.

SENATE RESOLUTION 131—EXPRESSING THE SENSE OF THE SENATE THAT THE PRESIDENT SHOULD AWARD THE PRESIDENTIAL MEDAL OF FREEDOM TO GENERAL RAYMOND G. DAVIS, USMC (RETIRED)

Mr. MILLER (for himself, Mr. BURNS, Mr. WARNER, Mr. CHAMBLISS, and Mr. ROBERTS) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 131

Whereas General Raymond G. Davis courageously served his country as a Marine in World War II, Korea, and Vietnam during 33 years of highly distinguished service;

Whereas General Davis was presented with the Medal of Honor by President Harry Truman for his heroic action in Korea;

Whereas General Davis culminated his extraordinary career in the Marines by serving as Assistant Commandant to the Marine Corps in 1972;

Whereas General Davis has worked tirelessly on behalf of military veterans since his retirement;

Whereas General Davis' determination and initiative led to the approval of the Korean War Veterans Memorial design, construction, and dedication in July of 1995;

Whereas General Davis has devoted a significant amount of time and energy to the ongoing construction of a Georgia War Veterans Memorial Park in Rockdale County, Georgia; and

Whereas General Davis, as an active duty Marine and as a private citizen, has demonstrated exemplary courage, unwavering devotion to duty, inspiring leadership, and sound judgment: Now, therefore, be it

Resolved, That it is the sense of the Senate that the President should award the Presidential Medal of Freedom to General Raymond G. Davis, USMC (retired).

AMENDMENTS SUBMITTED & PROPOSED

SA 533. Mr. MCCONNELL (for Mr. LUGAR) proposed an amendment to the joint resolution S.J. Res. 3, expressing the sense of Congress with respect to human rights in Central Asia.

SA 534. Mr. MCCONNELL (for Mr. LUGAR) proposed an amendment to the joint resolution S.J. Res. 3, supra.

TEXT OF AMENDMENTS

SA 533. Mr. MCCONNELL (for Mr. LUGAR) proposed an amendment to the joint resolution S.J. Res. 3, expressing the sense of Congress with respect to human rights in Central Asia; as follows:

Strike all after the resolving clause and insert the following:

That it is the sense of Congress that—

(1) the governments of Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan should accelerate democratic reforms and fulfill their human rights obligations, including, where appropriate, by—

(A) releasing from prison anyone jailed for peaceful political activism or the nonviolent expression of their political or religious beliefs;

(B) fully investigating any credible allegations of torture and prosecuting those responsible;

(C) permitting the free and unfettered functioning of independent media outlets, independent political parties, and nongovernmental organizations, including by easing registration processes;

(D) permitting the free exercise of religious beliefs and ceasing the persecution of members of religious groups and denominations that do not engage in violence or political change through violence;

(E) holding free, competitive, and fair elections; and

(F) making publicly available documentation of their revenues and punishing those engaged in official corruption;

(2) the President, the Secretary of State, and the Secretary of Defense should—

(A) continue to raise at the highest levels with the governments of the nations of Central Asia specific cases of political and religious persecution, and to urge greater respect for human rights and democratic freedoms at every diplomatic opportunity;

(B) take progress in meeting the goals specified in paragraph (1) into account when determining the scope and nature of our diplomatic and military relations and assistance with each of such governments;

(C) ensure that the provisions of foreign operations appropriations Acts are fully implemented to ensure that no United States assistance benefits security forces in Central Asia that are implicated in violations of human rights;

(D) press the Government of Turkmenistan to implement the helpful recommendations contained in the so-called ''Moscow Mechanism'' Report of the Organization for Security and Cooperation in Europe (OSCE) respect the right of all prisoners to due process and a fair trial and release democratic activists and their family members from prison;

(E) urge the Government of Russia not to extradite to Turkmenistan members of the political opposition of Turkmenistan;

(F) work with the Government of Kazakhstan to create a political climate free of intimidation and harassment, including releasing political prisoners and permitting the return of political exiles, and to reduce official corruption, including by urging the Government of Kazakhstan to cooperate with the ongoing Department of Justice investigation;

(G) support through United States assistance programs individuals, nongovernmental organizations, and media outlets in Central Asia working to build more open societies, to support the victims of human rights abuses, and to expose official corruption; and

(H) press the Government of Uzbekistan to implement fully the recommendations made to the Government of Uzbekistan by the United Nation's Special Rapporteur on Torture; and

(3) increased levels of United States assistance to the governments of the nations of Central Asia made possible by their cooperation in the war in Afghanistan can be sustained only if there is substantial and continuing progress towards meeting the goals specified in paragraph (1).

SA 534. Mr. MCCONNELL (for Mr. LUGAR) proposed an amendment to the joint resolution S.J. Res. 3, expressing the sense of Congress with respect to human rights in Central Asia; as follows:

Strike the preamble and insert the following:

Whereas the Central Asian nations of Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan are providing the United States with assistance in the war in Afghanistan, from military basing and overflight rights to the facilitation of humanitarian relief;

Whereas in turn the United States victory over the Taliban in Afghanistan provides important benefits to the Central Asian nations by removing a regime that threatened their security and by significantly weakening the Islamic Movement of Uzbekistan, a terrorist organization that had previously staged armed raids from Afghanistan into the region;

Whereas the United States has consistently urged the nations of Central Asia to open their political systems and economies and to respect human rights, both before and since the attacks of September 11, 2001;

Whereas Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan are members of the United Nations and the Organization for Security and Cooperation in Europe (OSCE), both of which confer a range of obligations with respect to human rights on their members;

Whereas while the United States recognizes marked differences among the social structures and commitments to democratic and economic reform of the Central Asian nations, the United States notes nevertheless, according to the State Department Country Reports on Human Rights Practices, that all five governments of such nations, to differing degrees, restrict freedom of speech and association, restrict or ban the activities of human rights organizations and other non-governmental organizations, harass or prohibit independent media, imprison political opponents, practice arbitrary detention and arrest, and engage in torture and extrajudical executions;

Whereas by continuing to suppress human rights and to deny citizens peaceful, democratic means of expressing their convictions, the nations of Central Asia risk fueling popular support for violent and extremist movements, thus undermining the goals of the war on terrorism;

Whereas President George W. Bush has made the defense of human dignity, the rule of law, limits on the power of the state, respect for women and private property, free speech, equal justice, religious tolerance strategic goals of United States foreign policy in the Islamic world, arguing that ''a truly strong nation will permit legal avenues of dissent for all groups that pursue their aspirations without violence''; and

Whereas Congress has expressed its desire to see deeper reform in Central Asia in past resolutions and other legislation, most recently conditioning assistance to Uzbekistan and Kazakhstan on their progress in meeting commitments to the United States on human rights and democracy: Now, therefore, be it

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, May 1, 2003, at 9:30 a.m. in SR–253 on pending committee business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, May 1, 2003, at 2:30 p.m. in SR–253 on Nanotechnology.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, on Thursday, May 1, at 10:00 a.m. to consider Comprehensive Energy Legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, May 1, 2003 at 10:00 a.m. to hold a Nomination Hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Thursday, May 1, 2003 at 10:00 a.m. for a hearing entitled ''Investing in Homeland Security: Streamlining and Enhancing Homeland Security Grant Programs.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on ''Judicial Nominations'' on Thursday, May 1, 2003, at 10:30 a.m. in Dirksen Room 226.

I. Nominations: Carolyn B. Kuhl to be US Circuit Judge for the Ninth Circuit, John G. Roberts, Jr. to be US Circuit Judge for the District of Columbia Circuit, J. Leon Holmes to be US District Judge for the Eastern District of Arkansas, and Patricia Head Minaldi to be United States District Judge for the Western District of Louisiana.

II. Bills: S. Res. 75, A resolution commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers [CAMPBELL, LEAHY, HATCH, BIDEN, DURBIN].

THE PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate for a roundtable entitled ''SBA Re-Authorization: Credit Programs (Part II)'' and other matters on Thursday, May 1, 2003, beginning at 9:30 a.m. in room 428A of the Russell Senate Office Building.

THE PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, May 1, 2003 at 2:30 p.m. to hold a closed mark-up.

THE PRESIDING OFFICER. Without objection, it is so ordered.

FOREIGN CURRENCY REPORTS

In accordance with the appropriate provisions of law, the Secretary of the Senate herewith submits the following reports for standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel:

AMENDED FROM 2002 4TH QUARTER—CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS FOR TRAVEL FROM OCT. 1, TO DEC. 31, 2002

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Jon Kamarck:									
Japan	Dollar		1,356.00		7,155.21				8,511.21
Total			1,356.00		7,155.21				8,511.21

TED STEVENS,
Chairman, Committee on Appropriations, Apr. 2, 2003.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2003

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Bill Nelson:									
Haiti	Dollar		46.00						46.00
Karen Cully:									
Haiti	Dollar						110.00		110.00
Senator John McCain:									
Germany	Euro		518.00						518.00
Senator Joseph I. Lieberman:									
Germany	Euro		600.00						600.00
Senator Jack Reed:									
Germany	Euro		476.95						476.95
Senator Lindsey Graham:									
Germany	Euro		650.00						650.00
Frederick M. Downey:									
Germany	Euro		632.00						632.00
Daniel C. Twining:									
Germany	Euro		720.00						720.00
Senator John Warner:									
Italy	Dollar		109.00						109.00
Qatar	Dollar		305.00						305.00
Pakistan	Dollar		46.00						46.00
Kuwait	Dollar		258.00						258.00
United Kingdom	Dollar		223.00						223.00
Senator Carl Levin:									
Qatar	Dollar		290.00						290.00
Pakistan	Dollar		46.00						46.00
Kuwait	Dollar		258.00						258.00
United Kingdom	Dollar		449.00						449.00
Senator Pat Roberts:									
Italy	Dollar		189.00						189.00
Qatar	Dollar		568.00						568.00
Pakistan	Dollar		320.00						320.00
Kuwait	Dollar		439.00						439.00

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2003—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
United Kingdom	Dollar		449.00						449.00
Judith A. Ansley:									
Italy	Dollar		111.00						111.00
Qatar	Dollar		391.00						391.00
Pakistan	Dollar		87.00						87.00
Kuwait	Dollar		259.00						259.00
United Kingdom	Dollar		278.00						278.00
Richard D. DeBobes:									
Qatar	Dollar		393.00						393.00
Italy	Dollar		119.00						119.00
Pakistan	Dollar		67.00						67.00
Kuwait	Dollar		270.00						270.00
United Kingdom	Dollar		261.00						261.00
John F. Eisold:									
Italy	Dollar		59.00						59.00
Qatar	Dollar		305.50						305.50
Pakistan	Dollar		300.00						300.00
Kuwait	Dollar		303.00						303.00
United Kingdom	Dollar		295.00						295.00
Charles W. Alsup:									
Colombia	Peso		445.70		1,451.90		31.25		1,928.85
Evelyn N. Farkas:									
Colombia	Peso		385.12		1,451.90				1,837.02
Total			11,921.27		2,903.80		141.25		14,966.32

JOHN WARNER,
Chairman, Committee on Armed Services, Apr. 1, 2003.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE. UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 17504(b), COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2003

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Richard Shelby:									
United States	Dollar				7,954.40				7,954.40
United Kingdom	Pound		772.00		3,041.39				3,813.39
Switzerland	Franc		952.00						952.00
Kathleen L. Casey:									
United States	Dollar				8,308.32				8,308.32
United Kingdom	Pound		1,144.00						1,144.00
Total			2,868.00		19,304.11				22,172.11

RICHARD SHELBY,
Chairman, Committee on Banking, Housing, and Urban Affairs, Mar. 19, 2003.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2002

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Jo-Ellen Darcy:									
United States	Dollar				4,975.50				4,975.50
Chile	Peso		910.00						910.00
Patricia Doerr:									
United States	Dollar				5,718.50				5,718.50
Chile	Peso		910.00						910.00
Genevieve Erny:									
United States	Dollar				5,718.50				5,718.50
Chile	Peso		910.00						910.00
Edward Michaels:									
United States	Dollar				5,718.50				5,718.50
Chile	Peso		910.00						910.00
Christy Plumer:									
United States	Dollar				5,718.50				5,718.50
Chile	Peso		910.00						910.00
Senator James Jeffords:									
United States	Dollar				6,993.00				6,993.00
France	Euro		2,116.00				3,937.25		6,053.25
Edward Barron:									
United States	Dollar				6,993.00				6,993.00
France	Euro		2,116.00				3,937.25		6,053.25
Erik Smulson:									
United States	Dollar				6,993.00				6,993.00
France	Euro		2,116.00				3,937.25		6,053.25
Jeffrey Squires:									
United States	Dollar				6,846.36				6,846.36
France	Euro		2,116.00				3,937.25		6,053.25
Total			13,014.00		55,674.86		15,749.00		84,437.86

JAMES INHOFE,
Chairman, Committee on Evironment and Public Works, Apr. 24, 2003.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2003

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Joseph Biden:									
Switzerland	Dollar		1,262.80						1,262.80
Senator Lincoln Chafee:									
Panama	Dollar		174.00						174.00
Colombia	Dollar		175.00						175.00
Guyana	Dollar		66.00						66.00
Haiti	Dollar		234.00						234.00
Senator Christopher Dodd:									
Ireland	Dollar		439.00						439.00
Spain	Euro		240.00						240.00
United States	Dollar				4,663.24				4,663.24
Senator Russell Feingold:									
Botswana	Pula		262.00						262.00
South Africa	Rand		625.00						625.00
United States	Dollar				8,827.94				8,827.94
Jonah Blank:									
India	Dollar		3,900.00						3,900.00
Bangladesh	Dollar		210.00						210.00
Nepal	Dollar		890.00						890.00
Bhutan	Dollar		680.00						680.00
United States	Dollar				7,020.18				7.020.18
Deborah Brayton:									
Panama	Dollar		174.00						174.00
Colombia	Dollar		175.00						175.00
Guyana	Dollar		198.00						198.00
Haiti	Dollar		234.00						234.00
Michelle Gavin:									
Botswana	Pula		262.00						262.00
South Africa	Rand		625.00						625.00
United States	Dollar				8,827.94				8,827.94
Michael Haltzel:									
United Kingdom	Pound		1,197.00						1,197.00
United States	Dollar				5,823.63				5,823.63
Frank Jannuzi:									
South Korea	Won		646.00						646.00
China	Yuan		1,806.00						1,806.00
United States	Dollar				4,669.11				4,669.11
Jofi Joseph:									
Belgium	Euro		903.00						903.00
France	Euro		450.00						450.00
United States	Dollar				6,306.41				6,306.41
MaryEllen McGuire:									
Afghanistan	Dollar		1,016.00		800.00				1,816.00
United Arab Emirates	Dollar		856.00						856.00
United States	Dollar				6,578.48				6,578.48
Janice O'Connell:									
Spain	Euro		1,184.00						1,184.00
United States	Dollar				4,159.41				4,159.41
Jennifer Simon:									
France	Euro		632.00						632.00
United States	Dollar				6.020.69				6.020.69
Total			19,515.80		63,697.03				83,212.83

RICHARD LUGAR,
Chairman, Committee on Foreign Relations, Apr. 7, 2003.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON JUDICIARY FOR TRAVEL FROM OCT. 1, 2002 TO DEC. 31, 2002

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Chung [Sean] Woo:									
China	Yuan		1,407.00				350.00		1,757.00
Korea	Won		792.00				150.00		942.00
United States	Dollar				4,394.66				4,394.66
Total			2,199.00		4,394.66		500.00		7,093.66

ORRIN HATCH,
Chairman, Committee on Judiciary, Apr. 23, 2003.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON INTELLIGENCE FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2003

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
James Barnett			194.00						194.00
Ann O'Donnell			194.00						194.00
James Barnett			647.00						647.00
Laura Parker			264.00						264.00
Senator John D. Rockefeller			1,191.00						1,191.000
Senator Mike DeWine			725.00						725.00
Ann O'Donnell			694.00						694.00
Total			3,909.00						3,909.00

PAT ROBERTS,
Chairman, Committee on Intelligence, Mar. 26, 2003.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), SENATOR TOM DASCHLE, DEMOCRATIC LEADER FOR TRAVEL FROM SEPT. 30 TO DEC. 31, 2002

Name	Country	Name of currency	Per diem (U.S. Dollar Equivalent)	Transportation (U.S. Dollar Equivalent)	Miscellaneous (U.S. Dollar Equivalent)	Total
Senator Joseph Lieberman:						
United States	Dollar			5,742.50		5,742.50
Israel	Shekel		2,368.00			2,368.00
Bahrain	Dinar		321.00			321.00
Saudi Arabia	Riyal		271.13			271.13
Fred Downey:						
United States	Dollar			5,990.50		5,990.50
Israel	Shekel		2,900.00			2,900.00
Bahrain	Dinar		321.00			321.00
Saudi Arabia	Riyal		171.00			171.00
Delegation Expenses:*						
Israel	Shekel				20,653.00	20,653.00
Saudi Arabia	Riyal				823.34	823.34
Total			6,352.13	11,733.00	21,476.34	39,561.47

*Delegation expenses include payments and reimbursements to the Department of State under the authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of P.L. 95–384, and S. Res. 179 agreed to May 25, 1977.

TOM DASCHLE,
Democratic Leader, Mar. 31, 2003.

UNANIMOUS CONSENT AGREEMENT—S. 14

Mr. MCCONNELL. Mr. President, I ask unanimous consent that on Tuesday, May 6, at a time to be determined by the majority leader, after consultation with the Democratic leader, the Senate proceed to the consideration of calendar No. 79, S. 14, the energy bill; provided further, that no amendments be in order to the bill prior to Thursday, May 8, or one day following the report's availability, whichever is later.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF MIGUEL A. ESTRADA, OF VIRGINIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT

Mr. MCCONNELL. Mr. President, in executive session, I ask unanimous consent that the Senate resume consideration of calendar No. 21, the nomination of Miguel Estrada.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the nomination.

The assistant legislative clerk read as follows:

Nomination of Miguel A. Estrada, of Virginia, to be United States Circuit Judge for the District of Columbia Circuit.

CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Executive Calendar No. 21, the nomination of Miguel A. Estrada to be United States Circuit Judge for the District of Columbia Circuit.

Bill Frist, Orrin Hatch. Judd Gregg, Norm Coleman, John E. Sununu, John Cornyn, Larry E. Craig, Saxby Chambliss, Lisa Murkowski, Jim Talent, Olympia Snowe, Mike DeWine, Michael B. Enzi, Lindsey Graham, Jeff Sessions.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the live quorum under Rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate immediately proceed to consider the following nominations on today's executive calendar: Calendar Nos. 56, 103, 157, 158, 159, 161, 162, 163, 164, and all nominations on the Secretary's desk in the Army and Marine Corps.

I further ask unanimous consent that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

DEPARTMENT OF ENERGY

Linton F. Brooks, of Virginia, to be Under Secretary for Nuclear Security, Department of Energy.

DEPARTMENT OF THE TREASURY

Mark W. Everson, of Texas, to be Commissioner of Internal Revenue for a term of five years.

DEPARTMENT OF DEFENSE

Lawrence Mohr, Jr., of South Carolina, to be a Member of the Board of Regents of the Uniformed Services University of the Health Sciences for a term expiring June 20, 2003.

Sharon Falkenheimer, of Texas, to be a Member of the Board of Regents of the Uniformed Services University of the Health Sciences for a term expiring June 20, 2007.

MARINE CORPS

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Henry P. Osman, 9358

The following named officer for appointment in the United States Marine Corps Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Douglas M. Stone, 0227

NAVY

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. Thomas K. Burkhard, 8249

ARMY

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. James J. Lovelace, Jr., 0304

TENNESSEE VALLEY AUTHORITY

Richard W. Moore, of Alabama, to be Inspector General, Tennessee Valley Authority. (New Position)

NOMINATIONS PLACED ON THE SECRETARY'S DESK

ARMY

PN208 Army nominations (68) beginning CURTIS J ALITX, and ending MARY J WYMAN, which nominations were received by the Senate and appeared in the Congressional Record of January 15, 2003

PN210 Army nominations (24) beginning RICHARD P BEIN, and ending KELLY E TAYLOR, which nominations were received by the Senate and appeared in the Congressional Record of January 15, 2003

PN211 Army nominations (18) beginning DEBORAH K BETTS, and ending DAVID WILLIAMS, which nominations were received by the Senate and appeared in the Congressional Record of January 15, 2003

PN444 Army nominations of James R. Kerin, Jr., which was received by the Senate and appeared in the Congressional Record of March 26, 2003

PN462 Army nominations (60) beginning HENRY E ABERCROMBIE, and ending MICHELLE F YARBOROUGH, which nominations were received by the Senate and appeared in the Congressional Record of March 26, 2003

PN463 Army nominations (27) beginning MICHAEL P ARMSTRONG, and ending CRAIG M WHITEHILL, which nominations were received by the Senate and appeared in the Congressional Record of March 26, 2003

PN464 Army nominations (47) beginning JOHN F AGOGLIA, and ending JEFFREY R WITSKEN, which nominations were received by the Senate and appeared in the Congressional Record of March 26, 2003

PN465 Army nominations (320) beginning PAUL F ABEL, JR., and ending X4432, which nominations were received by the Senate and appeared in the Congressional Record of March 26, 2003

PN507 Army nominations of William T. Boyd, which nominations was received by the Senate and appeared in the Congressional Record of April 7, 2003

PN508 Army nominations (5) beginning RICHARD D DANIELS, and ending GEORGE G PERRY, III, which nominations were received by the Senate and appeared in the Congressional Record of April 7, 2003

PN509 Army nominations (5) beginning GARY L HAMMETT, and ending DAVID L SMITH, which nominations were received by the Senate and appeared in the Congressional Record of April 7, 2003

PN522 Army nominations (3) beginning EDWARD A HEVENER, and ending ZEB S REGAN, JR., which nominations were received by the Senate and appeared in the Congressional Record of April 10, 2003

MARINE CORPS

PN327 Marine Corps nominations of Kenneth O. Spittler, which was received by the Senate and appeared in the Congressional Record of February 11, 2003

PN329 Marine Corps nominations (3) beginning THOMAS DUHS, and ending WILLIAM M LAKE, which nominations were received by the Senate and appeared in the Congressional Record of February 11, 2003

PN339 Marine Corps nominations (3) beginning PATRICK W BURNS, and ending DANIEL S RYMAN, which nominations were received by the Senate and appeared in the Congressional Record of February 11, 2003

PN424 Marine Corps nominations (112) beginning DONALD J ANDERSON, and ending DONALD W ZAUTCKE, which nominations were received by the Senate and appeared in the Congressional Record of March 11, 2003

PN445 Marine Corps nominations (2) beginning SEAN T MULCAHY, and ending STEVEN H MATTOS, which nominations were received by the Senate and appeared in the Congressional Record of March 24, 2003

PN446 Marine Corps nomination of Franklin McLain, which was received by the Senate and appeared in the Congressional Record of March 24, 2003

PN447 Marine Corps nominations (29) beginning BRYAN DELGADO, and ending PAUL A ZACHARZUK, which nominations were received by the Senate and appeared in the Congressional Record of March 24, 2003

PN466 Marine Corps nomination of Michael H. Gamble, which was received by the Senate and appeared in the Congressional Record of March 26, 2003

PN467 Marine Corps nomination of Jeffrey L. Miller, which was received by the Senate and appeared in the Congressional Record of March 26, 2003

PN489 Marine Corps nomination of Barett R. Byrd, which was received by the Senate and appeared in the Congressional Record of April 2, 2003

PN510 Marine Corps nominations (99) beginning JEFFREY ACOSTA, and ending JOHN G WEMETT, which were received by the Senate and appeared in the Congressional Record of April 7, 2003

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

UNDERGROUND STORAGE TANK COMPLIANCE ACT OF 2003

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar item No. 25, S. 195.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 195) to amend the Solid Waste Disposal Act to bring underground storage tanks into compliance with subtitle I of that Act, to promote cleanup of leaking underground storage tanks, to provide sufficient resources for such compliance and cleanup, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Environment and Public Works, with an amendment.

[Strike the part shown in black brackets and insert the part shown in italic.]

S. 195

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 ''Underground Storage Tank Compliance Act of 2003''.

[SEC. 2. LEAKING UNDERGROUND STORAGE TANKS.

[Section 9004 of the Solid Waste Disposal Act (42 U.S.C. 6991c) is amended by adding at the end the following:

[''(f) TRUST FUND DISTRIBUTION.—

[''(1) IN GENERAL.—

[''(A) AMOUNT AND PERMITTED USES OF DISTRIBUTION.—The Administrator shall distribute to States not less than 80 percent of the funds from the Trust Fund that are made available to the Administrator under section 9014(2)(A) for each fiscal year for use in paying the reasonable costs, incurred under a cooperative agreement with any State, of—

[''(i) actions taken by the State under section 9003(h)(7)(A);

[''(ii) necessary administrative expenses, as determined by the Administrator, that are directly related to corrective action and compensation programs under subsection (c)(1);

[''(iii) any corrective action and compensation program carried out under subsection (c)(1) for a release from an underground storage tank regulated under this subtitle to the extent that, as determined by the State in accordance with guidelines developed jointly by the Administrator and the State, the financial resources of the owner or operator of the underground storage tank (including resources provided by a program in accordance with subsection (c)(1)) are not adequate to pay the cost of a corrective action without significantly impairing the ability of the owner or operator to continue in business;

[''(iv) enforcement by the State or a local government of State or local regulations pertaining to underground storage tanks regulated under this subtitle; or

[''(v) State or local corrective actions carried out under regulations promulgated under section 9003(c)(4).

[''(B) USE OF FUNDS FOR ENFORCEMENT.—In addition to the uses of funds authorized under subparagraph (A), the Administrator may use funds from the Trust Fund that are not distributed to States under subparagraph (A) for enforcement of any regulation promulgated by the Administrator under this subtitle.

[''(C) PROHIBITED USES.—Except as provided in subparagraph (A)(iii), under any similar requirement of a State program approved under this section, or in any similar State or local provision as determined by the Administrator, funds provided to a State by the Administrator under subparagraph (A) shall not be used by the State to provide financial assistance to an owner or operator to meet any requirement relating to underground storage tanks under part 280 of title 40, Code of Federal Regulations (as in effect on the date of enactment of this subsection).

[''(2) ALLOCATION.—

[''(A) PROCESS.—Subject to subparagraph (B), in the case of a State with which the Administrator has entered into a cooperative agreement under section 9003(h)(7)(A), the Administrator shall distribute funds from the Trust Fund to the State using the allocation process developed by the Administrator.

[''(B) REVISIONS TO PROCESS.—The Administrator may revise the allocation process referred to in subparagraph (A) with respect to a State only after—

[''(i) consulting with—

[''(I) State agencies responsible for overseeing corrective action for releases from underground storage tanks;

[''(II) owners; and

[''(III) operators; and

[''(ii) taking into consideration, at a minimum—

[''(I) the total tax revenue contributed to the Trust Fund from all sources within the State;

[''(II) the number of confirmed releases from federally regulated underground storage tanks in the State;

[''(III) the number of federally regulated underground storage tanks in the State;

[''(IV) the percentage of the population of the State that uses groundwater for any beneficial purpose;

[''(V) the performance of the State in implementing and enforcing the program;

[''(VI) the financial needs of the State; and

[''(VII) the ability of the State to use the funds referred to in subparagraph (A) in any year.

[''(3) DISTRIBUTIONS TO STATE AGENCIES.—Distributions from the Trust Fund under this subsection shall be made directly to a State agency that—

[''(A) enters into a cooperative agreement referred to in paragraph (2)(A); or

[''(B) is enforcing a State program approved under this section.

[''(4) COST RECOVERY PROHIBITION.—Funds from the Trust Fund provided by States to owners or operators under paragraph (1)(A)(iii) shall not be subject to cost recovery by the Administrator under section 9003(h)(6).''.

[SEC. 3. INSPECTION OF UNDERGROUND STORAGE TANKS.

[Section 9005 of the Solid Waste Disposal Act (42 U.S.C. 6991d) is amended—

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

[(2) by inserting before subsection (b) (as redesignated by paragraph (1)) the following:

[''(a) INSPECTION REQUIREMENTS.—Not later than 2 years after the date of enactment of the Underground Storage Tank Compliance Act of 2003, and at least once every 2 years thereafter, the Administrator or a State with a program approved under section 9004, as appropriate, shall require that all underground storage tanks regulated under this subtitle undergo onsite inspections for compliance with regulations promulgated under section 9003(c).''.

[SEC. 4. OPERATOR TRAINING.

[Subtitle I of the Solid Waste Disposal Act (42 U.S.C. 6991 et seq.) is amended by striking section 9010 and inserting the following:

[''SEC. 9010. OPERATOR TRAINING.

[''(a) GUIDELINES.—

[''(1) IN GENERAL.—Not later than 2 years after the date of enactment of the Underground Storage Tank Compliance Act of 2003,

in cooperation with States, owners, and operators, the Administrator shall publish in the Federal Register, after public notice and opportunity for comment, guidelines that specify methods for training operators of underground storage tanks.

[''(2) CONSIDERATIONS.—The guidelines described in paragraph (1) shall take into account—

[''(A) State training programs in existence as of the date of publication of the guidelines;

[''(B) training programs that are being employed by owners and operators as of the date of enactment of this paragraph;

[''(C) the high turnover rate of operators;

[''(D) the frequency of improvement in underground storage tank equipment technology;

[''(E) the nature of the businesses in which the operators are engaged; and

[''(F) such other factors as the Administrator determines to be necessary to carry out this section.

[''(b) STATE PROGRAMS.—

[''(1) IN GENERAL.—Not later than 2 years after the date on which the Administrator publishes the guidelines under subsection (a)(1), each State shall develop and implement a strategy for the training of operators of underground storage tanks that is consistent with paragraph (2).

[''(2) REQUIREMENTS.—A State strategy described in paragraph (1) shall—

[''(A) be consistent with subsection (a);

[''(B) be developed in cooperation with owners and operators; and

[''(C) take into consideration training programs implemented by owners and operators as of the date of enactment of this subsection.

[''(3) FINANCIAL INCENTIVE.—The Administrator may award to a State that develops and implements a strategy described in paragraph (1), in addition to any funds that the State is entitled to receive under this subtitle, not more than $50,000, to be used to carry out the strategy.''.

[SEC. 5. REMEDIATION OF MTBE CONTAMINATION.

[Section 9003(h) of the Solid Waste Disposal Act (42 U.S.C. 6991b(h)) is amended—

[(1) in paragraph (7)(A)—

[(A) by striking ''paragraphs (1) and (2) of this subsection'' and inserting ''paragraphs (1), (2), and (12)''; and

[(B) by striking '', and including the authorities of paragraphs (4), (6), and (8) of this subsection'' and inserting ''and the authority under sections 9005(a) and 9011 and paragraphs (4), (6), and (8),''; and

[(2) by adding at the end the following:

[''(12) REMEDIATION OF MTBE CONTAMINATION.—

[''(A) IN GENERAL.—The Administrator and the States may use funds made available under section 9014(2)(B) to carry out corrective actions with respect to a release of methyl tertiary butyl ether that presents a threat to human health or welfare or the environment.

[''(B) APPLICABLE AUTHORITY.—The Administrator or a State shall carry out subparagraph (A)—

[''(i) in accordance with paragraph (2), except that a release with respect to which a corrective action is carried out under subparagraph (A) shall not be required to be from an underground storage tank; and

[''(ii) in the case of a State, in accordance with a cooperative agreement entered into by the Administrator and the State under paragraph (7).''.

[SEC. 6. RELEASE PREVENTION, COMPLIANCE, AND ENFORCEMENT.

[(a) RELEASE PREVENTION AND COMPLIANCE.—Subtitle I of the Solid Waste Disposal Act (42 U.S.C. 6991 et seq.) (as amended by section 4) is amended by adding at the end the following:

[''SEC. 9011. USE OF FUNDS FOR RELEASE PREVENTION AND COMPLIANCE.

[''Funds made available under section 9014(2)(D) from the Trust Fund may be used to conduct inspections, issue orders, or bring actions under this subtitle—

[''(1) by a State, in accordance with a grant or cooperative agreement with the Administrator, of State regulations pertaining to underground storage tanks regulated under this subtitle; and

[''(2) by the Administrator, under this subtitle (including under a State program approved under section 9004).''.

[(b) GOVERNMENT-OWNED TANKS.—Section 9003 of the Solid Waste Disposal Act (42 U.S.C. 6991b) is amended by adding at the end the following:

[''(i) GOVERNMENT-OWNED TANKS.—

[''(1) IMPLEMENTATION REPORT.—

[''(A) IN GENERAL.—Not later than 2 years after the date of enactment of this subsection, each State shall submit to the Administrator an implementation report that—

[''(i) lists each underground storage tank described in subparagraph (B) in the State that, as of the date of submission of the report, is not in compliance with this subtitle; and

[''(ii) describes the actions that have been and will be taken to ensure compliance by the underground storage tank listed under clause (i) with this subtitle.

[''(B) UNDERGROUND STORAGE TANK.—An underground storage tank described in this subparagraph is an underground storage tank that is—

[''(i) regulated under this subtitle; and

[''(ii) owned or operated by the State government or any local government.

[''(C) PUBLIC AVAILABILITY.—The Administrator shall make each report received under subparagraph (A) available to the public on the Internet.

[''(2) FINANCIAL INCENTIVE.—The Administrator may award to a State that develops an implementation report described in paragraph (1), in addition to any funds that the State is entitled to receive under this subtitle, not more than $50,000, to be used to carry out the implementation report.

[''(3) NOT A SAFE HARBOR.—This subsection does not relieve any person from any obligation or requirement under this subtitle.''.

[(c) INCENTIVES FOR PERFORMANCE.—Section 9006 of the Solid Waste Disposal Act (42 U.S.C. 6991e) is amended by adding at the end the following:

[''(e) INCENTIVES FOR PERFORMANCE.—In determining the terms of a compliance order under subsection (a), or the amount of a civil penalty under subsection (d), the Administrator, or a State under a program approved under section 9004, may take into consideration whether an owner or operator—

[''(1) has a history of operating underground storage tanks of the owner or operator in accordance with—

[''(A) this subtitle; or

[''(B) a State program approved under section 9004;

[''(2) has repeatedly violated—

[''(A) this subtitle; or

[''(B) a State program approved under section 9004; or

[''(3) has implemented a program, consistent with guidelines published under section 9010, that provides training to persons responsible for operating any underground storage tank of the owner or operator.''.

[(d) AUTHORITY TO PROHIBIT CERTAIN DELIVERIES.—Section 9006 of the Solid Waste Disposal Act (42 U.S.C. 6991e) (as amended by subsection (c)) is amended by adding at the end the following:

[''(f) AUTHORITY TO PROHIBIT CERTAIN DELIVERIES.—

[''(1) IN GENERAL.—Subject to paragraph (2), beginning 180 days after the date of enactment of this subsection, the Administrator or a State may prohibit the delivery of regulated substances to underground storage tanks that are not in compliance with—

[''(A) a requirement or standard promulgated by the Administrator under section 9003; or

[''(B) a requirement or standard of a State program approved under section 9004.

[''(2) LIMITATIONS.—

[''(A) SPECIFIED GEOGRAPHIC AREAS.—Subject to subparagraph (B), under paragraph (1), the Administrator or a State shall not prohibit a delivery if the prohibition would jeopardize the availability of, or access to, fuel in any specified geographic area.

[''(B) APPLICABILITY OF LIMITATION.—The limitation under subparagraph (A) shall apply only during the 180-day period following the date of a determination by the Administrator that exercising the authority of paragraph (1) is limited by subparagraph (A).

[''(C) GUIDELINES.—Not later than 18 months after the date of enactment of this subsection, the Administrator shall issue guidelines that define the term 'specified geographic area' for the purpose of subparagraph (A).

[''(3) AUTHORITY TO ISSUE GUIDELINES.—Subject to paragraph (2)(C), the Administrator, after consultation with States, may issue guidelines for carrying out this subsection.

[''(4) ENFORCEMENT, COMPLIANCE, AND PENALTIES.—The Administrator may use the authority under the enforcement, compliance, or penalty provisions of this subtitle to carry out this subsection.

[''(5) EFFECT ON STATE AUTHORITY.—Nothing in this subsection affects the authority of a State to prohibit the delivery of a regulated substance to an underground storage tank.''.

[(e) PUBLIC RECORD.—Section 9002 of the Solid Waste Disposal Act (42 U.S.C. 6991a) is amended by adding at the end the following:

[''(d) PUBLIC RECORD.—

[''(1) IN GENERAL.—The Administrator shall require each State and Indian tribe that receives Federal funds to carry out this subtitle to maintain, update at least annually, and make available to the public, in such manner and form as the Administrator shall prescribe (after consultation with States and Indian tribes), a record of underground storage tanks regulated under this subtitle.

[''(2) CONSIDERATIONS.—To the maximum extent practicable, the public record of a State or Indian tribe, respectively, shall include, for each year—

[''(A) the number, sources, and causes of underground storage tank releases in the State or tribal area;

[''(B) the record of compliance by underground storage tanks in the State or tribal area with—

[''(i) this subtitle; or

[''(ii) an applicable State program approved under section 9004; and

[''(C) data on the number of underground storage tank equipment failures in the State or tribal area.

[''(3) AVAILABILITY.—The Administrator shall make the public record of each State and Indian tribe under this section available to the public electronically.''.

[SEC. 7. FEDERAL FACILITIES.

[Section 9007 of the Solid Waste Disposal Act (42 U.S.C. 6991f) is amended by adding at the end the following:

[''(c) REVIEW OF, AND REPORT ON, FEDERAL UNDERGROUND STORAGE TANKS.—

[''(1) REVIEW.—Not later than 1 year after the date of enactment of this subsection, the Administrator, in cooperation with each Federal agency that owns or operates 1 or more underground storage tanks or that manages land on which 1 or more underground storage tanks are located, shall review the status of compliance of those underground storage tanks with this subtitle.

[''(2) IMPLEMENTATION REPORT.—

[''(A) IN GENERAL.—Not later than 2 years after the date of enactment of this subsection, each Federal agency described in paragraph (1) shall submit to the Administrator and to each State in which an underground storage tank described in paragraph (1) is located an implementation report that—

[''(i) lists each underground storage tank described in paragraph (1) that, as of the date of submission of the report, is not in compliance with this subtitle; and

[''(ii) describes the actions that have been and will be taken to ensure compliance by the underground storage tank with this subtitle.

[''(B) PUBLIC AVAILABILITY.—The Administrator shall make each report received under subparagraph (A) available to the public on the Internet.

[''(3) NOT A SAFE HARBOR.—This subsection does not relieve any person from any obligation or requirement under this subtitle.

[''(d) APPLICABILITY OF CERTAIN REQUIREMENTS.—Section 6001(a) shall apply to each department, agency, and instrumentality covered by subsection (a).''.

[SEC. 8. TANKS UNDER THE JURISDICTION OF INDIAN TRIBES.

[Subtitle I of the Solid Waste Disposal Act (42 U.S.C. 6991 et seq.) (as amended by section 6(a)) is amended by adding at the end the following:

[''SEC. 9012. TANKS UNDER THE JURISDICTION OF INDIAN TRIBES.

[''(a) IN GENERAL.—The Administrator, in coordination with Indian tribes, shall—

[''(1) not later than 1 year after the date of enactment of this section, develop and implement a strategy—

[''(A) giving priority to releases that present the greatest threat to human health or the environment, to take necessary corrective action in response to releases from leaking underground storage tanks located wholly within the boundaries of—

[''(i) an Indian reservation; or

[''(ii) any other area under the jurisdiction of an Indian tribe; and

[''(B) to implement and enforce requirements concerning underground storage tanks located wholly within the boundaries of—

[''(i) an Indian reservation; or

[''(ii) any other area under the jurisdiction of an Indian tribe;

[''(2) not later than 2 years after the date of enactment of this section and every 2 years thereafter, submit to Congress a report that summarizes the status of implementation and enforcement of the underground storage tank program in areas located wholly within—

[''(A) the boundaries of Indian reservations; and

[''(B) any other areas under the jurisdiction of an Indian tribe; and

[''(3) make the report described in paragraph (2) available to the public on the Internet.

[''(b) NOT A SAFE HARBOR.—This section does not relieve any person from any obligation or requirement under this subtitle.

[''(c) STATE AUTHORITY.—Nothing in this section applies to any underground storage tank that is located in an area under the jurisdiction of a State, or that is subject to regulation by a State, as of the date of enactment of this section.''.

[SEC. 9. STATE AUTHORITY.

[Subtitle I of the Solid Waste Disposal Act (42 U.S.C. 6991 et seq.) (as amended by section 8) is amended by adding at the end the following:

[''SEC. 9013. STATE AUTHORITY.

[''Nothing in this subtitle precludes a State from establishing any requirement that is more stringent than a requirement under this subtitle.''.

[SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

[Subtitle I of the Solid Waste Disposal Act (42 U.S.C. 6991 et seq.) (as amended by section 9) is amended by adding at the end the following:

[''SEC. 9014. AUTHORIZATION OF APPROPRIATIONS.

[''There are authorized to be appropriated to the Administrator—

[''(1) to carry out subtitle I (except sections 9003(h), 9005(a), and 9011) $25,000,000 for each of fiscal years 2004 through 2008; and

[''(2) from the Trust Fund, notwithstanding section 9508(c)(1) of the Internal Revenue Code of 1986—

[''(A) to carry out section 9003(h) (except section 9003(h)(12)) $150,000,000 for each of fiscal years 2004 through 2008;

[''(B) to carry out section 9003(h)(12), $125,000,000 for each of fiscal years 2004 through 2008;

[''(C) to carry out section 9005(a)—

[''(i) $35,000,000 for each of fiscal years 2004 and 2005; and

[''(ii) $20,000,000 for each of fiscal years 2006 through 2009; and

[''(D) to carry out section 9011—

[''(i) $50,000,000 for fiscal year 2004; and

[''(ii) $30,000,000 for each of fiscal years 2005 through 2009.''.

[SEC. 11. CONFORMING AMENDMENTS.

[(a) DEFINITIONS.—Section 9001 of the Solid Waste Disposal Act (42 U.S.C. 6991) is amended—

[(1) by striking ''For the purposes of this subtitle—'' and inserting ''In this subtitle:'';

[(2) by redesignating paragraphs (1), (2), (3), (4), (5), (6), (7), and (8) as paragraphs (10), (7), (4), (3), (8), (5), (2), and (6), respectively, and reordering the paragraphs so as to appear in numerical order;

[(3) by inserting before paragraph (2) (as redesignated by paragraph (2)) the following:

[''(1) INDIAN TRIBE.—

[''(A) IN GENERAL.—The term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community that is recognized as being eligible for special programs and services provided by the United States to Indians because of their status as Indians.

[''(B) INCLUSIONS.—The term 'Indian tribe' includes an Alaska Native village, as defined in or established under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).''; and

[(4) by inserting after paragraph (8) (as redesignated by paragraph (2)) the following:

[''(9) TRUST FUND.—The term 'Trust Fund' means the Leaking Underground Storage Tank Trust Fund established by section 9508 of the Internal Revenue Code of 1986.''.

[(b) CONFORMING AMENDMENTS.—

[(1) Section 1001 of the Solid Waste Disposal Act (42 U.S.C. prec. 6901) is amended in the table of contents—

[(A) in the item relating to section 9002, by inserting ''and public records'' after ''Notification''; and

[(B) by striking the item relating to section 9010 and inserting the following:

[''Sec. 9010. Operator training.

[''Sec. 9011. Use of funds for release prevention and compliance.

[''Sec. 9012. Tanks under the jurisdiction of Indian tribes.

[''Sec. 9013. State authority.

[''Sec. 9014. Authorization of appropriations.''.

[(2) Section 9002 of the Solid Waste Disposal Act (42 U.S.C. 6991a) is amended in the section heading by inserting ''AND PUBLIC RECORDS'' after ''NOTIFICATION''.

[(3) Section 9003(f) of the Solid Waste Disposal Act (42 U.S.C. 6991b(f)) is amended—

[(A) in paragraph (1), by striking ''9001(2)(B)'' and inserting ''9001(7)(B)''; and

[(B) in paragraphs (2) and (3), by striking ''9001(2)(A)'' each place it appears and inserting ''9001(7)(A)''.

[(4) Section 9003(h) of the Solid Waste Disposal Act (42 U.S.C. 6991b(h)) is amended in paragraphs (1), (2)(C), (7)(A), and (11) by striking ''Leaking Underground Storage Tank Trust Fund'' each place it appears and inserting ''Trust Fund''.

[(5) Section 9009 of the Solid Waste Disposal Act (42 U.S.C. 6991h) is amended—

[(A) in subsection (a), by striking ''9001(2)(B)'' and inserting ''9001(7)(B)''; and

[(B) in subsection (d), by striking ''section 9001(1) (A) and (B)'' and inserting ''subparagraphs (A) and (B) of section 9001(10)''.

[SEC. 12. TECHNICAL AMENDMENTS.

[(a) Section 9001(4)(A) of the Solid Waste Disposal Act (42 U.S.C. 6991(4)(A)) (as amended by section 11(a)(2)) is amended by striking ''sustances'' and inserting ''substances''.

[(b) Section 9003(f)(1) of the Solid Waste Disposal Act (42 U.S.C. 6991b(f)(1)) is amended by striking ''subsection (c) and (d) of this section'' and inserting ''subsections (c) and (d)''.

[(c) Section 9004(a) of the Solid Waste Disposal Act (42 U.S.C. 6991c(a)) is amended by striking ''in 9001(2) (A) or (B) or both'' and inserting ''in subparagraph (A) or (B) of section 9001(7)''.

[(d) Section 9005 of the Solid Waste Disposal Act (42 U.S.C. 6991d) (as amended by section 3) is amended—

[(1) in subsection (b), by striking ''study taking'' and inserting ''study, taking'';

[(2) in subsection (c)(1), by striking ''relevent'' and inserting ''relevant''; and

[(3) in subsection (c)(4), by striking ''Evironmental'' and inserting ''Environmental''.]

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Underground Storage Tank Compliance Act of 2003''.

SEC. 2. LEAKING UNDERGROUND STORAGE TANKS.

Section 9004 of the Solid Waste Disposal Act (42 U.S.C. 6991c) is amended by adding at the end the following:

''(f) TRUST FUND DISTRIBUTION.—

''(1) IN GENERAL.—

''(A) AMOUNT AND PERMITTED USES OF DISTRIBUTION.—The Administrator shall distribute to States not less than 80 percent of the funds from the Trust Fund that are made available to the Administrator under section 9014(2)(A) for each fiscal year for use in paying the reasonable costs, incurred under a cooperative agreement with any State, of—

''(i) actions taken by the State under section 9003(h)(7)(A);

''(ii) necessary administrative expenses, as determined by the Administrator, that are directly related to corrective action and compensation programs under subsection (c)(1);

''(iii) any corrective action and compensation program carried out under subsection (c)(1) for a release from an underground storage tank regulated under this subtitle to the extent that, as determined by the State in accordance with guidelines developed jointly by the Administrator and the State, the financial resources of the owner or operator of the underground storage tank (including resources provided by a program in accordance with subsection (c)(1)) are not adequate to pay the cost of a corrective action without significantly impairing the ability of the owner or operator to continue in business;

''(iv) enforcement by the State or a local government of State or local regulations pertaining to underground storage tanks regulated under this subtitle; or

''(v) State or local corrective actions carried out under regulations promulgated under section 9003(c)(4).

''(B) USE OF FUNDS FOR ENFORCEMENT.—In addition to the uses of funds authorized under subparagraph (A), the Administrator may use funds from the Trust Fund that are not distributed to States under subparagraph (A) for enforcement of any regulation promulgated by the Administrator under this subtitle.

''(C) PROHIBITED USES.—Except as provided in subparagraph (A)(iii), under any similar requirement of a State program approved under this section, or in any similar State or local provision as determined by the Administrator, funds provided to a State by the Administrator under subparagraph (A) shall not be used by the State to provide financial assistance to an owner or operator to meet any requirement relating to underground storage tanks under part 280 of title 40, Code of Federal Regulations (as in effect on the date of enactment of this subsection).

''(2) ALLOCATION.—

''(A) PROCESS.—Subject to subparagraph (B), in the case of a State with which the Administrator has entered into a cooperative agreement under section 9003(h)(7)(A), the Administrator shall distribute funds from the Trust Fund to the State using the allocation process developed by the Administrator.

''(B) REVISIONS TO PROCESS.—The Administrator may revise the allocation process referred to in subparagraph (A) with respect to a State only after—

''(i) consulting with—

''(I) State agencies responsible for overseeing corrective action for releases from underground storage tanks;

''(II) owners; and

''(III) operators; and

''(ii) taking into consideration, at a minimum—

''(I) the total tax revenue contributed to the Trust Fund from all sources within the State;

''(II) the number of confirmed releases from federally regulated underground storage tanks in the State;

''(III) the number of federally regulated underground storage tanks in the State;

''(IV) the percentage of the population of the State that uses groundwater for any beneficial purpose;

''(V) the performance of the State in implementing and enforcing the program;

''(VI) the financial needs of the State; and

''(VII) the ability of the State to use the funds referred to in subparagraph (A) in any year.

''(3) DISTRIBUTIONS TO STATE AGENCIES.—Distributions from the Trust Fund under this subsection shall be made directly to a State agency that—

''(A) enters into a cooperative agreement referred to in paragraph (2)(A); or

''(B) is enforcing a State program approved under this section.

''(4) COST RECOVERY PROHIBITION.—Funds from the Trust Fund provided by States to owners or operators under paragraph (1)(A)(iii) shall not be subject to cost recovery by the Administrator under section 9003(h)(6).''.

SEC. 3. INSPECTION OF UNDERGROUND STORAGE TANKS.

Section 9005 of the Solid Waste Disposal Act (42 U.S.C. 6991d) is amended—

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

(2) by inserting before subsection (b) (as redesignated by paragraph (1)) the following:

''(a) INSPECTION REQUIREMENTS.—Not later than 2 years after the date of enactment of the Underground Storage Tank Compliance Act of 2003, and at least once every 2 years thereafter, the Administrator or a State with a program approved under section 9004, as appropriate, shall require that all underground storage tanks regulated under this subtitle undergo onsite inspections for compliance with regulations promulgated under section 9003(c).''.

SEC. 4. OPERATOR TRAINING.

Subtitle I of the Solid Waste Disposal Act (42 U.S.C. 6991 et seq.) is amended by striking section 9010 and inserting the following:

''SEC. 9010. OPERATOR TRAINING.

''(a) GUIDELINES.—

''(1) IN GENERAL.—Not later than 2 years after the date of enactment of the Underground Storage Tank Compliance Act of 2003, in cooperation with States, owners, and operators, the Administrator shall publish in the Federal Register, after public notice and opportunity for comment, guidelines that specify methods for training operators of underground storage tanks.

''(2) CONSIDERATIONS.—The guidelines described in paragraph (1) shall take into account—

''(A) State training programs in existence as of the date of publication of the guidelines;

''(B) training programs that are being employed by owners and operators as of the date of enactment of this paragraph;

''(C) the high turnover rate of operators;

''(D) the frequency of improvement in underground storage tank equipment technology;

''(E) the nature of the businesses in which the operators are engaged; and

''(F) such other factors as the Administrator determines to be necessary to carry out this section.

''(b) STATE PROGRAMS.—

''(1) IN GENERAL.—Not later than 2 years after the date on which the Administrator publishes the guidelines under subsection (a)(1), each State shall develop and implement a strategy for the training of operators of underground storage tanks that is consistent with paragraph (2).

''(2) REQUIREMENTS.—A State strategy described in paragraph (1) shall—

''(A) be consistent with subsection (a);

''(B) be developed in cooperation with owners and operators; and

''(C) take into consideration training programs implemented by owners and operators as of the date of enactment of this subsection.

''(3) FINANCIAL INCENTIVE.—The Administrator may award to a State that develops and implements a strategy described in paragraph (1), in addition to any funds that the State is entitled to receive under this subtitle, not more than $50,000, to be used to carry out the strategy.''.

SEC. 5. REMEDIATION OF MTBE CONTAMINATION.

Section 9003(h) of the Solid Waste Disposal Act (42 U.S.C. 6991b(h)) is amended—

(1) in paragraph (7)(A)—

(A) by striking ''paragraphs (1) and (2) of this subsection'' and inserting ''paragraphs (1), (2), and (12)''; and

(B) by striking '', and including the authorities of paragraphs (4), (6), and (8) of this subsection'' and inserting ''and the authority under sections 9005(a) and 9011 and paragraphs (4), (6), and (8),''; and

(2) by adding at the end the following:

''(12) REMEDIATION OF MTBE CONTAMINATION.—

''(A) IN GENERAL.—The Administrator and the States may use funds made available under section 9014(2)(B) to carry out corrective actions with respect to a release of methyl tertiary butyl ether that presents a threat to human health or welfare or the environment.

''(B) APPLICABLE AUTHORITY.—The Administrator or a State shall carry out subparagraph (A)—

''(i) in accordance with paragraph (2), except that a release with respect to which a corrective action is carried out under subparagraph (A) shall not be required to be from an underground storage tank; and

''(ii) in the case of a State, in accordance with a cooperative agreement entered into by the Administrator and the State under paragraph (7).''.

SEC. 6. RELEASE PREVENTION, COMPLIANCE, AND ENFORCEMENT.

(a) RELEASE PREVENTION AND COMPLIANCE.—Subtitle I of the Solid Waste Disposal Act (42 U.S.C. 6991 et seq.) (as amended by section 4) is amended by adding at the end the following:

''SEC. 9011. USE OF FUNDS FOR RELEASE PREVENTION AND COMPLIANCE.

''Funds made available under section 9014(2)(D) from the Trust Fund may be used to conduct inspections, issue orders, or bring actions under this subtitle—

''(1) by a State, in accordance with a grant or cooperative agreement with the Administrator, of State regulations pertaining to underground storage tanks regulated under this subtitle; and

''(2) by the Administrator, under this subtitle (including under a State program approved under section 9004).''.

(b) GOVERNMENT-OWNED TANKS.—Section 9003 of the Solid Waste Disposal Act (42 U.S.C. 6991b) is amended by adding at the end the following:

''(i) GOVERNMENT-OWNED TANKS.—

''(1) IMPLEMENTATION REPORT.—

''(A) IN GENERAL.—Not later than 2 years after the date of enactment of this subsection, each State shall submit to the Administrator an implementation report that—

''(i) lists each underground storage tank described in subparagraph (B) in the State that, as of the date of submission of the report, is not in compliance with this subtitle; and

''(ii) describes the actions that have been and will be taken to ensure compliance by the underground storage tank listed under clause (i) with this subtitle.

''(B) UNDERGROUND STORAGE TANK.—An underground storage tank described in this subparagraph is an underground storage tank that is—

''(i) regulated under this subtitle; and

''(ii) owned or operated by the State government or any local government.

''(C) PUBLIC AVAILABILITY.—The Administrator shall make each report received under subparagraph (A) available to the public on the Internet.

''(2) FINANCIAL INCENTIVE.—The Administrator may award to a State that develops an implementation report described in paragraph (1), in addition to any funds that the State is entitled to receive under this subtitle, not more than $50,000, to be used to carry out the implementation report.

''(3) NOT A SAFE HARBOR.—This subsection does not relieve any person from any obligation or requirement under this subtitle.''.

(c) INCENTIVES FOR PERFORMANCE.—Section 9006 of the Solid Waste Disposal Act (42 U.S.C. 6991e) is amended by adding at the end the following:

''(e) INCENTIVES FOR PERFORMANCE.—In determining the terms of a compliance order under subsection (a), or the amount of a civil penalty under subsection (d), the Administrator, or a State under a program approved under section 9004, may take into consideration whether an owner or operator—

''(1) has a history of operating underground storage tanks of the owner or operator in accordance with—

''(A) this subtitle; or

''(B) a State program approved under section 9004;

''(2) has repeatedly violated—

''(A) this subtitle; or

''(B) a State program approved under section 9004; or

''(3) has implemented a program, consistent with guidelines published under section 9010, that provides training to persons responsible for operating any underground storage tank of the owner or operator.''.

(d) AUTHORITY TO PROHIBIT CERTAIN DELIVERIES.—Section 9006 of the Solid Waste Disposal Act (42 U.S.C. 6991e) (as amended by subsection (c)) is amended by adding at the end the following:

''(f) AUTHORITY TO PROHIBIT CERTAIN DELIVERIES.—

''(1) IN GENERAL.—Subject to paragraph (2), beginning 180 days after the date of enactment of this subsection, the Administrator or a State may prohibit the delivery of regulated substances to underground storage tanks that are not in compliance with—

''(A) a requirement or standard promulgated by the Administrator under section 9003; or

''(B) a requirement or standard of a State program approved under section 9004.

''(2) LIMITATIONS.—

''(A) SPECIFIED GEOGRAPHIC AREAS.—Subject to subparagraph (B), under paragraph (1), the Administrator or a State shall not prohibit a delivery if the prohibition would jeopardize the availability of, or access to, fuel in any specified geographic area.

''(B) APPLICABILITY OF LIMITATION.—The limitation under subparagraph (A) shall apply only during the 180-day period following the date of a determination by the Administrator that exercising the authority of paragraph (1) is limited by subparagraph (A).

''(C) GUIDELINES.—Not later than 18 months after the date of enactment of this subsection, the Administrator shall issue guidelines that define the term 'specified geographic area' for the purpose of subparagraph (A).

''(3) AUTHORITY TO ISSUE GUIDELINES.—Subject to paragraph (2)(C), the Administrator, after consultation with States, may issue guidelines for carrying out this subsection.

''(4) ENFORCEMENT, COMPLIANCE, AND PENALTIES.—The Administrator may use the authority under the enforcement, compliance, or penalty provisions of this subtitle to carry out this subsection.

''(5) EFFECT ON STATE AUTHORITY.—Nothing in this subsection affects the authority of a State to prohibit the delivery of a regulated substance to an underground storage tank.''.

(e) PUBLIC RECORD.—Section 9002 of the Solid Waste Disposal Act (42 U.S.C. 6991a) is amended by adding at the end the following:

''(d) PUBLIC RECORD.—

''(1) IN GENERAL.—The Administrator shall require each State and Indian tribe that receives Federal funds to carry out this subtitle to maintain, update at least annually, and make available to the public, in such manner and form as the Administrator shall prescribe (after consultation with States and Indian tribes), a record of underground storage tanks regulated under this subtitle.

''(2) CONSIDERATIONS.—To the maximum extent practicable, the public record of a State or Indian tribe, respectively, shall include, for each year—

''(A) the number, sources, and causes of underground storage tank releases in the State or tribal area;

''(B) the record of compliance by underground storage tanks in the State or tribal area with—

''(i) this subtitle; or

''(ii) an applicable State program approved under section 9004; and

''(C) data on the number of underground storage tank equipment failures in the State or tribal area.

''(3) AVAILABILITY.—The Administrator shall make the public record of each State and Indian tribe under this section available to the public electronically.''.

SEC. 7. FEDERAL FACILITIES.

Section 9007 of the Solid Waste Disposal Act (42 U.S.C. 6991f) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) APPLICABILITY OF SUBTITLE.—

''(1) IN GENERAL.—Section 6001(a) shall apply to each department, agency, and instrumentality in the executive, legislative, or judicial branch of the Federal Government having jurisdiction over—

''(A) any underground storage tank or underground storage tank system (as defined in section 280.12 of title 40, Code of Federal Regulations (or any successor regulation)); or

''(B) any release response activity relating to an underground storage tank or underground storage tank system.

''(2) REQUIREMENTS.—For purposes of this section, requirements respecting the control and abatement of solid waste or hazardous waste disposal and management referred to in section 6001(a) include requirements respecting—

''(A) control, installation, operation, management, or closure of any underground storage tank or underground storage tank system containing any regulated substance; and

''(B) release response activities relating to an activity described in subparagraph (A).''; and

(2) by adding at the end the following:

''(c) REVIEW OF, AND REPORT ON, FEDERAL UNDERGROUND STORAGE TANKS.—

''(1) REVIEW.—Not later than 1 year after the date of enactment of this subsection, the Administrator, in cooperation with each Federal agency that owns or operates 1 or more underground storage tanks or that manages land on which 1 or more underground storage tanks are located, shall review the status of compliance of those underground storage tanks with this subtitle.

''(2) IMPLEMENTATION REPORT.—

''(A) IN GENERAL.—Not later than 2 years after the date of enactment of this subsection, each Federal agency described in paragraph (1) shall submit to the Administrator and to each State in which an underground storage tank described in paragraph (1) is located an implementation report that—

''(i) lists each underground storage tank described in paragraph (1) that, as of the date of submission of the report, is not in compliance with this subtitle; and

''(ii) describes the actions that have been and will be taken to ensure compliance by the underground storage tank with this subtitle.

''(B) PUBLIC AVAILABILITY.—The Administrator shall make each report received under subparagraph (A) available to the public on the Internet.

''(3) NOT A SAFE HARBOR.—This subsection does not relieve any person from any obligation or requirement under this subtitle.''.

SEC. 8. TANKS UNDER THE JURISDICTION OF INDIAN TRIBES.

Subtitle I of the Solid Waste Disposal Act (42 U.S.C. 6991 et seq.) (as amended by section 6(a)) is amended by adding at the end the following:

''SEC. 9012. TANKS UNDER THE JURISDICTION OF INDIAN TRIBES.

''(a) IN GENERAL.—The Administrator, in coordination with Indian tribes, shall—

''(1) not later than 1 year after the date of enactment of this section, develop and implement a strategy—

''(A) giving priority to releases that present the greatest threat to human health or the environment, to take necessary corrective action in response to releases from leaking underground storage tanks located wholly within the boundaries of—

''(i) an Indian reservation; or

''(ii) any other area under the jurisdiction of an Indian tribe; and

''(B) to implement and enforce requirements concerning underground storage tanks located wholly within the boundaries of—

''(i) an Indian reservation; or

''(ii) any other area under the jurisdiction of an Indian tribe;

''(2) not later than 2 years after the date of enactment of this section and every 2 years thereafter, submit to Congress a report that summarizes the status of implementation and enforcement of the underground storage tank program in areas located wholly within—

''(A) the boundaries of Indian reservations; and

''(B) any other areas under the jurisdiction of an Indian tribe; and

''(3) make the report described in paragraph (2) available to the public on the Internet.

''(b) NOT A SAFE HARBOR.—This section does not relieve any person from any obligation or requirement under this subtitle.

''(c) STATE AUTHORITY.—Nothing in this section applies to any underground storage tank that is located in an area under the jurisdiction of a State, or that is subject to regulation by a State, as of the date of enactment of this section.''.

SEC. 9. STATE AUTHORITY.

Subtitle I of the Solid Waste Disposal Act (42 U.S.C. 6991 et seq.) (as amended by section 8) is amended by adding at the end the following:

''SEC. 9013. STATE AUTHORITY.

''Nothing in this subtitle precludes a State from establishing any requirement that is more stringent than a requirement under this subtitle.''.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

Subtitle I of the Solid Waste Disposal Act (42 U.S.C. 6991 et seq.) (as amended by section 9) is amended by adding at the end the following:

''SEC. 9014. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to the Administrator—

''(1) to carry out subtitle I (except sections 9003(h), 9005(a), and 9011) $25,000,000 for each of fiscal years 2004 through 2008; and

''(2) from the Trust Fund, notwithstanding section 9508(c)(1) of the Internal Revenue Code of 1986—

''(A) to carry out section 9003(h) (except section 9003(h)(12)) $150,000,000 for each of fiscal years 2004 through 2008;

''(B) to carry out section 9003(h)(12), $125,000,000 for each of fiscal years 2004 through 2008;

''(C) to carry out section 9005(a)—

''(i) $35,000,000 for each of fiscal years 2004 and 2005; and

''(ii) $20,000,000 for each of fiscal years 2006 through 2009; and

''(D) to carry out section 9011—

''(i) $50,000,000 for fiscal year 2004; and

''(ii) $30,000,000 for each of fiscal years 2005 through 2009.''.

SEC. 11. CONFORMING AMENDMENTS.

(a) DEFINITIONS.—Section 9001 of the Solid Waste Disposal Act (42 U.S.C. 6991) is amended—

(1) by striking ''For the purposes of this subtitle—'' and inserting ''In this subtitle:'';

(2) by redesignating paragraphs (1), (2), (3), (4), (5), (6), (7), and (8) as paragraphs (10), (7), (4), (3), (8), (5), (2), and (6), respectively, and reordering the paragraphs so as to appear in numerical order;

(3) by inserting before paragraph (2) (as redesignated by paragraph (2)) the following:

''(1) INDIAN TRIBE.—

''(A) IN GENERAL.—The term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community that is recognized as being eligible for special programs and services provided by the United States to Indians because of their status as Indians.

''(B) INCLUSIONS.—The term 'Indian tribe' includes an Alaska Native village, as defined in or established under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).''; and

(4) by inserting after paragraph (8) (as redesignated by paragraph (2)) the following:

''(9) TRUST FUND.—The term 'Trust Fund' means the Leaking Underground Storage Tank Trust Fund established by section 9508 of the Internal Revenue Code of 1986.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 1001 of the Solid Waste Disposal Act (42 U.S.C. prec. 6901) is amended in the table of contents—

(A) in the item relating to section 9002, by inserting ''and public records'' after ''Notification''; and

(B) by striking the item relating to section 9010 and inserting the following:

''Sec. 9010. Operator training.
''Sec. 9011. Use of funds for release prevention and compliance.
''Sec. 9012. Tanks under the jurisdiction of Indian tribes.
''Sec. 9013. State authority.
''Sec. 9014. Authorization of appropriations.''.

(2) Section 9002 of the Solid Waste Disposal Act (42 U.S.C. 6991a) is amended in the section heading by inserting ''AND PUBLIC RECORDS'' after ''NOTIFICATION''.

(3) Section 9003(f) of the Solid Waste Disposal Act (42 U.S.C. 6991b(f)) is amended—

(A) in paragraph (1), by striking ''9001(2)(B)'' and inserting ''9001(7)(B)''; and

(B) in paragraphs (2) and (3), by striking ''9001(2)(A)'' each place it appears and inserting ''9001(7)(A)''.

(4) Section 9003(h) of the Solid Waste Disposal Act (42 U.S.C. 6991b(h)) is amended in paragraphs (1), (2)(C), (7)(A), and (11) by striking ''Leaking Underground Storage Tank Trust Fund'' each place it appears and inserting ''Trust Fund''.

(5) Section 9009 of the Solid Waste Disposal Act (42 U.S.C. 6991h) is amended—

(A) in subsection (a), by striking ''9001(2)(B)'' and inserting ''9001(7)(B)''; and

(B) in subsection (d), by striking ''section 9001(1) (A) and (B)'' and inserting ''subparagraphs (A) and (B) of section 9001(10)''.

SEC. 12. TECHNICAL AMENDMENTS.

(a) Section 9001(4)(A) of the Solid Waste Disposal Act (42 U.S.C. 6991(4)(A)) (as amended by section 11(a)(2)) is amended by striking ''sustances'' and inserting ''substances''.

(b) Section 9003(f)(1) of the Solid Waste Disposal Act (42 U.S.C. 6991b(f)(1)) is amended by striking ''subsection (c) and (d) of this section'' and inserting ''subsections (c) and (d)''.

(c) Section 9004(a) of the Solid Waste Disposal Act (42 U.S.C. 6991c(a)) is amended by striking ''in 9001(2) (A) or (B) or both'' and inserting ''in subparagraph (A) or (B) of section 9001(7)''.

(d) Section 9005 of the Solid Waste Disposal Act (42 U.S.C. 6991d) (as amended by section 3) is amended—

(1) in subsection (b), by striking ''study taking'' and inserting ''study, taking'';

(2) in subsection (c)(1), by striking ''relevent'' and inserting ''relevant''; and

(3) in subsection (c)(4), by striking ''Evironmental'' and inserting ''Environmental''.

Mr. MCCONNELL. I ask unanimous consent that the committee substitute be agreed to, the bill, as amended, be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 195), as amended, was read the third time and passed.

PARTICIPATION OF TAIWAN IN THE WORLD HEALTH ORGANIZATION

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 61, S. 243.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 243) concerning participation of Taiwan in the World Health Organization.

There being no objection, the Senate proceeded to consider the bill.

Mr. MCCONNELL. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 243) was read the third time and passed, as follows:

S. 243

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

SECTION 1. CONCERNING THE PARTICIPATION OF TAIWAN IN THE WORLD HEALTH ORGANIZATION (WHO).

(a) FINDINGS.—The Congress makes the following findings:

(1) Good health is important to every citizen of the world and access to the highest standards of health information and services is necessary to improve the public health.

(2) Direct and unobstructed participation in international health cooperation forums and programs is beneficial for all parts of the world, especially with today's greater potential for the cross-border spread of various infectious diseases such as the human immunodeficiency virus (HIV), tuberculosis, and malaria.

(3) Taiwan's population of 23,500,000 people is greater than that of three-fourths of the member states already in the World Health Organization (WHO).

(4) Taiwan's achievements in the field of health are substantial, including one of the highest life expectancy levels in Asia, maternal and infant mortality rates comparable to those of western countries, the eradication of such infectious diseases as cholera, smallpox, and the plague, and the first to eradicate polio and provide children with hepitis B vaccinations.

(5) The United States Centers for Disease Control and Prevention and its Taiwan counterpart agencies have enjoyed close collaboration on a wide range of public health issues.

(6) In recent years Taiwan has expressed a willingness to assist financially and technically in international aid and health activities supported by the WHO.

(7) On January 14, 2001, an earthquake, registering between 7.6 and 7.9 on the Richter scale, struck El Salvador. In response, the Taiwanese government sent 2 rescue teams, consisting of 90 individuals specializing in firefighting, medicine, and civil engineering. The Taiwanese Ministry of Foreign Affairs also donated $200,000 in relief aid to the Salvadoran Government.

(8) The World Health Assembly has allowed observers to participate in the activities of the organization, including the Palestine Liberation Organization in 1974, the Order of Malta, and the Holy See in the early 1950s.

(9) The United States, in the 1994 Taiwan Policy Review, declared its intention to support Taiwan's participation in appropriate international organizations.

(10) Public Law 106–137 required the Secretary of State to submit a report to the Congress on efforts by the executive branch to support Taiwan's participation in international organizations, in particular the WHO.

(11) In light of all benefits that Taiwan's participation in the WHO can bring to the state of health not only in Taiwan, but also regionally and globally, Taiwan and its 23,500,000 people should have appropriate and meaningful participation in the WHO.

(12) On May 11, 2001, President Bush stated in his letter to Senator Murkowski that the United States ''should find opportunities for Taiwan's voice to be heard in international organizations in order to make a contribution, even if membership is not possible'', further stating that his Administration ''has focused on finding concrete ways for Taiwan to benefit and contribute to the WHO''.

(13) In his speech made in the World Medical Association on May 14, 2002, Secretary of Health and Human Services Tommy Thompson announced ''America's work for a healthy world cuts across political lines. That is why my government supports Taiwan's efforts to gain observership status at the World Health Assembly. We know this is a controversial issue, but we do not shrink from taking a public stance on it. The people of Taiwan deserve the same level of public health as citizens of every nation on earth, and we support them in their efforts to achieve it''.

(14) The Government of the Republic of China on Taiwan, in response to an appeal from the United Nations and the United States for resources to control the spread of HIV/AIDS, donated $1,000,000 to the Global Fund to Fight AIDS, Tuberculosis and Malaria in December 2002.

(b) PLAN.—The Secretary of State is authorized—

(1) to initiate a United States plan to endorse and obtain observer status for Taiwan at the annual week-long summit of the World Health Assembly in May 2003 in Geneva, Switzerland; and

(2) to instruct the United States delegation to Geneva to implement that plan.

(c) REPORT.—Not later than 14 days after the date of the enactment of this Act, the Secretary of State shall submit a report to Congress in unclassified form describing the action taken under subsection (b).

HUMAN RIGHTS IN CENTRAL ASIA

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 63, S.J. Res. 63.

The PRESIDING OFFICER. The clerk will report the joint resolution by title.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 63) expressing the sense of the Congress with respect to human rights in Central Asia.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. MCCONNELL. I ask unanimous consent that the Lugar amendment, which is at the desk, be agreed to; further, that the joint resolution, as amended, be read a third time and passed and the motion to reconsider be laid upon the table; further, that the amendment to the preamble be agreed to, the preamble, as amended, be agreed to, and the motion to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 533) was agreed to, as follows:

Strike all after the resolving clause and insert the following:

That it is the sense of Congress that—

(1) the governments of Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and

Uzbekistan should accelerate democratic reforms and fulfill their human rights obligations, including, where appropriate, by—

(A) releasing from prison anyone jailed for peaceful political activism or the nonviolent expression of their political or religious beliefs;

(B) fully investigating any credible allegations of torture and prosecuting those responsible;

(C) permitting the free and unfettered functioning of independent media outlets, independent political parties, and nongovernmental organizations, including by easing registration processes;

(D) permitting the free exercise of religious beliefs and ceasing the persecution of members of religious groups and denominations that do not engage in violence or political change through violence;

(E) holding free, competitive, and fair elections; and

(F) making publicly available documentation of their revenues and punishing those engaged in official corruption;

(2) the President, the Secretary of State, and the Secretary of Defense should—

(A) continue to raise at the highest levels with the governments of the nations of Central Asia specific cases of political and religious persecution, and to urge greater respect for human rights and democratic freedoms at every diplomatic opportunity;

(B) take progress in meeting the goals specified in paragraph (1) into account when determining the scope and nature of our diplomatic and military relations and assistance with each of such governments;

(C) ensure that the provisions of foreign operations appropriations Acts are fully implemented to ensure that no United States assistance benefits security forces in Central Asia that are implicated in violations of human rights;

(D) press the Government of Turkmenistan to implement the helpful recommendations contained in the so-called ''Moscow Mechanism'' Report of the Organization for Security and Cooperation in Europe (OSCE) respect the right of all prisoners to due process and a fair trial and release democratic activists and their family members from prison;

(E) urge the Government of Russia not to extradite to Turkmenistan members of the political opposition of Turkmenistan;

(F) work with the Government of Kazakhstan to create a political climate free of intimidation and harassment, including releasing political prisoners and permitting the return of political exiles, and to reduce official corruption, including by urging the Government of Kazakhstan to cooperate with the ongoing Department of Justice investigation;

(G) support through United States assistance programs individuals, nongovernmental organizations, and media outlets in Central Asia working to build more open societies, to support the victims of human rights abuses, and to expose official corruption; and

(H) press the Government of Uzbekistan to implement fully the recommendations made to the Government of Uzbekistan by the United Nation's Special Rapporteur on Torture; and

(3) increased levels of United States assistance to the governments of the nations of Central Asia made possible by their cooperation in the war in Afghanistan can be sustained only if there is substantial and continuing progress towards meeting the goals specified in paragraph (1).

The amendment (No. 534) was agreed to, as follows:

Strike the preamble and insert the following:

Whereas the Central Asian nations of Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan are providing the United States with assistance in the war in Afghanistan, from military basing and overflight rights to the facilitation of humanitarian relief;

Whereas in turn the United States victory over the Taliban in Afghanistan provides important benefits to the Central Asian nations by removing a regime that threatened their security and by significantly weakening the Islamic Movement of Uzbekistan, a terrorist organization that had previously staged armed raids from Afghanistan into the region;

Whereas the United States has consistently urged the nations of Central Asia to open their political systems and economies and to respect human rights, both before and since the attacks of September 11, 2001;

Whereas Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan are members of the United Nations and the Organization for Security and Cooperation in Europe (OSCE), both of which confer a range of obligations with respect to human rights on their members;

Whereas while the United States recognizes marked differences among the social structures and commitments to democratic and economic reform of the Central Asian nations, the United States notes nevertheless, according to the State Department Country Reports on Human Rights Practices, that all five governments of such nations, to differing degrees, restrict freedom of speech and association, restrict or ban the activities of human rights organizations and other non-governmental organizations, harass or prohibit independent media, imprison political opponents, practice arbitrary detention and arrest, and engage in torture and extrajudical executions;

Whereas by continuing to suppress human rights and to deny citizens peaceful, democratic means of expressing their convictions, the nations of Central Asia risk fueling popular support for violent and extremist movements, thus undermining the goals of the war on terrorism;

Whereas President George W. Bush has made the defense of human dignity, the rule of law, limits on the power of the state, respect for women and private property, free speech, equal justice, religious tolerance strategic goals of United States foreign policy in the Islamic world, arguing that ''a truly strong nation will permit legal avenues of dissent for all groups that pursue their aspirations without violence''; and

Whereas Congress has expressed its desire to see deeper reform in Central Asia in past resolutions and other legislation, most recently conditioning assistance to Uzbekistan and Kazakhstan on their progress in meeting commitments to the United States on human rights and democracy: Now, therefore, be it

The preamble, as amended, was agreed to.

The joint resolution, as amended, with its preamble, as amended, was read the third time and passed, as follows:

S.J. RES. 3

Whereas the Central Asian nations of Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan are providing the United States with assistance in the war in Afghanistan, from military basing and overflight rights to the facilitation of humanitarian relief;

Whereas in turn the United States victory over the Taliban in Afghanistan provides important benefits to the Central Asian nations by removing a regime that threatened their security and by significantly weakening the Islamic Movement of Uzbekistan, a terrorist organization that had previously staged armed raids from Afghanistan into the region;

Whereas the United States has consistently urged the nations of Central Asia to open their political systems and economies and to respect human rights, both before and since the attacks of September 11, 2001;

Whereas Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan are members of the United Nations and the Organization for Security and Cooperation in Europe (OSCE), both of which confer a range of obligations with respect to human rights on their members;

Whereas while the United States recognizes marked differences among the social structures and commitments to democratic and economic reform of the Central Asian nations, the United States notes nevertheless, according to the State Department Country Reports on Human Rights Practices, that all five governments of such nations, to differing degrees, restrict freedom of speech and association, restrict or ban the activities of human rights organizations and other non-governmental organizations, harass or prohibit independent media, imprison political opponents, practice arbitrary detention and arrest, and engage in torture and extrajudical executions;

Whereas by continuing to suppress human rights and to deny citizens peaceful, democratic means of expressing their convictions, the nations of Central Asia risk fueling popular support for violent and extremist movements, thus undermining the goals of the war on terrorism;

Whereas President George W. Bush has made the defense of human dignity, the rule of law, limits on the power of the state, respect for women and private property, free speech, equal justice, religious tolerance strategic goals of United States foreign policy in the Islamic world, arguing that ''a truly strong nation will permit legal avenues of dissent for all groups that pursue their aspirations without violence''; and

Whereas Congress has expressed its desire to see deeper reform in Central Asia in past resolutions and other legislation, most recently conditioning assistance to Uzbekistan and Kazakhstan on their progress in meeting commitments to the United States on human rights and democracy: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the sense of Congress that—

(1) the governments of Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan should accelerate democratic reforms and fulfill their human rights obligations, including, where appropriate, by—

(A) releasing from prison anyone jailed for peaceful political activism or the nonviolent expression of their political or religious beliefs;

(B) fully investigating any credible allegations of torture and prosecuting those responsible;

(C) permitting the free and unfettered functioning of independent media outlets, independent political parties, and nongovernmental organizations, including by easing registration processes;

(D) permitting the free exercise of religious beliefs and ceasing the persecution of members of religious groups and denominations that do not engage in violence or political change through violence;

(E) holding free, competitive, and fair elections; and

(F) making publicly available documentation of their revenues and punishing those engaged in official corruption;

(2) the President, the Secretary of State, and the Secretary of Defense should—

(A) continue to raise at the highest levels with the governments of the nations of Central Asia specific cases of political and religious persecution, and to urge greater respect for human rights and democratic freedoms at every diplomatic opportunity;

(B) take progress in meeting the goals specified in paragraph (1) into account when determining the scope and nature of our diplomatic and military relations and assistance with each of such governments;

(C) ensure that the provisions of foreign operations appropriations Acts are fully implemented to ensure that no United States assistance benefits security forces in Central Asia that are implicated in violations of human rights;

(D) press the Government of Turkmenistan to implement the helpful recommendations contained in the so-called ''Moscow Mechanism'' Report of the Organization for Security and Cooperation in Europe (OSCE) respect the right of all prisoners to due process and a fair trial and release democratic activists and their family members from prison;

(E) urge the Government of Russia not to extradite to Turkmenistan members of the political opposition of Turkmenistan;

(F) work with the Government of Kazakhstan to create a political climate free of intimidation and harassment, including releasing political prisoners and permitting the return of political exiles, and to reduce official corruption, including by urging the Government of Kazakhstan to cooperate with the ongoing Department of Justice investigation;

(G) support through United States assistance programs individuals, nongovernmental organizations, and media outlets in Central Asia working to build more open societies, to support the victims of human rights abuses, and to expose official corruption; and

(H) press the Government of Uzbekistan to implement fully the recommendations made to the Government of Uzbekistan by the United Nation's Special Rapporteur on Torture; and

(3) increased levels of United States assistance to the governments of the nations of Central Asia made possible by their cooperation in the war in Afghanistan can be sustained only if there is substantial and continuing progress towards meeting the goals specified in paragraph (1).

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

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 67, H.R. 289.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 289) to expand the boundaries of the Ottawa National Wildlife Refuge Complex and a Detroit River International Wildlife Refuge.

There being no objection, the Senate proceeded to consider the bill.

Mr. MCCONNELL. I ask unanimous consent the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 289) was passed.

COMMEMORATING THE 140TH ANNIVERSARY OF THE EMANCIPATION PROCLAMATION

Mr. MCCONNELL. I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 81, S. Con. Res. 15, which was reported earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 15) commemorating the 140th anniversary of the issuance of the Emancipation Proclamation.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. MCCONNELL. I ask unanimous consent the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements related to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 15) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 15

Whereas Abraham Lincoln, the sixteenth President of the United States, issued a proclamation on September 22, 1862, declaring that on the first day of January, 1863, ''all persons held as slaves within any State or designated part of a State the people whereof shall then be in rebellion against the United States shall be then, thenceforward, and forever free'';

Whereas the proclamation declared ''all persons held slaves within the insurgent States''—with the exception of Tennessee, southern Louisiana, and parts of Virginia, then within Union lines—''are free'';

Whereas, for two and half years, Texas slaves were held in bondage after the Emancipation Proclamation became official and only after Major General Gordon Granger and his soldiers arrived in Galveston, Texas, on June 19, 1865, were African-American slaves in that State set free;

Whereas slavery was a horrendous practice and trade in human trafficking that continued until the passage of the Thirteenth Amendment to the United States Constitution ending slavery on December 18, 1865;

Whereas the Emancipation Proclamation is historically significant and history is regarded as a means of understanding the past and solving the challenges of the future;

Whereas one hundred and forty years after President Lincoln's Emancipation Proclamation, African Americans have integrated into various levels of society; and

Whereas commemorating the 140th anniversary of the Emancipation Proclamation highlights and reflects the suffering and progress of the faith and strength of character shown by slaves and their descendants as an example for all people of the United States, regardless of background, religion, or race: Now, therefore, be it

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

(1) recognizes the historical significance of the 140th anniversary of the Emancipation Proclamation as an important period in the Nation's history; and

(2) encourages its celebration in accordance with the spirit, strength, and legacy of freedom, justice, and equality for all people of America and to provide an opportunity for all people of the United States to learn more about the past and to better understand the experiences that have shaped the Nation.

COMMEMORATION OF LAW ENFORCEMENT OFFICERS

Mr. MCCONNELL. I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 82, S. Res. 75, which was reported earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 75) commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LEAHY. Mr. President, I am happy that the Senate is passing S. Res. 75, a resolution that would designate May 15, 2003, as National Peace Officers Memorial Day. Senator CAMPBELL and I introduced this resolution to keep alive in the memory of all Americans the sacrifice and commitment of those law enforcement officers who lost their lives serving their communities. We are joined by 20 cosponsors, including Judiciary Committee Chairman HATCH, and Judiciary Committee members BIDEN, DURBIN, SCHUMER and KOHL.

I commend Senator CAMPBELL for his leadership in this issue. As a former deputy sheriff, he has experienced firsthand the risks faced by law enforcement officers every day while they protect our communities. I also want to thank each of our nation's brave law enforcement officers for the jobs they do. They are real-life heroes, too many of whom often give the ultimate sacrifice, and they remind us of how important it is to support our state and local police.

Currently, more than 850,000 men and women who serve this Nation as our guardians of law and order do so at a great risk. Each year, 1 in 15 officers is assaulted, 1 in 46 officers is injured, and 1 in 5,255 officers is killed in the line of duty somewhere in America every other day. After the hijacked planes hit the World Trade Center in New York City on September 11, 72 peace officers died while trying to ensure that their fellow citizens in those buildings got to safety. That act of terrorism resulted in the highest number

of peace officers ever killed in a single incident in the history of this country.

In 2002, over 152 law enforcement officers died while serving in the line of duty, well below the decade-long average of 165 deaths annually, and a major drop from 2001 when a total of 237 officers were killed. A number of factors contributed to this reduction including better equipment and the increased use of bullet-resistant vests, improved training, longer prison terms for violent offenders, and advanced emergency medical care. And, in total, more than 16,700 men and women have made the ultimate sacrifice.

National Peace Officers Memorial Day will provide the people of the United States with the opportunity to honor that extraordinary service and sacrifice. More than 15,000 peace officers are expected to gather in Washington to join with the families of their fallen comrades who, by their last full measure of devotion to their responsibilities and the right and security of their fellow citizens, have rendered a dedicated service to our nation. I look forward to passage of this important resolution, a fitting tribute for this special and solemn occasion.

Mr. MCCONNELL. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statement related to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 75) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 75

Whereas the well-being of all citizens of the United States is preserved and enhanced as a direct result of the vigilance and dedication of law enforcement personnel;

Whereas more than 700,000 men and women, at great risk to their personal safety, presently serve their fellow citizens as guardians of peace;

Whereas peace officers are on the front line in preserving the right of the children of the United States to receive an education in a crime-free environment, a right that is all too often threatened by the insidious fear caused by violence in schools;

Whereas more than 145 peace officers across the Nation were killed in the line of duty during 2002, well below the decade-long average of 165 deaths annually, and a major drop from 2001 when 230 officers were killed, including 72 officers in the September 11th terrorist attacks;

Whereas a number of factors contributed to this reduction in deaths, including better equipment and the increased use of bullet-resistant vests, improved training, longer prison terms for violent offenders, and advanced emergency medical care;

Whereas every year, 1 out of every 9 peace officers is assaulted, 1 out of every 25 peace officers is injured, and 1 out of every 4,400 peace officers is killed in the line of duty somewhere in America every other day; and

Whereas on May 15, 2003, more than 15,000 peace officers are expected to gather in Washington, D.C. to join with the families of their recently fallen comrades to honor those comrades and all others who went before them: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes May 15, 2003, as Peace Officers Memorial Day, in honor of Federal, State, and local officers killed or disabled in the line of duty; and

(2) calls upon the people of the United States to observe this day with appropriate ceremonies and respect.

AUTHORIZATION FOR COMMITTEE TO FILE

Mr. MCCONNELL. I ask unanimous consent that notwithstanding the Senate's adjournment, the Commerce Committee have from 10 a.m. until 12 noon on Friday, May 2, to file S. 824, the FAA reauthorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Would the distinguished majority whip yield?

Mr. MCCONNELL. I yield.

Mr. REID. Mr. President, we have completed a number of unanimous consent requests this evening. A number of them—about 10 in number—deal with various positions that have been confirmed by the Senate this evening. These we read off by virtue of numbers. We do this almost every night, but I think sometimes we fail to realize these are real people and they are more than just numbers. The people on this list that we have read off today, they will have celebrations tonight. These are extremely important days in the life of every one of these people whose names we have read off today.

I think it does us good to once in a while just pause and recognize that the things we do here deal with more than just numbers. I ask we all once in a while stop and join in the celebration of these victories that these people have.

It is difficult, with the present situation—present situation? I think it has been going on for 20 years, how difficult it is to get nominations that the President sends to us, Democrat or Republican. The process is not very good.

We are now into the second year of this administration and we are just getting approved people he submitted earlier—some of whom he didn't submit earlier—just because the process is so slow. I hope someday a bipartisan commission or some organization can be set up so we can do this separate and apart from the situation that involves the judiciary. But just on nominations that come from the President, we need a system that works much better, more quickly than what we have.

I don't want to prolong the point other than to say congratulations to all these people who have been approved tonight.

Mr. MCCONNELL. Mr. President, let me say to my friend, the assistant Democratic leader, his points are well made both on the congratulations that are certainly due these individuals who have been confirmed tonight and on the need to improve the process by which we get individuals confirmed here in the Senate. I must say, without the able and effective assistance of the assistant Democratic leader, we would not have been able to clear some of these nominations tonight. I thank him for his perseverance in making that possible.

ORDERS FOR MONDAY, MAY 5, 2003

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until noon, Monday, May 5. 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 of morning business until 12:45, with the time equally divided between the majority leader and Senator DORGAN or their designees, provided that at 12:45 the Senate proceed to executive session to consider Executive Calendar No. 34, the nomination of Deborah Cook to be United States Circuit Judge for the Sixth Circuit as provided under the previous order.

I further ask unanimous consent that upon the completion of the vote on the Cook nomination, the Senate resume consideration of the nomination of Miguel Estrada, with the remaining time until 6 p.m. equally divided between the chairman and ranking member of the Judiciary Committee, provided further that at 6 p.m. the Senate proceed to a cloture vote on the Estrada nomination.

Mr. REID. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MCCONNELL. Mr. President, for the information of all Senators, on Monday the Senate will be in a period of morning business until 12:45. Following morning business, the Senate will begin consideration of the Cook nomination to the Sixth Circuit. Under the agreement entered into earlier today, there will be up to 4 hours of debate on the nomination prior to a vote on confirmation. Therefore, the first vote on Monday will occur at 4:45 p.m.

Upon the disposition of the Cook nomination, the Senate will debate the nomination of Miguel Estrada until 6 p.m. At 6 p.m., the Senate will conduct its fifth cloture vote on the Estrada nomination.

In addition to judicial nominations, the Senate may proceed to any of the following items next week: The NATO expansion bill, the energy bill, the bioshield legislation, the State Department authorization bill, the FISA legislation, and any other items that can be cleared for floor action. Therefore, I encourage our colleagues to prepare for a very busy week, with numerous rollcall votes occurring throughout next week.

ADJOURNMENT UNTIL MONDAY, MAY 5, 2003

Mr. MCCONNELL. If there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:38 p.m., adjourned until Monday, May 5, 2003, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate May 1, 2003:

THE JUDICIARY

D. MICHAEL FISHER, OF PENNSYLVANIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE THIRD CIRCUIT, VICE CAROL LOS MANSMANN, DECEASED.

ROGER T. BENITEZ, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF CALIFORNIA, VICE A NEW POSITION CREATED BY PUBLIC LAW 107–273, APPROVED NOVEMBER 2, 2002.

LARRY ALAN BURNS, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF CALIFORNIA, VICE A NEW POSITION CREATED BY PUBLIC LAW 107–273, APPROVED NOVEMBER 2, 2002.

KATHLEEN CARDONE, OF TEXAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF TEXAS, VICE A NEW POSITION CREATED BY PUBLIC LAW 107–273, APPROVED NOVEMBER 2, 2002.

JAMES I. COHN, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF FLORIDA, VICE A NEW POSITION CREATED BY PUBLIC LAW 107–273, APPROVED NOVEMBER 2, 2002.

MARCIA A. CRONE, OF TEXAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF TEXAS, VICE A NEW POSITION CREATED BY PUBLIC LAW 107–273, APPROVED NOVEMBER 2, 2002.

DALE S. FISCHER, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA, VICE A NEW POSITION CREATED BY PUBLIC LAW 107–273, APPROVED NOVEMBER 2, 2002.

WILLIAM Q. HAYES, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF CALIFORNIA, VICE A NEW POSITION CREATED BY PUBLIC LAW 107–273, APPROVED NOVEMBER 2, 2002.

JOHN A. HOUSTON, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF CALIFORNIA, VICE A NEW POSITION CREATED BY PUBLIC LAW 107–273, APPROVED NOVEMBER 2, 2002.

FRANK MONTALVO, OF TEXAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF TEXAS, VICE A NEW POSITION CREATED BY PUBLIC LAW 107–273, APPROVED NOVEMBER 2, 2002.

R. DAVID PROCTOR, OF ALABAMA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ALABAMA, VICE A NEW POSITION CREATED BY PUBLIC LAW 107–273, APPROVED NOVEMBER 2, 2002.

XAVIER RODRIGUEZ, OF TEXAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF TEXAS, VICE EDWARD C. PRADO.

DANA MAKOTO SABRAW, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF CALIFORNIA, VICE A NEW POSITION CREATED BY PUBLIC LAW 107–273, APPROVED NOVEMBER 2, 2002.

EARL LEROY YEAKEL III, OF TEXAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF TEXAS, VICE JAMES R. NOWLIN, RETIRED.

DEPARTMENT OF JUSTICE

GRETCHEN C. F. SHAPPERT, OF NORTH CAROLINA, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF NORTH CAROLINA FOR THE TERM OF FOUR YEARS, VICE ROBERT J. CONRAD, JR.

DEPARTMENT OF STATE

GEORGE A. KROL, OF NEW JERSEY, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF BELARUS.

DEPARTMENT OF DEFENSE

THOMAS W. O'CONNELL, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE, VICE BRIAN E. SHERIDAN.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

JEFFERSON L. SEVERS, 4514

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5721:

To be lieutenant commander

AMADO F. ABAYA, 2180
DOUGLAS J. ADKISSON, 6110
NEAL D. AGAMAITE, 2535
CHRISTOPHER J. ATKINSON, 4911
CHARLES F. BABB, 1157
WILLIAM H. BAXTER, 1804
JOHN E. CAGE, 0896
WILLIAM C. CHAMBERS, 1347
GRANT A. DUNN, 8871
WILLIAM D. ERWIN, 2863
JON R. GABRIELSON, 1112
FRANK E. GIANOCARO, 8672
RICKY L. GILBERT, 9823
GREGORY S. GORDON, 5978
LANCE A. HARPEL, 7750
CHRISTOPHER C. HARRINGTON, 7298
SCOTT A. HARVEY, 9966
FRASER P. HUDSON, 6505
SEAN D. KEARNS, 3044
LARRY D. KNOCK, 2816
JEFFREY D. LAMB, 1353
JEFFREY E. LAMPHEAR, 2042
THOMAS A. MAYS, 4478
ROY W. MCKAY, 7330
BRIAN A. MINARD, 7404
WILLIAM J. OSSENFORT, 2991
JAMES D. OZOLS, 0903
ADAM D. PALMER, 3757
JOHN J. PUDLOSKI, 3693
KENNETH W. RICE, 8598
STEVEN M. RIEDEL, 2002
MATTHEW P. ROBERTS, 2206
MATTHEW I. SAVAGE, 5775
BRIAN J. SHEAKLEY, 3787
TRAVIS D. SISK, 0223
LOREN J. SMITH, 3766
DEAN M. SPRINGSTUBE, 5290
TORY J. SWANSON, 2475
SHANNON J. WELLS, 8020

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

DANFORD S. K. AFONG, 2660
PHILIP G. ALVAREZ, 9172
DAN L. AMMONS, 5548
MARK D. ANDERSON, 0962
JAMES A. ANTONELLIS, 4719
ROBERT M. ARAKI, 7435
DOUGLAS J. ASBJORNSEN, 6062
CLAYTON B. AUSTIN, 9747
WILLIAM P. AUVIL, 2679
KURT F. BAKER, 6101
MICHAEL S. BARRY, 7470
LYNETTE M. BASON, 8943
ROBERT A. BERNARDON, 7561
ROBERT M. BOLAND, 0220
SUZANNE BONNER, 0307
DERRICK S. BOONE, 4304
FREDERICK BOURASSA, 4972
EARL R. BOWEN, 2176
CHARLES S. BOWERS III, 3242
EDWARD P. BRANDS, 8966
GREGORY D. BRANNON, 3051
JAMES B. BRIDGE, 1923
JOSEPH L. BRIDGE, 0002
JAMES W. BROWN, 8109
PHILIP A. BUCHIARELLI, 1139
JACK W. BURGESS, 1127
SCOTT R. BUTLER, 0824
GARY M. BUTTER, 8925
MARK S. CAMPAGNA, 8085
JEFFREY F. CAMPBELL, 8132
STEVEN E. CAMPBELL, 5359
TIMOTHY G. CANOLL, 7919
CHARLES K. CARODINE, 0628
CHARLES L. CARTLEDGE, 1952
DAVID A. CASE, 5310
CHARLES E. CASH, 1364
SILVIA K. CHANG, 4069
JOHN C. COCHRANE JR., 7012
ARTHUR C. CODY, 5515
PETER D. COFFIN, 3250
ROBERT J. COLE, 8028
STARLING T. CORUM, 6633
DAVID R. COUGHLIN, 7360
IAIN A. CURRIE, 0882
IRISH O. CURRY, 8556
JOHN R. CYRMIQUELON JR., 0244
WILLIAM K. DAILEY, 3069
MARC L. DAPAS, 9800
TIMOTHY A. DEAK, 8624
PAUL A. DENHAM, 1770
JOHN R. DENICOLA, 8481
GREGORY A. DEVER, 0082
RODOLFO R. DIAZ JR., 3084
KENNETH T. DICKERSON, 8870
KELVIN N. DIXON, 3891
CHRISTOPHER A. DOERING, 6661
GREGORY W. EATON, 9060
MARK E. ECKEL, 8216
SANDRA N. ELLIS, 6084
BENEDICT A. ENG, 4376
STEPHEN B. ENGELHARDT, 3473
KEVIN M. ERNST, 8142
DOUGLAS J. EVANS, 3926
GARY W. EVANS, 5218
CHRISTOPHER L. EVERSON, 3211
MICHAEL R. EWING, 5980
RANDAL D. FARLEY, 1424
LYNNE A. FARLOW, 2096
DANIEL C. FINK, 2591
GERALD N. FITZMORRIS, 1779
NEIL K. FLINT, 5182
JEROME D. FRECHETTE, 4812
MICHAEL E. FREDETTE, 0045
JOHN T. FRIEDLANDER, 0608
JAMES J. FRITSCHE, 4182
JEFFERY E. FROST, 9214
DAVID B. GARVEY, 3716
PETER D. GATES, 6812
MADISON B. GENTSCH, 9432
JEFFREY L. GIDEON, 4871
DONALD P. GLANDEN, 0159
DAVID N. GLASS, 0816
CRAIG W. GOODMAN, 4886
TONY A. GRAYSON, 9850
ROBERT L. GREENE, 3310
WILLIAM S. J. GRIPMAN, 2621
MICHAEL R. GUIMOND, 2691
MICHAEL W. GULLEDGE, 6002
PATTI R. GUREKIAN, 0569
BRUCE B. GUTHRIE, 5080
ANTHONY R. HALL, 3354
MARK D. HARPER, 2406
FRANK E. HARRIS, 8400
DAVID J. HARRISON, 7715
ROBERT L. HAWKINS, 2895
SHERRILL J. HAZARD III, 3281
STEPHEN C. HEID, 5226
RICHARD A. HENNING, 8951
MICHAEL V. HENSON, 8521
PAUL G. HILLENBRAND, 3588
MARK M. HODGE, 4170
WILLIAM J. HOLLMAN, 8221
EDWARD F. HOLSTEIN II, 1634
MICHAEL W. HOPPE, 6207
KATHRYN C. HOWELL, 4989
ROGER B. HOYT, 0917
CLARENCE G. HULL IV, 3001
TIMOTHY P. HUNT, 8841
GORDON J. JACOBSON, 4238
JEFFREY C. JAEGER, 6673
JAMES B. JONES, 9782
RANDALL E. JONES, 4801
JOHN W. JUDGE, 6420
CLIFFORD Y. KAISER, 7110
MARK W. KAMINSKI, 9571
CHARLES B. KENNEDY, 6548
BYRON W. KING, 0983
RODNEY J. KING, 9092
FARIS A. KIRKLAND, 8040
PHILIP A. KUMLER, 1345
CHARLES J. LABEE III, 5419
JOHN H. LACKIE, 2308
SCOTT J. LANDIS, 2047
SANFORD D. LANSING, 0976
JOSEPH R. LAWRENCE, 9673
DOUGLAS E. LEMASTERS, 2089
JOHN T. LINDGREN IV, 1518
WALLACE H. LLOYD III, 2983
PETER J. LOHR, 3087
DEBORAH A. LYLE, 4970
MORGAN E. MAHONEY, 5609
ANDREW J. MAKAR, 8017
MARK MCDONAGH, 4896
JAMES L. MCGINLEY, 2809
MARTIN H. MCKOWN JR., 2298
ROCK E. MCNULTY, 1323
MATHEW W. MERRIMAN, 4356
ROBERT H. G. MEYERS, 9827
THOMAS M. MILLARD, 4530
IRA L. MINOR JR., 2892
JAMES E. MITCHELL, 4080
CLARENCE T. MORGAN, 0916
JOHNNY D. MORGAN, 2478
ELISA R. MORRELL, 5504
MARK F. MORRIS, 6433
MATTHEW B. MOURY, 6937
MARTIN W. MULLAN, 6927
ROBERT D. MURO, 9329
KATHRYNE O. MURPHEY, 1107
ROBERT F. MURPHY, 7972
LLOYD M. MUSTIN II, 6082
SAMUEL L. NETH, 7843
ALVIN E. NIX JR., 3376
ANNE J. NOLAN, 6865
STEVEN D. OAKS, 2913
DAVID J. OCONNOR JR., 3440
DAVID J. OESER, 8931
DIANNE M. OHNSTAD, 2518
LAWRENCE E. OLSEN, 4781
KAY M. OSBORNE, 2718
LUTHER M. OTT, 0908
DAVID F. OZEROFF, 8819
DAVID B. PABINQUIT, 2836
THOMAS R. PARRY, 4109
RICHARD G. PATSY, 9475
CHRISTOPHER J. PAUL, 6296
THOMAS J. PAULOSKI, 8435
KURT E. PAVLAT, 9595
PHILIP C. PEYTON, 3113
WILLIAM J. PFLUGRATH, 2743
KENNETH R. PHILLIPS, 6857
DAVID S. PICOU, 1697
BRYAN A. PLATON, 1185
KENNETH E. POSEY, 9600
ROBERTO N. POSSUMATO, 6339
DANIEL PRIJIC, 5361
LYNNE E. PUCKETT, 9727
CHARLES L. RATTE, 3240
MARK R. REID, 1175
JOSEPH E. REYNOLDS, 9174
DAVID L. RICHARDS, 7286
PETER G. ROSS, 8644
ROBERT R. ROSSETTI, 1616
VINCENT E. ROTHWALL, 1071
STEPHEN H. ROUSSEAU, 8721
ADALBERTO RUIZ III, 5638
FRANK R. RUSSO JR., 6769
CRAIG J. RYNIEWICZ, 0887
JOHN C. SADLER, 9559
TERRY R. SARGENT, 1158

RICHARD A. SCHOENBERG JR., 7212
JAMES S. SCHWARTZ, 1712
JAN SCHWARZENBERG, 6799
JOHN A. SEVERINO, 8855
JOSEPH S. SHELLENBERGER, 7856
ANDREW P. SHELTER, 0003
BILLY J. SHILLING, 1303
TRACY L. SKEELS, 8071
DONALD E. SMALLWOOD JR., 4759
DAVID P. SMITH, 6087
JEFFREY R. SMITH, 5668
JON C. SMITH, 2166
MICHAEL W. SMITH, 6056
WARREN T. SMITH, 0061
JOHN G. SPEAR, 5842
JONATHAN H. STAIRS, 6553
MICHAEL L. STANFORD, 2166
KURT A. STONEY, 1212
JOHN W. SWAIN, 5992
WILLIAM F. SWINTON, 9742
DONALD S. THIESSE, 0303
WILLIAM H. THOMPSON, 2407
JAMES E. TORMEY JR., 3141
DAVID A. TOWNSEND, 9728
GLENN M. TRACY, 0547
DAVID W. TRUMPOLDT, 8677
GREGORY E. UPRIGHT, 0613
CHARLES R. VALENTINO, 4267
SCOTT R. VASINA, 3529
JOYCE L. VIETTI, 9682
HENRY R. VITALI JR., 5725
RICHARD K. VOGEL, 7632
THEODORE J. WADDELL III, 6653
RICHARD E. WAKELAND, 5221
STEVEN J. WALTER, 1194
CHRISTOPHER R. WANSTALL, 3703
JOHN G. WATSON, 0872
PAUL S. WEHR, 7747
LAWRENCE E. WEILL, 5798
PAUL W. WERNER, 8261
JOSEPH C. WESTON, 2412
RICHARD T. WHEATLEY, 7567
TIMOTHY G. WILD, 6503
DAVID S. WILSON, 1083
NELSON W. C. WINBUSH, 2644
THEODORE A. WYKA, 9666

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

SCOTT F. BOHNENKAMP, 9676
DONALD J. BURNS, 5114
ROBERT D. BUXTON, 6159
KATHY L. CALLAHANARAGON, 5033
STEPHEN P. CARMICHAEL, 1201
RICHARD S. CLINE, 2859
JOHN E. COLE, 0179
KATHLEEN FARRELL, 4964
MICHAEL J. FITZGERALD, 5386
GERALD D. GOLDEN, 3000
MICHAEL D. HERMAN, 5710
GARY N. HETZEL, 6454
EUGENE S. HOWARD, 6452
LOTHROP S. LITTLE, 1617
LYNN A. MCCARTHY, 6676
ROBERT B. MONROE, 2765
CHRISTOPHER A. PATTON, 5822
ELIEZER J. PEREZVERGARA, 7748
MICHAEL S. REMINGTON, 0752
ROBERT J. SHEA, 5647
RANDALL C. SNYDER, 9194
ANDREW J. TURNLEY, 6263
CHRISTOPHER L. WALL, 8990

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

CHARLES L. COLLINS, 6891
WILLIAM C. DOSKOCIL, 9787
HAROLD A. KOUSSA, 5725
RICHARD H. LAGDON JR., 1480
RICHARD D. MARKINGCAMUTO, 4263
CHARLES D. MASSEY, 1233
DONALD S. MUEHLBACH JR., 6704
RONALD E. OROURKE, 4793
GREGG R. PELOWSKI, 6215
ROBERT V. PELTIER, 4906
ROBERT S. ROSEN, 7927
CHARLOTTE V. SCOTTMCKNIGHT, 3220
JEFFREY C. SEN, 8264
ROBERT L. SKINNER, 7991
CYNTHIA R. SUGIMOTO, 8455

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

GREGORY S. ADAMS, 4652
HARRY W. ALLEN, 0182
RICHARD C. BAFFA, 3552
DANIEL A. BUBACZ, 4040
HENRY S. DOMERACKI, 0831
ALEXANDER DREW, 5320
LANCE B. GORDON, 3804
BRIAN J. HICKMAN, 2490
RONALD L. HOOVER, 4237
JAMES A. JACKMORE JR., 7709
ANTHONY H. JOHNSON, 1294
HOWARD T. KAUDERER, 6504
RAYMOND KELLER JR., 3458
LEEROY LANCE JR., 9249
DENNIS L. LOVEJOY, 2057
PATRICIA A. LUCAS, 2399
C. C. MAGRUDER, 7144
THOMAS C. MALONEY JR., 2289
DAVID W. MAREADY, 0566
MARK D. NEY, 4898
GARY R. REEVES, 4901
CHARLES T. ROBERTS, 4722
JOHN A. RODGAARD, 2465
STEPHAN A. ROGGE, 9696
JOHN VOLKOFF, 2260
KEVIN C. WARNKE, 1705
MICHAEL K. WEBB, 3013
PATRICIA G. WILLIAMS, 5524
PETER A. WITHERS, 3045

CONFIRMATIONS

Executive nominations confirmed by the Senate May 1, 2003:

DEPARTMENT OF ENERGY

LINTON F. BROOKS, OF VIRGINIA, TO BE UNDER SECRETARY FOR NUCLEAR SECURITY, DEPARTMENT OF ENERGY.

DEPARTMENT OF THE TREASURY

MARK W. EVERSON, OF TEXAS, TO BE COMMISSIONER OF INTERNAL REVENUE FOR A TERM OF FIVE YEARS.

DEPARTMENT OF DEFENSE

LAWRENCE MOHR, JR., OF SOUTH CAROLINA, TO BE A MEMBER OF THE BOARD OF REGENTS OF THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES.

SHARON FALKENHEIMER, OF TEXAS, TO BE A MEMBER OF THE BOARD OF REGENTS OF THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES.

TENNESSEE VALLEY AUTHORITY

RICHARD W. MOORE, OF ALABAMA, TO BE INSPECTOR GENERAL, TENNESSEE VALLEY AUTHORITY.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

THE JUDICIARY

EDWARD C. PRADO, OF TEXAS, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIFTH CIRCUIT.

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. HENRY P. OSMAN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. DOUGLAS M. STONE

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. THOMAS K. BURKHARD

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JAMES J. LOVELACE, JR.

ARMY NOMINATIONS BEGINNING CURTIS J ALITZ AND ENDING MARY J WYMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 15, 2003.

ARMY NOMINATIONS BEGINNING RICHARD P BEIN AND ENDING KELLY E TAYLOR, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 15, 2003.

ARMY NOMINATIONS BEGINNING DEBORAH K BETTS AND ENDING DAVID WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 15, 2003.

ARMY NOMINATION OF JAMES R. KERIN, JR.

ARMY NOMINATIONS BEGINNING HENRY E ABERCROMBIE AND ENDING MICHELLE F YARBOROUGH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 26, 2003.

ARMY NOMINATIONS BEGINNING MICHAEL P ARMSTRONG AND ENDING CRAIG M WHITEHILL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 26, 2003.

ARMY NOMINATIONS BEGINNING JOHN F AGOGLIA AND ENDING JEFFREY R WITSKEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 26, 2003.

ARMY NOMINATIONS BEGINNING PAUL F ABEL, JR. AND ENDING X4432, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 26, 2003.

ARMY NOMINATION OF WILLIAM T. BOYD.

ARMY NOMINATIONS BEGINNING RICHARD D. DANIELS AND ENDING GEORGE G. PERRY III, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 7, 2003.

ARMY NOMINATIONS BEGINNING GARY L. HAMMETT AND ENDING DAVID L. SMITH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 7, 2003.

ARMY NOMINATIONS BEGINNING EDWARD A. HEVENER AND ENDING ZEB S. REGAN, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 10, 2003.

MARINE CORPS NOMINATION OF KENNETH O. SPITTLER.

MARINE CORPS NOMINATIONS BEGINNING THOMAS DUHS AND ENDING WILLIAM M. LAKE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 11, 2003.

MARINE CORPS NOMINATIONS BEGINNING PATRICK W. BURNS AND ENDING DANIEL S. RYMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 11, 2003.

MARINE CORPS NOMINATIONS BEGINNING DONALD J ANDERSON AND ENDING DONALD W ZAUTCKE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 11, 2003.

MARINE CORPS NOMINATIONS BEGINNING SEAN T. MULCAHY AND ENDING STEVEN H. MATTOS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 24, 2003.

MARINE CORPS NOMINATION OF FRANKLIN MCLAIN.

MARINE CORPS NOMINATIONS BEGINNING BRYAN DELGADO AND ENDING PAUL A. ZACHARZUK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 24, 2003.

MARINE CORPS NOMINATION OF MICHAEL H. GAMBLE.

MARINE CORPS NOMINATION OF JEFFREY L. MILLER.

MARINE CORPS NOMINATION OF BARETT R. BYRD.

MARINE CORPS NOMINATIONS BEGINNING JEFFREY ACOSTA AND ENDING JOHN G WEMETT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 7, 2003.

EXTENSIONS OF REMARKS

APPOINTING A SPECIAL ENVOY FOR HUNGER

SPEECH OF

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. WOLF. Mr. Speaker, Africa is on the brink of a crisis of biblical proportions. I traveled to Ethiopia and Eritrea earlier this year to see the famine conditions, and never imagined that I'd see conditions as bad as I saw in 1984.

In 1984, 8 million were in need of food aid. In January, more than 11 million people struggled for their next meal. I saw women and children that were too weak to feed themselves. This is absolutely tragic in a world with food as plentiful as ours.

Today, the situation is even more distressing. I recently read a cable from the American ambassador in Ethiopia describing a grimmer outlook for the coming months than had previously been expected. I will be submitting into the RECORD the cable and the latest NOAA weather forecast, which revises expectations for crop viability downward. This paints a bleak outlook for millions more Ethiopians for months to come.

In March, I wrote U.N. Secretary General Kofi Annan urging him to appoint a special envoy for hunger. Many European news outlets have run stories in recent days on the growing number of Africans, whose lives are now in jeopardy. The Ethiopian Government is planning another ''Live-Aid'' concert to re-energize the donor community and draw international attention to the situation. The momentum of this concert, coupled with the appointment of a U.N. special envoy, may help draw enough attention and resources to the continent and save the lives of millions of women and children.

In Matthew 25, Jesus talks about the obligation to feed the hungry. The United States has responded to this crisis with an enormous amount of compassion. Many countries have the ability to give more, and may just be waiting to be asked. Time, resources and attention must be devoted to mobilizing and coordinating the resources required. This is a crisis that will require enormous coordination between international aid agencies, religious leaders and governments from every corner of the globe.

The war in Iraq has demanded our attention, but we can not allow this silent emergency to grow worse. The lives of millions of women and children depend on this story being shared loudly and boldly. I hope you'll do your part.

FROM AMEMBASSY ADDIS ABABA
TO SECSTATE WASHDC 1559

SUMMARY

1. The mission believes that the number of people in need of emergency assistance will continue to increase from current levels of 11.3 million to 14 million people over the course of the year, forcing a deliberate shift from the mid-case to the worst-case scenario as described in the October 2002 USAID/Ethiopia Contingency Plan.

2. Life-saving interventions are ongoing throughout Ethiopia, with special attention to pocket areas with high malnutrition. However, poor belg rains to date continue to raise vulnerability and needs and potentially threaten grave consequences, including increased mortality.

3. The sheer magnitude, severity and duration of Ethiopia's food security emergency has left people in an extreme state of vulnerability where coping strategies have been exhausted and livelihoods destroyed leading to widespread destitution. Increased destitution and continued shocks threaten a sharp increase in mortality levels as any possible harvest is still months away and health status of the most affected continues to decline.

4. Pre-famine indicators are present in Ethiopia for a significant portion of the at-need population and support the movement of contingency planning efforts to a worst-case scenario.

BACKGROUND

5. As per Reftel (A), USAID/Ethiopia issued a contingency plan (October 2002) to the horn response working group in USAID/W outlining a mid-case and two worst-case scenarios as well as a mitigation and response plan.

6. The mission believes that the response to date, particularly led by the GFDRE and the USG, has provided the necessary resources to mitigate against the absolute worst-case scenario (Worst-Case Scenario Two as per the plan). However, current rains are again inadequate and NOAA projections indicate ''normal to below normal'' rainfall is anticipated.

7. Continued drought can be expected to increase the beneficiary caseload beyond current levels of 11.3 million people to 14 million or more over a wider geographic area. Thus, we can expect to meet criteria for the plan's Worst-Case Scenario One.

8. A worst-case scenario will result in unacceptable levels of mortality over a wide area and further breakdowns of long-term livelihood and coping strategies. In addition, one can anticipate further depletion of productive assets (destitution), distress migration, increased rural and urban vulnerability, malnutrition, and mortality will occur over the coming months based on current indicators. The pre-famine indicators will only worsen if rains continue to be much below average.

9. The current crisis is not likely to result in the mortality levels of the 1980's, in large part due to an early response by the GFDRE, donors, and institutions such as the Emergency Food Security Reserve, and early warning systems. In the likely event of pipeline breaks and/or epidemic outbreaks, the worst-case scenario could result in a significant spike in mortality.

FACTORS LEADING TO A WORST-CASE SCENARIO

A. MASSIVE CROP FAILURE AND NUMBERS OF PEOPLE IN NEED

10. Following the December 2002 crop assessment (estimated 25 percent decrease from the 2001/2002 harvest and 21 percent decrease from the last five-year average (FAO) production decline), DPPC and multi-agency teams concluded that 11.3 million people would require emergency assistance. a further 2.9 million people were identified as being under close monitoring.

11. A March 14 addendum to the appeal (SEPTEL C) increased needs slightly from 1.44 to 1.46 million metric tons and those under close monitoring from 2.9 to 3.1 million.

12. Production is most severely affected in Eastern Ethiopia, particularly in lowland areas, where losses range from 70 to 100 percent. However, food production is also down in surplus areas in the west. Reduction in food production in surplus areas will limit timely local purchase of food aid and cereal prices will increase further through the hungry season (July-September) when more than 90 percent of farmers' cereal holdings will be depleted.

13. Note: The 1999–2000 food shortage emergency (labeled as localized famine retrospectively by CDC with respect to excess mortality in the Gode Zone of Somali Region and low-level famine in the Ethiopian highlands by experts such as Stephen Devereaux) was largely limited to belg producing and pastoral areas. This is not true in 2003. Current pre-famine indicators are found in many areas that are main meher-season producers. In the 1999 and 2000 contingency plans, the mission warned that a true worst-case scenario would be a failure of production in main season agricultural areas. This is in fact the situation that we now face in Ethiopia.

B. CHANGED DISEASE ENVIRONMENT

14. As per Reftels B and E, mortality and morbidity indicators are deteriorating. Of the 130 worst drought-affected districts, surveys with mortality data are now available for 30. Of these, 18 districts with a total surveyed population of 2.1 million report mortality rates at or above emergency thresholds of 1 per 10,000 per day for crude mortality or 2 per 10,000 children under five years of age per day.

15. Recent nutrition surveys in areas where interventions are ongoing suggest that nutritional status has stabilized or improving in a number of districts. Other areas, particularly those in the southern nations, nationalities and peoples region (SNNPR) and other pocket areas in the north-central highlands, However, are now deteriorating (including the development of pellagra).

16. Of particular concern are reports of pellagra and other micronutrient deficiencies from UNICEF nutrition experts traveling in North Wello. Pellagra results from a lack of niacin, often occurring in populations reliant on a homogenous diet of corn. After several months of dependency upon relief food comprised of corn or wheat only, (blended foods and pulses are in short supply), micronutrient deficiencies such as pellagra are not surprising. UNICEF nutrition experts reported seeing cases in most villages they visited. As the rash-like symptoms of pellagra are only visible at advanced stages of the micronutrient deficiency, pellagra is very likely to be affecting a much larger proportion of the population than was observed.

17. Since early February, measles outbreaks have been reported in Bale Zone in Oromiya, Silti Zone in SNNPR and the WAG HAMRA Zone in Amhara.

18. Cases of meningitis have been reported in Tigray, SNNPR, Afar, Benishangul and Amhara. The ministry of health is making

aggressive efforts to determine the strain. The threat of cholera increases with the advent of rain in the northern part of the country. Malaria cases are increasing and will likely increase further as people move to lowlands

C. A DEEPENING CRISIS, COUPLED WITH POOR RAINS IN 2003

19. On March 25, 2003, the Disaster Prevention and Preparedness Commission (DPPC) launched a multi-agency assessment team to Tigray, Amhara, Oromiya and Southern Nations, Nationalities and Peoples Regions (SNNPR). The assessments will revise the status of 3.1 million people under the ''close-monitoring'' category and verify any additional need. Early indications point to an increase in needs beginning May 1, 2003, of 1.5 million people as a result of the emerging and deepening crisis and the lack of relief provided by the current belg season. Assessment results will be known on April 25, 2003.

20. On April 9, the DPPC Commissioner commented that he believes the assessment would show significant movement of those under ''close-monitoring'' to the beneficiary group requiring immediate assistance.

21. Fews net assessments of the rains to date indicate that although there are sporadic intensive rains in a few pocket areas, the belg is below-average to much below-average in the eastern portion of Ethiopia generally, and specifically in the Afar, Somali, West Hararghe and SNNPR regions. Given that a good belg season in recent years is more the exception than the rule, we anticipate, based on experience, that the outcome this year will likely be much below-average. A significant reduction in area-planted for belg producers are already being reported over a widespread area.

D. INCREASING NUMBER OF PEOPLE IN NEED

22. To date, the effect of the much below-average belg is a deepening of the severity of the drought in already affected food deficit areas, pastoral areas, and newly emerging areas (SNNPR and some parts of the Oromiya Region). Assuming at this time, a much below-average belg performance (and poor pastoral rains), but not a total failure, we expect an increase of an additional 1 million people in need of assistance over a widespread area beginning in July or a revised total beneficiary caseload of 13.8 million (initial caseload of 11.3 million beneficiaries, projected may increase of 1.5 million people, and July increase of 1 million).

23. Based on this estimate, the following can be expected:

—Rather than needs peaking between April and June and declining in July, the mission believes that overall needs will increase initially in May and then remain at peak levels for the period June, July and August, and possibly through September.

—The overall increase in beneficiaries by 2.5 million people will result in increased cereal needs by some 170,000 mt (using 12.5 kg/person) and blended food requirements of 39,375 mt between May and September. This will increase overall needs during the appeal period from 1.46 mt to 1.66 mt (or an increase of about 210,000 mt overall (cereals and blended food) for the five month period).

E. PIPELINE BREAK FOR CEREALS AND BLENDED FOOD

24. The most recent USG contribution totaling 186,500 mt, as well as new contributions from other donors, brings the total pledges against CY 2003 to more than 1 million mt including 939,252 mt of cereals, 65,685 mt of blended food and 15,267 mt of vegetable oil. This represents some 70 percent of the estimated needs for 2003.

25. However, it should be noted that these are pledges, not deliveries and continued coordination and robust deliveries are necessary to avert a pipeline break. Any delay could result in a pipeline break, which will have lasting repercussions for relief deliveries for the rest of the year, and could cause all major indicators to spike (morbidity, malnutrition, mortality, migration, etc.)

26. Actual deliveries are lagging. For example, the USG has pledged some 535,000 mt in CY 2003, but over 250,000 mt has not yet been purchased or shipped from the US and remains unscheduled in terms of delivery to Ethiopia. Consequences of a prolonged pipeline break include:

—Sharp increase of severe malnutrition and mortality;

—Ration reductions further compounding high levels of malnutrition;

—Limited pre-positioning of food to inaccessible areas;

—Reduction in distributions, requiring parallel import measures to the distribution sites and the emergency food security reserve, or partner warehouse;

—Mass migration during the agricultural season will affect this year's overall production and next years' assistance requirements; and

—Mass displacement and rural to urban migration.

27. With the addition of some 2.5 million people in need, it is expected that current pledges and delivery schedules for cereals will fall short of needs beginning in late-July with delivery lulls and gaps as early as May.

28. The blended food availability remains dangerously low with only 50 percent of the supplementary food needs pledged. Current available information points to a break of supplementary food availability in the middle of June.

29. Maintaining a pipeline at a minimum of 83 percent (representing the reduced ration of 12.5 kg-per person) of needs is necessary, not just to meet less-than-minimal nutritional requirements and limit spontaneous migration in search of food, but also to ensure that stability is maintained.

30. The mission is concerned about continued targeting difficulties and dilution of rations from the reduced level of 12.5 kg per person-per month, to even lower-levels as local officials stretch food available for an increasing number of people in need. The long-term impact on health status of keeping people barely within nutritional requirements is a serious concern.

31. The mission continues to stress the importance of improved targeting to increase the effectiveness of the emergency aid and in particular the present supplementary distributions. However, this often falls on deaf ears at the local level where absolute numbers in need are immediately apparent.

PLAN TO MEET INCREASING NEEDS

32. To date, the major stabilizing factor has been the USG contribution of 712,000 mt ($319 million) of emergency food aid since the crisis emerged in July 2002. Non-food contributions include ofda grants ($7.2 million with additional grants expected in the coming weeks), and USAID/Ethiopia grants totaling $17 million. Accordingly, the USG has played the leading role to meet critical needs.

33. Recently signed grants will complement and increase the immediate health response, including increasing the number of nutritional surveys, health services and measles campaigns in the worst affected areas. Funds will also support services to emerging hotspots, increase potable water and expand the school-feeding program through the summer and fall.

A. Health and Non-Food Interventions:

34. But more is needed. One of the most significant and damning criticisms of the 1999–2000 response in the Somali Region of Ethiopia, was the inability of the UN Agencies and non-government organizations to undertake a timely measles immunization campaign and appropriately link food and health interventions to minimize excess mortality. The following critical actions need to be undertaken by the GFDRE, DONORS, NGOS, etc. In the next ninety days in order to avoid further excess deaths:

—Implement mass measles immunization campaigns (currently underway). In all, 16.2 million people under the age of 15 will be reached by June.

—Provide basic health, water and sanitation services at food distribution and supplementary feeding sites.

—Provide food and basic health services to displaced, mobile and other difficult to reach populations, including out-reach services;

—Improve targeting and ensure that food distributions are integrated generally with an overall health response;

—Increase availability and improve targeting of CSB;

—Implement an aggressive outbreak investigation and response to diseases of epidemic potential (e.g., meningitis);

—Implement a nutrition and mortality survey to cover the worst drought affected districts in order to obtain a better estimate of the overall magnitude of the problem (this is a follow-on to previous Center for Disease Control (CDC) support. USAID/Ethiopia is working with OFDA to identify appropriate assistance.); and

—Increase preparedness for therapeutic feeding by creating mobile teams of trained medical personnel that can move to sites where malnutrition rates rise to require specialized therapeutic feeding.

B. Support a Livelihoods Approach To Meeting Needs:

35. It is critical that the USG look to an increasing broad pool of implementing agencies to meet the widening humanitarian needs in Ethiopia. A significant surge-capacity is required to integrate food, non-food, livelihood and counter-famine responses to address the depth of the crisis.

36. Millions of families have lost their assets and require protection from further asset losses. Households also require access to a safety net and other opportunities for asset building. Provision of drought and disease resistant crops and pastoral interventions to assist in the recovery of populations in need, is critical prior to the onset on the main rains and the hunger-season in June.

C. Support Counter-Famine Measures:

37. Counter-famine measures such as the introduction of marketing interventions to improve access to grains and support the stabilization of, and access to, food and seeds, must be identified and funded now to ensure a continuation of the proactive and robust emergency response.

38. In support of USG efforts to minimize the effects of the food crisis in Ethiopia, the mission began receiving technical assistance from the Feinstein International Famine Center (FIFC) At Tufts University, through joint funding from OFDA and USAID/Ethiopia. The assistance will project the widespread nature of the current crisis, identify pre-famine level indicators in Ethiopia, AND assist in the identification and design of strategies to support livelihood and counter-famine measures and interventions that directly mitigate and minimize outcomes such as malnutrition, destitution and mortality.

39. Comment. The characteristics of the current crisis depict one of widespread and severe-hunger where 20 percent of Ethiopian households are dependent on relief distributions. This is a crisis that could be exacerbated immensely with a pipeline break, an epidemic outbreak or continued under-response relative to needs. Pre-famine indicators are in place in Ethiopia, including:

irreversibility, increased morbidity and mortality beyond acceptable levels and migration.

RECOMMENDATIONS

40. Given the continued deterioration of the situation, and the likelihood of increased needs and a wider affected population experiencing irreversible outcomes of the crisis, the mission recommends the following:

A. Issue demarche to other donor countries and request further assistance (see Reftel F).

B. Establish a reserve allocation of 150,000 MT from the Emerson Trust that can be used to respond to needs at the height of the hungry-season (July–September). Food would be distributed through NGOS and the World Food Program.

C. Continue CSB contributions and deliveries through NGOS and the World Food Program to meet the deterioration of nutritional status in developing hot-spots. Based upon needs, up to 25,000 MT of CSB should be made available for delivery in July and August 2003.

D. Use additional agency funding to meet immediate needs and put in place livelihood interventions and counter-famine measures particularly through U.S. non-governmental organizations now implementing the joint emergency operation.

E. Broaden the normal pool of implementing agencies and the tools to meet needs (i.e., beyond traditional food and non-food programs). It has become clear over the last several months that our NGO partners are quickly coming to a saturation point regarding their capacity and additional surge capacity is needed.

F. Provide follow-up CDC assistance to track epidemic outbreaks and implement appropriate nutritional and mortality surveys to deepen the understanding of the overall magnitude of the crisis.

G. Press the United Nations for the appointment of a special envoy and/or a senior operational humanitarian coordinator to establish an effective and credible emergency response across UN agencies. This point cannot be over-stated. Brazeal.

FREEDOM'S OBLIGATION

HON. J. DENNIS HASTERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2003

Mr. HASTERT. Mr. Speaker, I rise today to submit the words of John Marc Sianghio, Jr., a young man from Oswego, Illinois, to the CONGRESSIONAL RECORD. John was recently named a winner in the Veterans of Foreign Wars Voice of Democracy scriptwriting contest for 2003.

The Veterans of Foreign Wars holds a Voice of Democracy competition each year in order to give high school students an opportunity to express their patriotism. This year, an overwhelming 80,000 students across the country participated in the contest. John's essay reflects upon the responsibilities inherent to life in a free nation—freedom's obligation.

I commend the Veterans of Foreign Wars for their continued commitment to fostering a sense of patriotism and responsibility in the youth of our great nation. And I congratulate John on his success and wish him the best of luck in his future endeavors.

2002–2003 VFW VOICE OF DEMOCRACY SCHOLARSHIP CONTEST

''FREEDOM'S OBLIGATION''

(Illinois Winner.—John Marc Sianghio, Jr.)

Lady Liberty stands vigil over a city, and a nation that does not sleep. In her torch shines perpetual daylight, fueled by the great virtue that is tireless action. ''Action'' she demands. Even her silence cries out to the world, ''Give me your tired, your poor, your huddled masses yearning to breathe free.''

Though the words say ''give me'' the subtext shouts ''come!'' It is not an invitation, it is a command: not a gift, a demand. The imprisoned lightning in her torch thunders with a message understood in every language, that the Republic over which she stands with its liberties and justices, is not for all. It stands only for all those with the boldness to take it, for all those willing to pay its price. This precious freedom is open only to those who can meet its obligation.

That obligation can only be action, for America is a republic born of a hard and painful labor, a republic that earned its freedom at the point of a gun, and that has held its freedom with the same. America is a nation that did not emerge as the random offspring of intercoursing tribes. It emerged by the active will of its people. Nor was its revolution won in the minds of inert philosophers, rather in the hearts of the masses; hearts that not only had passive sentiment, but that physically pumped charged blood into live limbs, stirring them to action: Hearts that bled freely so that the flag of independence might be striped in scarlet . . . But that once vibrant crimson has faded through uncounted years of stagnancy.

Stagnancy is the greatest treason. We justify it in this age by referring to it by an alias. Like the devil it is, it has many names. It is called caution, debate, delay, filibuster, complaint, apathy, and inaction. If it is not action . . . it is treason.

Treason was not a word in my vocabulary when I immigrated to this country. I was two at the time. Freedom when I first set foot on American soil meant that I would be out of the coach class seat that held me for twenty two hours, that I could stretch my legs on solid ground. Was that true freedom? Of course not. I had to learn freedom. I had to earn freedom.

From the moment I was first old enough to realize the opportunities and liberties gifted to me by American Freedom, the enormity of Freedom's obligation was already creeping onto my shoulders. As I have grown older and learned more and more about my rights, the responsibilities wrapped inside these rights also began to emerge.

As immigrants to this country, there was a long difficult process which my family and I had to undertake to stay in this country. This process required much sacrifice by each individual involved. However, we wanted to work to earn the freedoms we enjoyed. Had we not done it, we would have debased our honor and lowered ourselves to the state of common thieves. The sacrifices I have made earned me my freedom. Your story, your struggles, your road to earning freedom is probably much different. However, our obligations to freedom are in essence the same.

So what is the spirit of our obligation? What is the common labor that must be undertaken to be worthy of Lady Liberty's embrace? It is simply love. Patriotic love.

I speak of a patriot's love, not as the lust of a fool who thinks he serves his country by ignoring her laws and making his own rules because he believes they are better. I speak of true love, like that in marriage. Freedom's obligation is the marriage of our minds and our souls. It is a dreamer's desire for the ideal, guided by the rational hands of what is real. Our obligation is to strive for that ideal. Realistically, we know that true freedom can only come when every human being is rid of their every chain, chains of poverty, chains of addiction, and chains of hatred. Still we are obligated as individuals to strive for the ideal of freedom. The ideal that every person is created equal because every person creates himself equal. It starts with one. It starts with me, and it starts with you. If we do not meet our obligations, this ideal can never be reached. If we do not meet our obligations, we cheapen freedom, and we cheapen ourselves.

For it is freedom's obligation, the great price at which freedom comes, that gives it its value. That is why we must act, so freedom may retain its value, and that we as individuals may maintain our integrity and human worth as well. For the obligation of freedom is Lady Liberty's call to the individual who longs to be free. Who, like a newborn child that struggles for its first life sustaining breath, expands his lungs against the weight of apathy so that he may breathe free.

HONORING 2002 PRE-TEEN AMERICA SR. TITLEHOLDER KATIE BECK

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2003

Mr. ROSS. Mr. Speaker, I would like to take a moment to recognize and honor Katie Beck for being named 2002 Pre-Teen America National Sr. Titleholder, and thank her for her outstanding contributions to her community. Competing against talented young ladies from all across the country, Katie distinguished herself through a demonstrated commitment to community, steadfast character, and drive: all the values that we, as parents, teachers, community members, and legislators, hope to instill in our next generation.

As a parent, I understand the demands that our young people face, which is why I am so encouraged by what Katie has accomplished. In addition to being an active member of her church, captain of the dance team, and the starting pitcher for her softball team, Katie has maintained an A average in school from grades first through eighth. Her energy and dedication have earned her numerous accolades and honors including: Duke University TIP Award, President's Education Award, and the National Science Award. At a time when our country needs youth leadership more than ever, Katie has answered the challenge and set a course that can serve as an example for us all. This is a young lady who exemplifies the Arkansas spirit, and who is destined for great things.

Just qualifying for the rigorous Pre-Teen program speaks volumes for the character and accomplishments of the young women who compete; however, by being named Pre-Teen America Sr. Titleholder, Katie has also shown maturity and poise beyond her years on top of her many accomplishments. And already, at such a young age, Katie has demonstrated leadership, and exemplary character and grace.

Again, I say to Katie, ''Congratulations.'' You are a credit to yourself, your wonderful parents, your community, and your state, which is

why it is such an honor for me to be able to thank you again for your contributions to the community and residents of White Hall.

RECOGNITION OF AL HENDERSON

HON. C.L. "BUTCH" OTTER

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2003

Mr. OTTER. Mr. Speaker, I rise today to recognize Al Henderson of Boise, Idaho as the recipient of The Salvation Army's William Booth Award for service to community. The William Booth Award is one of the highest awards that may be conveyed upon an individual by The Salvation Army.

Al Henderson's many past civic associations include being co-founder of Idaho Working Partners and the World Sports Humanitarian Hall of Fame, The Salvation Army advisory board chairman, Chamber of Commerce board member, Rotary Club member, American Cancer Society, West Side Optimists Club and the Boise City Library Board. Mr. Henderson is also closely involved with the good works of the University Christian Church in Boise. Currently he serves part time as an employee for the Federal Emergency Management Administration.

Mr. Speaker, I wish to congratulate Al Henderson for his receipt of this distinguished award. I have had the honor of being personally acquainted with Al for many years, and I can think of no other person more worthy or deserving of such an award. I have been inspired by Al's principled character and his steadfast commitment to the State of Idaho. His achievements, continued unselfish work, and sense of community serve as a lustrous model of exemplary citizenship.

IN HONOR OF A DECADE OF MARK SIMON'S PENINSULA INSIDER COLUMN

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2003

Ms. ESHOO. Mr. Speaker, I rise to honor Mark Simon, who for ten years has educated, amused, irritated, informed and instructed the readers of the San Francisco Chronicle with his well-written, well-read column.

''From beaches to redwoods,'' Mark Simon loves the region of which he writes. Over the years, the people, politics and problems of our region have all become grist for his Chronicle column. He has regaled us with tales of John Madden's taste for tamales and kept us up to date on the unfolding of the Century Loan scandals. He has raised awareness and informed his readers on issues as diverse as campaign finance reform, gunshot locators, Devils Slide, and breast cancer treatment for low income women in our community. Mark has reported on every side of Stanford, from sports to the opening of the Cantor Art Museum. His columns have traced the dynamic changes in our community: Silicon Valley's ups and downs, the birth and death of a San Francisco Bay Olympic bid, and the constant rising and falling of housing prices. He has filled the narrative of our region with a variety of colorful events and characters, spotlighting the Tour de Peninsula, former monks, great achievers such as LaDoris Cordell, and even his own beloved sons. We know them all now and we're grateful to Mark as a son of the Peninsula, for his unswerving love of it.

Mr. Speaker, I ask my colleagues to join me in honoring Mark Simon for his service to our community as the Chronicle's chronicler of life on the San Francisco Peninsula and the magnificent 14th Congressional District. No one has done it better or with as much knowledge, guts, intelligence or love of our area.

APPLAUDING THE ANAHEIM CITY SCHOOL DISTRICT

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2003

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to praise the Anaheim City School District for emphasizing the importance of literacy in their curriculum.

With a few thousand dollars left in its Proposition 10 budget, the early childhood education office put together ''literacy baskets'' that included crayons, alphabet books, puzzles, and other educational materials.

These baskets will be given to adults to take home and throw ''literacy parties'' where they can invite neighbors, friends and relatives over and discuss practical tips on teaching toddlers how to read. The program has been so successful, that it is quickly running out of baskets.

A survey by UCLA and the Field Institute shows that nearly half of all adults do not read to their children. Educators believe that rate is worse for low-income families.

I want to applaud the Anaheim City School District for working hard to promote literacy to young children. The ''literacy baskets'' will help to improve early literacy and make a difference for thousands of kids.

WARREN HIGH SCHOOL'S CONTINUED TRADITION OF EXCELLENCE

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2003

Mr. ROSS. Mr. Speaker, it was only two years ago that I was congratulating the Warren High School Lumberjacks, and their head coach, Bo Hembree, for winning the Arkansas AAA Boys High School State Football Championship, and here we are again. It is an impressive feat just to win one state title, but winning two in three years is a real testament to preparation, character, and purpose. I think it also demonstrates the spirit of determination and hard work that has always distinguished Arkansans.

As a concerned parent, I understand even more that paramount among my duties as a U.S. Congressman is to provide the necessary resources to our students, teachers, and schools that will enable our young men and women to excel and succeed in all their endeavors. Educating the next generation is an important issue not only in the classroom, and the halls of Congress, but also around our kitchen tables at home.

I have long been an advocate of athletics and extracurricular activities as a supplement to academic excellence for their ability to instill leadership, character, and perseverance. Activity outside the classroom instills a habit of serving the community, preparing them to take leadership roles and eventually shape the larger world around them.

Championships are won in the heart as much as on the field. The will to overcome adversity, the daily drive to succeed, and the mental toughness to perform under pressure carried the young men during their championship season, and will provide them with a well to draw from throughout their entire lives.

That is why it brings me so much pleasure to again congratulate the Warren High School football program on winning the AAA Boys High School Football Championship: It is evidence of a culture of excellence and hard work among the student body, coaching staff, Warren High School faculty, and the community. We can all take great pride in the accomplishments of this team, and how they achieved their goals. I am proud of you. It is an honor for me to salute the coaches, parents, and players who stayed the course, and met adversity and challenge to become champions.

RECOGNITION OF COURTNEY FLOYD

HON. C.L. "BUTCH" OTTER

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2003

Mr. OTTER. Mr. Speaker, I rise today to bring to the attention of the House the distinguished accomplishments of Courtney Floyd of Boise, Idaho. Courtney is the recipient of the Salvation Army's Emily Reno award for service to community.

Courtney, the daughter of Greg and Suzanne Floyd, is a senior at Centennial High School in Boise, Idaho, where she serves as a student council officer, cheerleader, and member of the Key Club. In addition to her extensive involvement in school activities, Courtney has served her community in various volunteer capacities—through her involvement with Special Olympics, soup kitchens, humanitarian aid projects, and retirement centers.

A key element in the Salvation Army's Christmas food drives; Courtney has initiated the collection of more than 590,000 pounds of food for the needy during the past 3 years. Mr. Speaker, I wish to convey a special thanks to Courtney Floyd for her hard work and sense of community. Courtney's unselfish actions epitomize the ministry and mission of the Salvation Army.

IN HONOR OF WILLIAM R. BRODY

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2003

Ms. ESHOO. Mr. Speaker, I rise to honor William R. Brody, M.D., Ph.D., who has

earned the J.E. Wallace Sterling Lifetime Achievement Award and will be presented with it by the Stanford Medical Alumni Association and its Board of Governors on May 2, 2003.

Dr. Brody is a native of Stockton, California, who earned his B.S. and M.S. degrees from MIT and his M.D. and Ph.D. from Stanford University. Following post-graduate training in cardiovascular surgery and radiology at Stanford, the National Institutes of Health and the University of California, San Francisco, Dr. Brody was professor of radiology and electrical engineering at Stanford. He's been a co-founder of three medical device companies, is responsible for over 100 publications and one U.S. patent in the field of medical imaging. He has made contributions in the fields of medical acoustics, computed tomography, digital radiography and magnetic resonance imaging.

Dr. Brody, who became the 13th president of the Johns Hopkins University on September 1, 1996, has extensive ties to the 14th Congressional District which I'm proud to represent. He and his family lived in Palo Alto for many years and his children attended several years of school in our community. In addition to his extraordinary accomplishments in the fields of engineering, medicine and education, Dr. Brody is a talented musician, a great athlete, a loving husband, a proud father, and an exceptional friend to many.

Mr. Speaker, I ask my colleagues to join me in honoring Dr. William R. Brody for his lifetime of service to others and for his extraordinary contributions to medicine. He has made our country stronger and better, and for this we salute and honor him.

HONORING CATHERINE SPEAR OF ORANGE COUNTY

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2003

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to honor Catherine Spear of Orange County, California.

A published poet, and leader in her community, Catherine was recently named executive director of the nonprofit Catholic Charities of Orange County.

Catherine is known in her community as an expert fundraiser, raising millions for schools in Orange County. This talent serves her well as executive director, bringing sound business experience to a nonprofit to help Catholic Charities serve the community.

The agency's mission is to serve the poor, help immigrants settle into their new communities, and serve food to needy families. The agency is open to persons of other religious faiths, and is separate from the Diocese of Orange.

Catholic Charities served over 92,000 people last year. And with the leadership of Catherine, I believe that Catholic Charities will become even more of an asset to its community. I wish Catherine the best of luck.

A TRIBUTE TO BART LINDSEY

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2003

Mr. ROSS. Mr. Speaker, today, I rise to pay tribute to Bart Lindsey, a beloved resident of the community of Helena and a distinguished Arkansan, who recently passed away at age 56. Mr. Lindsey's life-long contributions to family, community, and country will be missed.

Bart Lindsey first made a name for himself in the banking business. Always active in the community, and with an early interest in banking, Bart would come home for summer breaks from the University of Arkansas at Fayetteville to work as a teller for First National Bank of Phillips County. After graduating college and serving in the military, where he earned a Bronze Star and Army Commendation Medal for his service in Vietnam, Bart returned home to the community he loved and accepted a position at that same bank, where he would eventually rise to become chief executive officer.

Bart's life provided an example to us all. He found time to serve as an elder in his church, and to serve as vice chairman of the Board of Directors of the Arkansas-Oklahoma Presbyterian Foundation. He served his State and community by sitting on the Board of Directors of the American Bankers Association, and by serving as chairman of the Board of Trustees of the University of Arkansas, and president of the Helena-West Helena Rotary and Kiwanis clubs.

But of all his professional accomplishments, I think the one that demonstrates the true depth of Bart Lindsey's character was the Best Boss Award. For 5 years running, Bart held this title because, as one employee put it, ''All of the employees loved him and he always took time to speak to everyone.'' It is a fantastic tribute to Bart's memory that he put people first, and was able to leave for us a lasting legacy of hard work, service, and compassion. While Bart Lindsey may no longer be with us, his spirit and his legacy live on in the example he set and the many lives he touched.

PERSONAL EXPLANATION

HON. VITO FOSSELLA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2003

Mr. FOSSELLA. Mr. Speaker, I am not recorded on rollcall Nos. 146, 147, and 148. I was unavoidably detained and was not present to vote. Had I been present, I would have voted ''yea'' on rollcall Nos. 146, 147, and 148.

RECOGNIZING THE CONTRIBUTIONS OF FRED LUND TO THE CITY OF SOMERVILLE, MASSACHUSETTS

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2003

Mr. CAPUANO. Mr. Speaker, I rise today to thank Fred Lund for his many years of public service. Fred devoted fifty years working for the City of Somerville and his contributions to the community he served are numerous.

Fred Lund began working for the City of Somerville in 1953. Over the past fifty years he worked with eleven different mayors, including myself. In his capacity as Somerville's senior draftsman, Fred has drawn every map for the City of Somerville by hand. He also prepared mayoral citations by hand, creating pieces of art.

When the City of Somerville's Office of Housing and Community Development honors Fred on April 30th for his fifty years of service, this will not be the first time his community has honored Fred. The Art Department at the Cummings School was named in his honor.

Fred is not only an accomplished public servant, but an avid historian as well. He plans various historic events in the City of Somerville and attends them in his Colonial Soldier uniform. He can be found every New Year's Day on Prospect Hill for the flag raising reenactment, celebrating the first raising of the Colonial Flag.

After fifty years, Fred Lund has no intention of stopping his service. He comes into work every day and has no plans to retire. His dedication is remarkable and an inspiration to those around him. Fred Lund deserves our admiration and our thanks.

FIVE-YEAR ANNIVERSARY OF THE UNITED COMMUNITY BANK IN DENTON COUNTY, TEXAS

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2003

Mr. BURGESS. Mr. Speaker, I rise today to honor the five-year anniversary of the United Community Bank in Denton County, Texas. The United Community Bank opened its doors on May 27, 1998, in Highland Village to provide hometown service to the local community. Coordinated by local area shareholders, the customers in need of exceptional attention to both their individual as well as commercial needs are provided with outstanding service. Not only has United Community Bank been honored with the Reader's Choice Award as the #1 financial institution in Denton County, but it was also selected as the Business of the Month by the Lewisville, Flower Mound and Old Town Business Association during 2002.

Today I honor the employees of United Community Bank for their continued hard work in garnering the community support that has significantly contributed to the expansion of the bank's assets as well as to a contented customer base. I also thank the numerous customers of United Community Bank who have shared in creating such success over the last five years. May there be many more years of thriving business in Denton County.

ENSURE TRANSPARENCY IN IRAQ RECONSTRUCTION CONTRACTS

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2003

Mr. KLECZKA. Mr. Speaker, earlier this month it came to light that a limited number of

companies were invited to bid on post-war reconstruction contracts in Iraq. Most prominently, Bechtel, an engineering and construction firm, was awarded an initial contract of $34.6 million that could potentially grow to $680 million over the next year and a half. It is critical that openness and transparency are the hallmarks of the reconstruction process, and for that reason, I am introducing the ''Sunshine in Iraq Reconstruction Contracting Act.''

Although legal, the bidding process thus far leaves much to be desired. Left unanswered are questions about why open competition was not allowed, and the size and scope of the reconstruction contracts awarded. We should all be able to agree that the U.S. government's reconstruction bidding process should be as open to disclosure as possible to ensure that there is no question of political favoritism or backroom deal making. After all, these contracts are spending hard-earned taxpayer dollars, and our constituents deserve to know to whom their money is going and why.

My legislation, which mirrors a bipartisan Senate measure, simply requires federal agencies that award contracts for Iraqi reconstruction activities to publicly disclose how a non-competitive contract was awarded, and the justification for foregoing an open-bid process.

These details, along with a brief description of the contract's cost and scope, would have to be published in the Federal Register within 30 days of the date the contract was awarded. Any classified information would only be provided to the chairmen and ranking members of the House and Senate Government Reform Committees, as well as whichever committee has jurisdiction over an agency that awards a non-competitive contract.

It only makes it more difficult for the United States to hold ourselves up as a model for a future Iraqi government if the contracts the federal government awards are done with little or no competition and without adequate public disclosure. The Iraq reconstruction process should be as open as possible. This is not a partisan issue, but one that concerns the public interest and American credibility. I urge my colleagues to cosponsor this measure.

IN LASTING MEMORY OF RONALD LAGRONE

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2003

Mr. ROSS. Mr. Speaker, today, I would like to acknowledge the life and legacy of Ronald LaGrone, a colleague and a friend of mine from Hamburg, Arkansas. I was honored to have known Mr. LaGrone, a man who, in deed and action, distinguished himself as a husband, father, businessman, and church and community leader.

Ronnie LaGrone owned and ran the LaGrone Drug Store in Hamburg with his brother Fred. For 38 years, he helped to care for the health of his friends and neighbors. Ronnie leaves behind him a proud legacy of service and compassion. He served as Deacon of the First Baptist Church, as Hamburg City Councilman, and as board member of the Arkansas Pharmacy Association.

As a pharmacy owner, I owe him a debt of gratitude for his long service of leadership to our profession. Ronnie set out to improve the lives of others through both his professional and his private life. As a member of a small community, I know what men like Ronnie mean to their neighbors; his service was out of true concern for their livelihood.

Ronnie's contributions were recently recognized by the Hamburg Chamber of Commerce, as he was named winner of the Fred LaGrone Lifetime Achievement Award for his role as community pharmacist and as community leader. Clearly, his community mourned his loss. I know Ronnie's passing was especially difficult for his wife, Patricia, and their three daughters, Terri, Kelli, and Staci, and I have kept all of them in my thoughts and in my prayers. While Ronnie LaGrone may no longer be with us, his spirit and his legacy live on in the example he set and the many lives he touched.

HONORING THE 75TH ANNIVERSARY OF DOWNINGTOWN LIONS CLUB

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2003

Mr. GERLACH. Mr. Speaker, I rise today to honor the Downingtown Lions Club during its 75th anniversary celebration. The Downingtown Lions Club was chartered in January of 1928 and they were sponsored by the Coatesville Lions Club.

As we all know, Lions Clubs across the nation are made up of active and energetic citizens who undertake numerous initiatives and projects to make their communities better places to live and raise families. They are particularly committed to providing help and service to the blind through a wide variety of support activities. The Downingtown Lions Club hosts four major fundraising events each year—White Cane Day, a golf outing, Good Neighbor Day and a pancake breakfast. These efforts have helped many charitable organizations over the years, including the Chester County Association for the Blind and the Downingtown Area Senior Center.

The good works of the Club have also resulted in contributions to the Downingtown Area Veterans Memorial Fund, Downingtown Historical Society and various health appeals. And the entire community has benefited from the Club's particular attention to the development of Kerr Park, including a pavilion, the war memorial, and a water fountain.

I am proud to be a member of and represent an organization that has spent so many years in the service of others. I wish to extend my thanks, and the thanks of all those who have been helped by members of the Club. I encourage my colleagues to join me in saluting Downingtown Lions Club on reaching this milestone.

IN RECOGNITION OF MR. BURNEY L. ADAMS

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2003

Mr. PAYNE. Mr. Speaker, it is with great pride that I rise today to recognize a great man and leader, Mr. Burney L. Adams. A man who has given much to his community, Mr. Adams will be honored this Friday, May 2, 2003 by Florida Agricultural and Mechanical University's National Alumni Association with their 2003 Distinguished Alumni Award.

After graduating from Florida A&M, Mr. Adams was signed with the Canadian Professional Football team, the Hamilton Tigers. Upon release, he journeyed to Newark, New Jersey where he took a job with the Newark Board of Education. Mr. Adams made Newark his home, and has been a role model and significant contributor to the community for the past 40 years.

Through his work with the Board of Education as well as Football Coach at Weequahic High School, Mr. Adams saw the need for assistance of minority students in pursuing higher educational goals. Since 1963 he has been instrumental in obtaining college scholarship assistance for more than 900 youth in both my district as well as neighboring areas.

As a former teacher and current member of the Education & the Workforce Committee here in the House of Representatives, I appreciate the drive and determination of educators such as Mr. Adams. Coach Adams has a dedication and devotion not only to his players on the field but also to the youth of his community. Investing personal time, effort, and money into his students, Coach Adams believes in the spirit of his students to succeed. It is members of our community like Mr. Adams who give so selflessly of their time that enables our youngest citizens to reach their dreams.

Mr. Speaker, I know that my colleagues here in the U.S. House of Representatives join me today as I recognize Burney Adams and his well deserved award from Florida A&M University. I wish him the very best on this special occasion and best wishes in all his future endeavors.

POSTHUMOUS TRIBUTE TO THE LATE FAMU COACH, PROFESSOR ROBERT T. ''BOB'' MUNGEN

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2003

Mr. MEEK of Florida. Mr. Speaker, though it is a sad day for the entire Florida A&M University family, find it a great privilege to pay this posthumous tribute to the late Coach and Professor Robert T. ''Bob'' Mungen. His untimely demise this past Sunday, April 20, 2003, leaves a great void in our historic institution. He is survived by his beloved wife Doretha, his son Robert and daughters Toyka and Sonya Lynn.

Coach Mungen's magnificent contributions to the personal and professional growth of countless students and scholar-athletes at FAMU, Edward Waters College and Knoxville College are legendary and now emblaze the halls of academia. To his credit, young men and young women who came under his tutelage found a caring professor and an indomitable coach, who was at the same time highly regarded and loved as a confidant and a doting father-figure.

Nowhere has his role of advocating played out so genuinely in the lives of his students

than in the indelible mark he left on Barbara Thompson, a former student and colleague of his. Captured recently by the daily paper, The Tallahassee Democrat, she cogently characterized him as ''. . . someone I could go and get real good advice from like a daughter . . . As a student, I confided in him. As a colleague, I confided in him.''

A Jacksonville native, ''Bob'' Mungen played under the legendary Coach A.S. Jake Gaither in three choice positions as quarterback, defensive back and running back on the FAMU football team. His prowess in playing those positions were so remarkable that Coach Gaither superlatively dubbed him as ''. . . the most versatile athlete I ever coached.''

Professor Mungen served as head football coach at Edward Waters College in Jacksonville and later on at Knoxville College in Tennessee before coming back to FAMU in 1961. Assigned to the physical education department, he took over the men's tennis program and served in this capacity until his retirement in 1997.

In his role as teacher and coach, he gained the confidence of countless parents who saw in him as the educator par excellence. They entrusted him with the future of their children, fully confident that they too would learn from him the tenets of scholarship and the pursuit of academic excellence under the rigors of a no-nonsense discipline and personal responsibility. In times of crises crowding his students' quest for learning, his forthright guidance was one that verged on faith in God and confidence in one's ability to survive the vicissitudes of life.

Indeed, our FAMU family is deeply touched and comforted by the undaunted leadership and personal warmth he exuded to those who came to him through the longevity of his service. This is the genuine legacy he bequeathed to those of us he left behind. In a special way, I am privileged to be a grateful alumnus of a great institution of learning, graced bountifully by his remarkable contributions.

NOMINATION OF JEFFREY SUTTON TO THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2003

Mr. ISRAEL. Mr. Speaker, I rise to express my deep concern over the President's nomination of Jeffrey Sutton to the United States Court of Appeals for the Sixth Circuit. According to a recent editorial in the New York Times, Mr. Sutton has pursued an extremist agenda against the employment rights of women with breast cancer as well as victims of domestic violence.

Here is what the New York Times reported on April 28th.

''Mr. Sutton argued a landmark disability rights case in the Supreme Court. Patricia Garrett, a nurse at an Alabama state hospital, asserted that her employer fired her because she had breast cancer, violating the Americans with Disabilities Act. Mr. Sutton argued that the Act did not protect state employees like Ms. Garrett. His states'-rights argument narrowly won over the court, and deprived millions of state workers of legal protection. He also invoked federalism to urge the court to strike down the Violence Against Women Act. It did so, 5 to 4, dismantling federal protection for sexual assault victims.''

Mr. Speaker, I am proud to be a moderate and independent Member of this House. I don't believe that extremism on either end of the spectrum can solve the challenges facing our nation. But I am concerned about a pattern of judicial nominations by the Administration which would fill our benches with the most ideologically driven nominees at the most extreme right of the conservative movement. Nominating an individual who has sought to dismantle federal protections against victims of domestic violence and who has advocated denying a woman with breast cancer legal protection is deeply disturbing.

I insert ''Another Ideologue for the Courts'' in today's RECORD, and urge my colleagues to consider it:

[From the New York Times, Apr. 28, 2003]

ANOTHER IDEOLOGUE FOR THE COURTS

It seems likely that Jeffrey Sutton, a nominee to the United States Court of Appeals for the Sixth Circuit in Cincinnati, will be confirmed by the Senate this week. But it is important to recognize why he was selected, and how he fits the Bush administration's plan for an ideological takeover of the courts. Whichever way the Senate votes on him, it must insist that the administration start selecting judges who do not come with a far-right agenda.

There is no shortage of worthy judicial nominees. Federal courts are filled with district court judges, Republicans and Democrats, who have shown evenhandedness and professionalism, and many would make fine appeals court judges. State courts are overflowing with judges and lawyers known for their excellence, not their politics.

The Bush administration, however, has sought nominees whose main qualification is a commitment to far-right ideology. Mr. Sutton is the latest example. He is an activist for ''federalism,'' a euphemism for a rigid states'-rights legal philosophy. Although federalism commands a narrow majority on the Supreme Court, advocates like Mr. Sutton are taking the law in a disturbing direction, depriving minorities, women and the disabled of important rights.

Mr. Sutton argued a landmark disability rights case in the Supreme Court. Patricia Garrett, a nurse at an Alabama state hospital, asserted that her employer fired her because she had breast cancer, violating the Americans With Disabilities Act. Mr. Sutton argued that the act did not protect state employees like Ms. Garrett. His states'-rights argument narrowly won over the court, and deprived millions of state workers of legal protection. He also invoked federalism to urge the court to strike down the Violence Against Women Act. It did so, 5 to 4, dismantling federal protection for sexual assault victims. Mr. Sutton has said that he was only doing his job, and that his concern was building a law practice, not choosing sides. But throughout his career, he has taken on major cases that advance the conservative agenda. He has left little doubt in his public statements that he supports these rulings.

At his confirmation hearing, Mr. Sutton faced protesters with guide dogs and wheelchairs, who were upset about his role in rolling back disability law. Naturally, they urged the Senate to reject him. But the senators' duty to advise and consent goes beyond their vote on any particular nominee. They must make it clear that in a nation brimming with legal talent, it is unacceptable to focus the search for federal judges on a narrow group of ideologues.

U.S. GOLD AWARD FOR MEREDITH ELLIS OF GIRL SCOUT TROOP 4043

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2003

Mr. EVANS. Mr. Speaker, today I would like to salute an outstanding young woman who has been honored with the Girl Scouts of the USA Gold Award by Girl Scouts of the Mississippi Valley, Inc. in Rock Island, Illinois. She is Meredith Ellis of Girl Scout Troop 4043.

She is being honored for earning the highest achievement award in Girl Scouting. The Girl Scout Gold Award symbolizes outstanding accomplishments in the areas of leadership, community service, career planning, and personal development. The Girl Scout Gold Award can be earned by girls ages 14–17 or in grades 9–12.

Girl Scouts of the USA, an organization serving over 2.6 million girls, has awarded more than 20,000 Girl Scout Gold Awards to Senior Girl Scouts since the inception of the program in 1980. To receive the award, a Girl Scout must fulfill five requirements: earn four interest project patches, earn the Career Exploration Pin, earn the Senior Girl Scout Leadership Award, earn the Senior Girl Scout Challenge, and design and implement a Girl Scout Gold project. A plan for fulfilling the requirements of the award is created by the Senior Girl Scout and is carried out through close cooperation between the girl and an adult Girl Scout volunteer.

As a member of the Girl Scouts of the Mississippi Valley, Inc., Meredith began working toward the Girl Scout Gold Award in June 1999. Meredith worked with her partner Maria Witte on painting a wall mural for a local gymnastics facility.

The earning of the Girl Scout Gold Award is a major accomplishment for Meredith and I believe she should receive the public recognition due her for this significant service to her community and her country.

HONORING JUDGE VERNELIS K. ARMSTRONG

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2003

Ms. KAPTUR. Mr. Speaker, I rise today to honor a very special constituent, United States District Court Magistrate Judge Vernelis K. Armstrong, on the occasion of her receipt of the Ohio Women's Bar Association's Justice Alice Robie Resnick Award of Distinction. This award is the OWBA's highest award for professional excellence and is bestowed annually on a deserving attorney who exhibits leadership in the areas of advancing the status and interests of women and in improving the legal profession in the state of Ohio. It gives me great pleasure to wish Judge Armstrong my warmest congratulations on this truly special occasion.

The Honorable Vernelis K. Armstrong is a U.S. Magistrate Judge for the Northern District

of Ohio, assigned to the Western Division in Toledo. She has served as a United States District Court Magistrate since she was appointed to the Federal bench in September of 1994.

Judge Armstrong is a 1956 graduate of Wayne State University, and also received her law degree from Wayne State University Law School in 1960. Prior to her appointment as a Federal Magistrate, Judge Armstrong served as an Assistant United States Attorney in Toledo for fifteen years, primarily handling civil litigation matters.

Judge Armstrong has been a member of the Ohio Women's Bar Association since 1993. She is currently a member of the Toledo Bar Association Round Table, the Minorities in the Profession and Federal Court Committees. In the past, she served as Secretary for the Board of Trustees for the Toledo Bar Association, on the Bankruptcy Committee, as liaison to the Bankruptcy and Minorities in the Legal Profession Committees and on the Pro Bono Advisory Board.

Judge Armstrong's past recognitions and awards include receiving the Arabella Mansfield Award by the Toledo Women's Bar Association in 1988, the Excellence in Law Award by the Black American Law Students' Association (BALSA) in 1989 and 1997, the Milestones Award by the Young Women's Christian Association in 1997, and in 1999 she was the recipient of the Athena Award by the Chamber of Commerce.

The OWBA was initially formed in 1991 and is the only statewide bar association within Ohio solely dedicated toward advancing the interests of women attorneys while encouraging networking and the creation of a statewide mentor program for women attorneys.

On May 1, 2003, Ohio Supreme Court Justice Alice Robie Resnick will be presenting Judge Armstrong with the Ohio Women's Bar Association's Justice Alice Robie Resnick Award of Distinction at its Annual Meeting in Cleveland, Ohio.

It gives me great pleasure to rise today, Mr. Speaker, and join the OWBA in congratulating Magistrate Judge Vernelis Armstrong and wishing her continued success.

TRIBUTE TO MR. CHARLES BOUCHER

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2003

Mr. LANGEVIN. Mr. Speaker, I rise today to recognize Mr. Charles Boucher, an exceptional teacher and role model from Burriville, RI. Mr. Boucher has been named the Rhode Island Teacher of the Year for 2003. As an Applied Science and Technology teacher at Burriville High School, he has shown exemplary commitment to making education engaging and exciting. Under his tutelage, Mr. Boucher's students have received more than 30 state and national awards and his Bio Technology class was featured on a Discovery Channel program. His work and creativity have helped hundreds of student transition from school to the working world.

Mr. Speaker, I find it heartening that there are educators in this country who devote so much time and effort to shaping the minds of our young people. I hope you and our colleagues will join me in recognizing Mr. Charles Boucher for his dedication to education and vocational training.

HONORING MR. DAVID CHUBB FOR HIS CAREER AND SERVICE

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2003

Mr. TOM DAVIS of Virginia. Mr. Speaker, I would like to take this opportunity to honor Mr. David Chubb upon the conclusion of his career in education as an Elementary School Principal. Throughout his career in education, David has demonstrated a strong aptitude for and commitment to the field of school administration.

The conclusion of the 2002–2003 school year sees David retiring from his position as the Camelot Elementary School Principal after working as an educator in Fairfax County for more than twenty years. Always held in high regard by his colleagues, he has served as Principal at Fairhill Elementary School and Camelot Elementary School. In addition, David served as Assistant Principal at Newington Forest Elementary School and Bailey's Elementary School. Of course, he first logged many an hour in the classroom. In fact, he almost broke the two-decade mark as a teacher, spending 18 years at the front of the class.

In his 15 years as Assistant Principal and Principal, David developed into a consummate administrator. His relationship with his staff is excellent, fostered by an open-door policy and consistent fair treatment. He is also known for his skill in finances, which will certainly be missed by the Fairfax Association of Elementary School Principals.

Above all, David commits himself to the school with all of his energy. As his staff warmly noted, ''the school is like his home.'' At Camelot, he knows the names of every single student—all 500 of them! He personally greets the buses as they arrive at school every morning and says goodbye to them at night, thereby achieving a remarkable rapport with the students. David pitches in with any project in need of help, even the smallest jobs that are someone else's responsibility: he's been known to help the custodians with cleaning or painting. He will be greatly missed by his colleagues at Camelot Elementary and warmly remembered by all who were lucky enough to encounter him.

Mr. Speaker, in closing, it gives me great pleasure to extend my warmest congratulations to David Chubb for his continuing commitment to making a difference in children's lives through education. From his very first students, to the staff who speak so warmly of their supervisor, everyone touched by David Chubb's energy and commitment recalls him fondly and has benefited from his help. Fairfax County is grateful for his service and can only hope that our education system will continue to attract teachers and principals of his caliber. I call upon all my colleagues to join me in applauding David Chubb's remarkable career.

PETRI-KIND TEACHER VOLUNTARY EARLY RETIREMENT INCENTIVE ACT OF 2003

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2003

Mr. PETRI. Mr. Speaker, today with my colleague from Wisconsin, RON KIND, I am introducing the Teacher Voluntary Early Retirement Incentive Act.

It is a common practice across the country for school districts to provide senior employees an opportunity or incentive to voluntarily retire before the age at which they could receive Medicare coverage and full retirement benefits from a state or municipal retirement system. These early retirement incentive plans, ERIPs, are truly a win-win proposition for school districts and employees. School districts are able to lower overall payroll costs and pass the savings on to early retirees in the form of greater retirement options and supplemental benefits. In a profession where many experience ''burnout'' before full retirement age, ERIPs are a highly valued option among teachers, retirees, and school boards.

Despite the popularity and mutual benefits of these plans, school districts in Wisconsin, Minnesota, and Iowa over the past several years have been threatened with age discrimination charges by the Equal Opportunity Employment Commission for their voluntary early retirement incentive plans, and many school districts in other states may be at risk for similar action. We do not believe that it was the intent of Congress that voluntary benefits, negotiated between unions and employers and offered to all employees who reach a certain age, should come under the definition of age discrimination. The Petri-Kind Teacher Voluntary Early Retirement Incentive Act of 2003 would clarify the Congress' intent by carving out an exemption in federal age discrimination law for voluntary early retirement plans offered to elementary and secondary school teachers, similar to the exemption that already exists for teachers in colleges and universities.

This bill will go a long way in clearing up the legal uncertainty surrounding voluntary ERIPs, thus making available greater retirement options for teachers and giving school districts more flexibility in managing their workforce.

HONORING ALMA MARTINEZ AND HER THIRD-GRADE CLASS FROM FENLEY-FLANDERS ELEMENTARY SCHOOL

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2003

Mr. RODRIGUEZ. Mr. Speaker, educators from Fenley-Flanders Elementary, which is located in my Congressional district, have been preparing their third grade classes for the Texas Assessment of Knowledge and Skills (TAKS) test. The Express News from San Antonio followed third grade teacher Alma Martinez and her eleven students as they prepared for the test, which they took on March 4, 2003. During Spring Break the results of the test came back, and an overwhelming majority

of Ms. Martinez's class passed the test, which allows them to advance onto fourth grade.

Starting this year, third graders will be among the 2 million elementary, middle and high school students taking a TAKS test. Students who do not pass the exam will have two more opportunities to pass the TAKS test.

I would personally like to congratulate Ms. Martinez and her third grade class on an outstanding job in the preparing for and taking the TAKS test and their advancement onto the fourth grade next year.

Schools are a reflection of our community and it takes everyone working together to make them quality institutions. The administration, teachers, staff, students and their families should be commended for their hard work and dedication in preparing the children of Fenley-Flanders Elementary for their performance on the TAKS tests.

CONGRATULATING UNITED STATES CAPITOL POLICE ON 175TH ANNIVERSARY

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2003

Mr. LARSON of Connecticut. Mr. Speaker, I am an original co-sponsor of H. Con. Res. 156, honoring the men and women of the U.S. Capitol Police as they celebrate the 175th anniversary of the police force.

Congress established the Capitol Police during the administration of John Quincy Adams. Ponder how different the world was then, when the U.S. Congress was a young and largely untested deliberative body located in a relatively isolated town that was as much wilderness as it was settled territory.

In the last 175 years, the world has changed immeasurably, and so has the work of the Capitol Police.

Today the U.S. Capitol—which is simultaneously a national shrine, tourist attraction, and working office building—imposes extraordinary security requirements.

For example, more than three million tourists visited the Capitol complex in 2000. At the same time, the Capitol hosted more than 1,200 American and foreign dignitaries and 1,000 special events, and was the site of nearly 500 scheduled demonstrations. In addition to lawmakers and their staffs, a sizable number of journalists, concerned citizens, lobbyists, and service personnel also work within the Capitol complex.

To address these security requirements while keeping Congress as open and accessible as the Framers of the Constitution intended, the mission of the Capitol Police has expanded to provide the Congressional community and visitors with the highest possible quality of a full range of police services. These services are provided through the use of a variety of specialty support units and a network of foot patrols, vehicular patrols, and fixed posts.

In modern times, the Capitol Police have also had to cope with emergencies, bombings and shootings, including the tragic 1998 murders of Officer J.J. Chestnut and Detective John Gibson, that remain so painfully fresh in our memories.

After that tragic event, Congress properly heightened Capitol security, adopting a posture that requires considerable additional manpower. Recent events in the Middle East and elsewhere have obviously underscored the need for more officers and greater security. Fortunately, additional resources have been provided.

Congress has appropriated money to fund all the additional officers the Capitol Police can hire and train. Supplemental funds have also been provided to address needs identified since September 11, 2001.

Today, the Capitol Police face evolving threats from those who, for whatever reason, wish our country and our democracy harm. What was unthinkable only 18 months ago, has been done. We must remain vigilant and prepared as we work to rid the world of the scourge of terrorism and preserve and expand the promise of peace and democracy.

We will continue to rely on the Capitol Police as the first line of defense for the People's House and all who work and visit here.

The men and women of the Capitol Police meet their challenges with courage and a level of professionalism not exceeded anywhere. Since the dastardly attacks of September 11, and again after the heightened security level of the past few months, Capitol Police officers, under the able leadership of Chief Terrance Gainer, have worked long hours under adverse conditions. These men and women clearly represent the best that America has to offer.

I want to express my personal thanks for a job well done and wish the United States Capitol Police a sincere and happy 175th anniversary.

Mr. Speaker, I urge adoption of the H. Con. Res. 156.

COMMENDING THE CENTER FOR RURAL HEALTH DEVELOPMENT FOR WEST VIRGINIA

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2003

Mrs. CAPITO. Mr. Speaker, I rise today to commend an exceptional organization in West Virginia on its receipt of a prestigious certification of the U.S. Department of the Treasury.

The Center for Rural Health Development has been working since 1994 to make sure that West Virginians in rural communities have access to the highest standards of health care services. Its dedicated Board of Directors and professional staff have worked effectively to bring essential infrastructure, equipment, technical assistance, and skilled health care providers of all types to rural counties in our beloved State.

Ever mindful of the fact that a community's economic health is linked to the quality of its health care delivery system, the center has played a vital role in the growth and development of many rural and underserved areas, opening up opportunities for jobs, both in health care fields and in new businesses attracted to the high quality of life in West Virginia.

Its loan partners in the private sector and sponsors, including the Claude Worthington Benedum Foundation, the Robert Wood Johnson Foundation, the U.S. Department of Agriculture, Appalachian Regional Commission and the State of West Virginia, have long recognized the financial expertise of the Center for Rural Health Development.

It is now my pleasure to note that the U.S. Department of the Treasury, through its Community Development Financial Institutions Fund, has certified the Center for Rural Health Development as a ''Community Development Financial Institution''. The CDFI designation is a testament to high standards of practice and exceptional results, and serves as a signal to financial markets and West Virginia communities that the confidence they place in the Center for Rural Health Development is well deserved.

I ask that my colleagues join me in commending the Center for Rural Health Development and its Director, Ms. Sharon Lansdale, on its CDFI certification, and in expressing our appreciation for the vital role they have played in the lives of so many West Virginians.

PROCLAMATION

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2003

Mr. DAVIS of Illinois. Mr. Speaker, on Saturday, May 3, 2003, the Chicago ''DODO'' Chapter of Tuskegee Airmen Incorporated, in concert with Black Pilots of America will honor three of aviation's pioneer women of color, Bessie Coleman, Willa Beatrice Brown and Janet Harmon;

Bessie Coleman journeyed to France in 1920 to enter the field of aviation, planning to return to America to open an aviation program for African Americans; and

Bessie Coleman died on April 30, 1926, while preparing for an air show to benefit the Negro Welfare League of Jacksonville, Florida;

In 1939, Willa B. Brown held a limited commercial pilot's license issued by the United States Commerce Department; and

Managed the Coffey School of Aeronautics, which was awarded a government contract to train the first group of African-American aviators, and was the first African-American woman to hold a United States Civil Air Patrol Commission;

Janet Harmon was one of the first African-American women to purchase an airplane, which she then made available to the Challenger Air Pilots Association for training purposes; and

Served as surrogate advisor to the first group of African-American aviation cadets for the United States Army Air Force:

Now, therefore be it resolved that I, Danny K. Davis, duly elected by the people of the Illinois 7th Congressional District, do hereby join with the ''DODO'' Chapter of Tuskegee Airmen Incorporated, in concert with Black Pilots of America hereby proclaim;

Saturday, May 3, 2003, to be the day we celebrate as Aviation Pioneer Women of Color Day in Chicago and all over America; and urge all people to take note of the pioneering contributions to aviation made by these women of color;

Done, this 3rd day of May, 2003.

ENERGY POLICY

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2003

Mr. UDALL of New Mexico. Mr. Speaker, I rise today in strong opposition to H.R. 6, the Energy Policy Act of 2003. We should be using this opportunity today to pass an effective and balanced energy bill that will help conserve our nation's resources and lessen our dependence on energy sources that are detrimental to our environment and even our national security. Instead, the bill being debated today harms the environment, threatens public health, endangers wildlife, and hurts consumers.

I believe a balanced national energy policy would be one that helps consumers by increasing energy production and reducing energy demand. Further, I feel that America's current and future energy needs should be met through a balanced approach that supports our fundamental environmental values. We must focus on becoming more energy efficient, investing in innovative technologies, and ensuring that energy markets are fair and competitive. We must also focus on reducing America's dependence on international oil suppliers and developing clean and renewable energy sources. Unfortunately, this bill accomplishes none of these goals.

Before consideration of the bill, I testified before the Rules Committee and requested that I be allowed to offer three amendments. The first would have required retail electricity suppliers to obtain 15% of their power production from a portfolio of renewable energy resources by 2020 and within 5 years add an additional 5%. This would allow us to enhance our nation's energy independence and national security while lowering prices for consumers by mitigating the effects of energy shortages and natural gas spikes. In addition, I believe including a Renewable Portfolio Standard in our nation's energy policy would create jobs and expand economic development, while simultaneously reducing air pollution and the threat of global warming.

The second amendment I hoped to bring to the floor was in support of the thousands of farmers, ranchers and homeowners across the west that are directly impacted by oil, gas and coal bed methane development activities on their lands. This amendment would have required surface use agreements between landowners and the oil and gas industry prior to any development of subsurface mineral rights owned by the federal government. Many farmers and ranchers own split estate interests, meaning that they own the surface resources and the federal government owns the subsurface mineral rights that it leases to the oil and gas industry. Currently, it is not required that the oil and gas companies repair and clean up a project site during or after its completion. Instead, the surface use agreements are only voluntary. Oftentimes as a result, many surface owners suffer loss of income, impairment of water quality, erosion and contamination of soil, harm to livestock and wildlife species, and they have no recourse because they did not have surface use agreements with the oil and gas companies. My amendment would have given these landowners the legal recourse they deserve.

Unfortunately, neither of these amendments was accepted by the Rules Committee. However, I was able to offer before the full House an important amendment that would strike an unnecessary and potentially dangerous subsidy included in H.R. 6 pertaining to uranium in situ leach mining. As written, the subsidy allots $30 million to the domestic uranium industry. The in situ leach mining procedure could cause radioactive uranium and other toxic chemicals to leach into groundwater. The area where this mining could potentially be undertaken in my district is near a high-quality aquifer, which is the sole source of scarce drinking water for over 10,000 people of the Navajo Nation in New Mexico. This subsidy compounds past disasters by promoting mining that could have dangerous health and environmental implications. Although my amendment was defeated, the roll call made it clear that there is bipartisan backing for striking this unfair and unwise subsidy. As this bill is negotiated in conference, I will continue to work to protect my constituents in New Mexico who have suffered so much from uranium related activities near their homes.

As we move into the future, we must act responsibly in ways that take into account the changing landscape of the world's energy situation instead of exacerbating the already dire energy dependence problem our nation faces. Conservation—getting the maximum value out of every bit of energy we use—must become a central feature of our nation's energy philosophy. We praise those who maximize the value of every dollar they spend; we should do the same with our energy. America should prize efficient and productive use of all our important resources, including energy. Conservation is real, achievable, and crucial.

Again, in those areas, this energy bill falls short. H.R. 6 weakens consumers protections, allows companies to contaminate water, allots over $18 billion in unnecessary subsidies to big oil and gas corporations, and takes one more step toward drilling in the untouched wilderness of the Arctic National Wildlife Refuge (ANWR). This will not enhance conservation or provide for the security of the energy supply for the American people as proponents of this bill claim. What it will do is reward the energy companies and leave the responsibility of keeping secure the nation's energy supply to yet another generation.

It is my hope that a conference committee will help produce a more sound compromise energy bill that does not threaten the future of either the environment or the country's energy needs. I will continue to work to see that our nation implements an energy plan that is balanced and addresses environmental concerns in a way that also provides for our continued economic success.

A TRIBUTE TO MELISSA ELLIS BARTLETT

HON. RICHARD BURR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2003

Mr. BURR of North Carolina. Mr. Speaker, I rise today to pay special tribute to a fellow North Carolinian and an outstanding member of our community, Melissa Ellis Bartlett. I commend her for her dedication to children and education.

Melissa has been a distinguished teacher for the past 18 years, sharing her gift of teaching both nationally and internationally. For the past four years, Melissa has taught at Iredell-Statesville Schools, where she is a cherished language arts educator. Previously, Melissa taught social studies and worked with at-risk students in central North Carolina. She also taught English in Cairo, Egypt, and remedial reading to students in the U.S. Virgin Islands.

Melissa's commitment to her students and her excellence in the classroom has brought her to Washington today to be honored by President George W. Bush at the National Teachers of the Year ceremony. Melissa represents the finest of teaching professionals nationwide, and I am proud of all that she has accomplished. Teachers who share Melissa's dedication are a true treasure.

I ask my colleagues and fellow North Carolinians to join me in extending our congratulations and heartfelt thanks to Melissa Bartlett for her years of selfless service. May she continue to inspire and enlighten students for many years to come.

INTRODUCTION OF THE MILITARY PAY COMPATIBILITY ACT OF 2003

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2003

Mrs. DAVIS of California. Mr. Speaker, I rise today to introduce the Military Pay Compatibility Act of 2003. Joining me is my dear friend and colleague Representative IKE SKELTON, the ranking Member of the House Armed Services Committee. He is a man of great wisdom and preeminence with respect to all things military and I appreciate his guidance and support.

In short, this legislation will ensure that military pay raises keep pace with civilian pay growth.

Please allow me to explain why this is important. Military pay tables were overhauled in 1971, with the advent of the all-volunteer force, and basic pay was set to provide reasonable pay comparability with private sector pay for civilian workers with similar skills, education and experience.

But military raises were capped for budgetary reasons during the 1970's, and serious retention and readiness shortfalls followed. These problems were addressed with double-digit raises in 1981 and 1982, after which it was generally acknowledged that military pay was reasonably comparable with private sector pay.

Despite this hard-learned lesson, the extended retention rebound of the 1980's, coupled with rising budget deficits, led multiple Administrations and Congress to continue capping military raises below private sector pay growth in 12 of the next 16 years.

In 1999, the cumulative military pay raise shortfall since 1982 had reached 13.5 percent—predictably accompanied by a new retention and readiness crisis.

Congress responded by enacting provisions in the FY 2000 Defense Authorization Act specifying that, for years 2000 through 2006, each year's military pay raise is to exceed the civilian pay growth, as measured by the Bureau of Labor Statistics' Employment Cost

Index, or ECI, by ½ percent per year. The 2001, 2002 and 2003 pay raises actually exceeded this standard and cut the gap from 13.5 percent to 6.4 percent.

In May 2002, the Department of Defense released its Ninth Quadrennial Review of Military Compensation (QRMC), which acknowledged that current pay structure lags considerably behind pay for civilians of comparable age and education. And, the Department of Defense has been supportive of increased raises to restore a new comparability standard.

In summary, the capping of military pay raises below private sector pay growth for extended periods during the past 30 years has led to significant retention problems among second-term and career members of the Armed Forces.

Such retention problems cost the United States more in terms of lost military experience, decreased readiness, and increased training costs than maintaining the principle of pay comparability.

The remaining so-called pay comparability gap should be eliminated as quickly as possible, and military pay increases must sustain full comparability with increases in the Employment Cost Index.

My bill would ensure that military pay raises never again lag civilian pay raises. Existing authority to close the pay gap expires in 2006. This legislation adds to that authority by specifying that military pay raises must be at least at the level of civilian wage growth beginning in 2007.

I have been asked if I am doing this because of our troops returning from the Middle East and the war in Iraq. The answer is no and yes. No because this legislation builds on the legislation I offered in the 107th Congress and addresses the same problem of the pay gap with a different approach. This issue is not new to me.

The answer is also yes because I can think of no better way to show continued support for our troops than to send them a clear signal that the Congress and the nation value their service and sacrifice, both today and in the future.

This measure has the full endorsement of the Fleet Reserve Association and the Military Coalition, and I have attached their letter of endorsement.

Mr. Chairman, I urge my colleagues to cosponsor this important legislation and work to ensure its quick passage. Nearly identical legislation was introduced in the Senate yesterday. Working together with our Senate colleagues, I urge my colleagues on the House Armed Services Committee to include this legislation as a provision of the National Defense Authorization Act for Fiscal Year 2004.

THE MILITARY COALITION,
Alexandria, VA, April 30, 2003.

Hon. SUSAN A. DAVIS,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE DAVIS: The Military Coalition (TMC), a consortium of nationally prominent uniformed services and veterans' organizations representing more than five and one half million current and former members of the seven uniformed services, plus their families and survivors, strongly supports legislation you are preparing to introduce that would amend title 37, United States Code, concerning future military pay raises and their comparison with private sector pay growth. Under the provisions of your proposal, increases in pay for members of the uniformed services would match the growth in the Employment Cost Index (ECI).

This is a priority issue, and the Coalition strongly supports the introduction of such legislation. The Office of Management and Budget (OMB) already recommended that future military pay raises be based on the Consumer Price Index (CPI). If that were adopted, military personnel would not receive comparable pay increases with those in the private sector, thus halting progress in closing the pay gap between military and civilian pay levels. In addition, the Administrations budget request would cap FY2004 pay increases for NOAA and PHS personnel at the CPI level.

The ECI measures private-sector wage increases, while the CPI is an inflation gauge to preserve the purchasing power of retired pay, veterans' benefits and other programs. Retaining the ECI will ensure that pay increases for all seven of the uniformed services mirror those in the civilian economy. This is important to maintaining adequate recruiting and retention within the services and subsequently to our Nation's military readiness.

The Coalition appreciates your leadership on this issue and will work toward the enactment of this legislation into law.

Sincerely,

THE MILITARY COALITION.

TRIBUTE TO AMANDA BEAVER AND ASHLEY WATSON

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2003

Mr. McINNIS. Mr. Speaker, it is with great pride that I rise today to recognize Amanda Beaver and Ashley Watson of Grand Junction, Colorado. Amanda and Ashley are making a difference in their community and touching the lives of many of their neighbors in the Grand Valley, and today I would like to honor their accomplishments before this body of Congress and this nation.

Amanda and Ashley are fourteen-year-old students at Grand Mesa Middle School. This past year, they planned a fundraiser, ''Answer to Cancer,'' to honor families who have been touched by cancer and to support the American Cancer Society. The girls, who both have grandparents with cancer, have spent nearly a year planning the event, which features dancing, games, and refreshments. They have seen outstanding support from the local community, receiving donations from local businesses and numerous individuals.

Mr. Speaker, Amanda Beaver and Ashley Watson have shown extraordinary leadership as young citizens of Grand Junction. Their volunteer efforts are offering hope to an important segment of the community and creating greater awareness of cancer among their peers as well as their elders. These two talented and determined young women clearly have great things ahead of them, and it is my great honor to recognize their hard work before this body of Congress and this nation today. I wish them all the best in the future.

HONORING THOMAS RONAYNE

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2003

Mr. ISRAEL. Mr. Speaker, I rise today in honor of Thomas Ronayne, a decorated veteran and Commander of the Huntington Station Veterans of Foreign Wars.

After entering the United States Navy in January of 1980, Tom served aboard the USS Vogelgesang and the USS Vreeland. In September of 1983, he was Honorably Discharged from the Navy. For his service, Tom was awarded the Navy Expeditionary Medal, the Armed Forces Expeditionary Medal, two Navy Battle ''E'' ribbons, Navy Sea Service Deployment Ribbon, the Navy Pistol Expert Ribbon, one Atlantic Fleet Command ''Golden Grammy Awards'' for Gram Analysis Excellence and two ''Silver Grammy'' Awards for Gram Analysis Excellence.

Tom became a member of Veterans of Foreign Wars of the United States in 1996, joined Post #1469 in Huntington Station in 1998 and held various offices before being elected Commander in 2000. He still serves as Commander of the Huntington Station VFW, Nathan Hale Post 1469, the oldest VFW Post on Long Island and largest in downstate New York.

Tom also participated significantly in the operations and efforts at Ground Zero. He was injured as a result of the attacks on the World Trade Center and remained on scene for over seven months, participating in the recovery, clean-up and rebuilding efforts. Tom still visits regularly with the workers at Ground Zero.

Tom has three sons and lives in Greenlawn, NY with his wife Linda. I commend Tom Ronayne for his dedicated service to our country during his time in the Navy and in the aftermath of the attacks on the World Trade Center, and for his hard work on behalf of veterans on Long Island.

TRIBUTE TO FRED FLOWER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2003

Mr. McINNIS. Mr. Speaker, it is with a solemn heart that I take this opportunity and pay tribute to an icon of the Montrose, Colorado community who recently passed away. Leo Fred Flower, Jr. died at the age of 84 and as his family and friends mourn his loss, I think it is appropriate that we remember Fred for his many contributions throughout his life.

Fred was a longtime civic and business leader in Montrose whose affiliations ranged from the Western Slope Livestock Commission to the Montrose Industrial Development Board. He graduated from Montrose High School in 1934 and began working at a grocery store, later driving a truck for the Montrose Flour Milling Co. and pursuing further education. Eventually Fred began doing office work for the flour mill and for a local ranch and livestock business, which he would later purchase.

In 1940 Fred began a career in banking, interrupted by his service in the Army from 1942

to 1946. He eventually became president of Montrose National Bank and Montrose Savings and Loan, and also spent a few years as a rancher. In 1968 he bought the family business, Flower Motor Company, which his son now owns.

Fred was a dedicated community leader and played an integral role in establishing Montrose Memorial Hospital. He established the first Kiwanis Club in Montrose, and served on the local school board and on the board of the Colorado Western College. He gave his time and efforts to innumerable community organizations, and was most recently involved in Montrose's senior center.

Mr. Speaker it is with profound sadness that we remember the life and memory of Fred Flower who so deeply touched the Montrose community. As family and friends mourn his passing, I would like to recognize the wonderful life Charlie lived. He will be missed.

HONORING LIEUTENANT COMMANDER GLENN SULMASY

HON. ROB SIMMONS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2003

Mr. SIMMONS. Mr. Speaker, I rise today to honor a member of my staff for his tireless efforts on behalf of the good people of Connecticut's Second Congressional District. Lieutenant Commander Glenn Sulmasy will soon conclude his service in my Norwich, Connecticut office and become a distinguished teacher of International Law at the Naval War College in Newport, Rhode Island.

Since my term started, Glen has been a liaison in my office to the Coast Guard Academy. As the vice-chairman of the Coast Guard Subcommittee, I came to rely on this relationship. What's more, I rely on his input and his perspective—built from years of expertise and driven by his faith in our country,.

Glenn's commitment to me and to my congressional office should be no surprise—he has long had a passion for public service. A 1988 graduate of the U.S. Coast Guard Academy and 1997 graduate of the University of Baltimore School of Law, Glenn has given 15 years of service as a ''coastie'' in the U.S. Coast Guard—with time spent in the Persian Gulf during Desert Storm, and more recently as a teacher of law at the Coast Guard Academy.

Using his experience to enhance that of our other cadets, Glenn demonstrates an admirable loyalty to his values and the Coast Guard tradition. He has also taught at the Roger William School of Law in Bristol, Rhode Island and serves on the Board of Directors of the Center for International and Comparative Law, the National Coast Guard Museum Association, the New London Parks Conservancy, and the Connecticut Anti-Terrorism Task Force.

Mr. Speaker, Glenn Sulmasy lives by the daily commitment of the Coast Guard's core values of honor, respect and devotion to duty. And while I will miss Glenn's presence in my Connecticut office, I wish him well and feel confident that I can still count on him.

On behalf of the rest of my staff, I wish to express our affection and gratitude to Lieutenant Commander Glen Sulmasy for his dedicated work.

Glenn, thank you for your service to me, best wishes and Semper Paratus.

HONORING DREAM WEAVERS OF SOUTHERN COLORADO

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2003

Mr. MCINNIS. Mr. Speaker, I would like to take this opportunity to recognize an outstanding community organization in my district, Dream Weavers of Southern Colorado. For twenty-one years, Dream Weavers has been working hard to grant the wishes of children with life-threatening illnesses and today I would like to honor their efforts before this body of Congress and this nation.

Dream Weavers is an inspirational all-volunteer organization founded in 1982. Over the last twenty years Dream Weavers has fulfilled the dreams of nearly 230 children, organizing vacations at Disney World, fishing trips and family reunions. Sometimes a child simply wishes for a computer, which the organization is only happy to provide. Dream Weavers also hosts frequent events and parties for its wish recipients, providing critical and continuing support for children and their families. To achieve its goals, Dream Weavers depends on community support from local corporations and individuals as well as its annual Bowl-A-Thon fundraiser.

Mr. Speaker, Dream Weavers of Pueblo is an inspirational organization that truly makes a difference in the lives of children struggling with life-threatening diseases. By focusing on family involvement, Dream Weavers provides wonderful opportunities and memories for children, parents and siblings, and I am honored to have such a compassionate program serving the citizens of my district.

10 YEARS OF REMEMBRANCE: THE UNITED STATES HOLOCAUST MEMORIAL MUSEUM

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2003

Mr. SMITH of New Jersey. Mr. Speaker, today I want to pay special tribute on the 10th anniversary of the United States Holocaust Memorial Museum. During the past decade, the institution and its dedicated staff members have worked tirelessly to promote remembrance of the Holocaust and to draw lessons for the future from this very dark chapter of mankind's recent history. When the Museum was dedicated and formally opened in late April 1993, this event culminated over 10 years of preparation that started in 1980 with the chartering of the institution by a unanimous Act of Congress. Recognizing the work of the Museum this week is very fitting, as it is the week of Holocaust Remembrance Day, a time for honoring the millions of Jews who died almost 60 years ago under Nazi tyranny.

As set forth in its mission statement, the Holocaust Memorial Museum has become America's national institution for the documentation, study, and interpretation of Holocaust history, and is this country's memorial to the millions of people murdered during the Holocaust. The Museum and its International Archives Project focuses on all individuals who suffered during the Holocaust, in addition to the six million executed Jews, the horrific Nazi treatment of millions of Roma, disabled, religious and political prisoners, and prisoners of war. The Museum plays a critical role in advancing and disseminating information, documenting the historicity of the Holocaust, while also preserving the memory of individuals who suffered.

While insuring that the lessons of the past will not be forgotten, the Museum has actively and creatively developed ways to work towards a better future. The institution's dedication to dealing with the horrors of genocide, whether in Nazi Germany, Bosnia, Rwanda or Cambodia is a critical part of the effort to mobilize international action against this plague on all humanity. The Committee on Conscience plays a particularly significant role in bringing timely attention to acts of genocide or related crimes against humanity.

The Museum has rightfully become one of Washington's most revered attractions. The hundreds of thousands of visitors who have toured the Museum since its opening have left with an unforgettable experience and the opportunity to reflect on the deep moral questions stemming from the tragedy of the Holocaust. The Museum's research center has served as a critical resource for scholars who try to help us better understand the lessons of this terrible chapter of human history. The creation of the United States Holocaust Memorial Museum has also encouraged other countries to move to establish comparable institutions including, most significantly, in Berlin, Germany.

The U.S. Helsinki Commission, which I cochair, has worked with the Museum on several occasions, from pushing for the release of documents from the Romani concentration camp in Lety, Czech Republic, to urging Romania to give greater meaning to its stated commitment of rejecting anti-Semitism by removing Antonescu statues from public lands. In response to the alarming spike of anti-Semitic incidents found last summer in Europe, myself and other Members of the Commission have been very active in urging governments and elected officials to denounce the violence and ensure their laws are enabled to prosecute the perpetrators. In support of this effort, I have introduced H. Con. Res. 49, urging, among other things, European states to ''promote the creation of educational efforts throughout the region encompassing the participating States of the OSCE to counter anti-Semitic stereotypes and attitudes among younger people, increase Holocaust awareness programs, and help identify the necessary resources to accomplish this goal.'' It is my hope that other countries will copy the unique and effective model of the United States Holocaust Memorial Museum.

Congress has designated April 27th to May 4th as ''Days of Remembrance,'' when our nation will commemorate again the victims of the Holocaust. May we use this time of reflection that will reinforce our common determination to learn from history's harsh lessons.

TRIBUTE TO TOM SHARP

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2003

Mr. MCINNIS. Mr. Speaker, I would like to take this opportunity to recognize Tom Sharp, a helicopter pilot from Telluride, Colorado and thank him for the contributions he has made to local search and rescue efforts. Tom recently risked his life and his helicopter to save two avalanche victims trapped on a steep slope near Telluride Ski Area, and today I would like to honor his service before this body of Congress and this nation.

Tom has been a pilot with Helitrax, a heli-ski guide service, for over twelve years. When he was called to assist in the rescue of two skiers caught in an avalanche, he immediately responded along with two Helitrax guides, braving a dangerous landing near one of the injured skiers before picking up more rescuers and dropping off more medical supplies. Then Tom made a daring attempt to reach the other skier, flying close to dangerous jagged rock in spite of unpredictable afternoon winds. Though he was unsuccessful, Tom and his fellow rescuers dropped supplies to the stranded skier that allowed him to climb out of the couloir and communicate with rescuers.

Mr. Speaker, pilots with the expertise and skill of Tom Sharp are crucial to successful search and rescue operations, and it is a great privilege to honor Tom here today. His years of experience and his willingness to take risks are a tremendous asset to the citizens of Telluride and to all of Colorado.

TRIBUTE TO MR. MISHLER

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2003

Mr. SHUSTER. Mr. Speaker, on May 4, 2003 the Pennsylvania Historical and Museum Commission, in conjunction with the Altoona Area School District and the Blair County Arts Foundation, will be dedicating a long-deserved historical marker commemorating Isaac Charles Mishler, the original owner of the Mishler Theater, located in downtown Altoona, Pennsylvania.

I rise today to pay tribute to Mr. Mishler for his vision of bringing the arts to his fellow citizens. The theater and the community's dedication to the arts have stood the test of time. Indeed, since its opening in 1906, the Mishler Theater has hosted the cream of the entertainment crop for almost 100 years.

The hallowed halls of the Mishler have seen the likes of John Drew, the Barrymores, Houdini, the Zeigfeld Follies, Bernadette Peters and George Burns. With over $1.3 million in improvements over the years, the Mishler continues to provide the community with top-notch entertainment today.

Mr. Speaker, I am pleased to have had the opportunity today to recognize the efforts of the Altoona community and the numerous organizations that have worked together to preserve the Mishler Theater. Their efforts are a fitting tribute to Isaac Mishler's vision of a theater that serves as a center of arts and entertainment for the entire community.

TRIBUTE TO REV. HOLMES ROLSTON III

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2003

Mr. MCINNIS. Mr. Speaker, I would like to take this opportunity to inform this body of a brilliant man from my home state.

The Reverend Holmes Rolston III, a philosophy professor at Colorado State University, is the winner of this year's Templeton Prize. The award recognizes research and discoveries that advances the understanding of God and spiritual realities. In winning this prestigious award, Reverend Rolston joins such luminaries as Mother Teresa, Billy Graham, and Aleksandr Solzhenitsyn.

Holmes grew up poor in rural Virginia in a home without running water or electricity. From that humble beginning, he rose to become what many consider the father of environmental ethics. Along the way he has lectured on all seven continents, written books that are used as texts at more than 150 universities, and co-founded the leading journal in his field, ''Environmental Ethics.''

Even though he has degrees in physics, theology, and philosophy, he still—at the age of 70—sits in on science classes. Learning is so important to this professor that he plans to donate his prize, which is worth more than $1 million, to establish an endowed chair in science and religion at his alma mater.

Mr. Speaker, Reverend Holmes has distinguished himself as a professor, theologian, ethicist, environmentalist and philanthropist. He is not only a model citizen, but also an inspiration to his students, peers, and the community. It is an honor and a privilege to inform this body of his achievements. Congratulations on winning the Templeton Prize, Reverend Holmes, and best of luck with your future endeavors.

CONFERENCE REPORT ON H.R. 1559, EMERGENCY WARTIME SUPPLEMENTAL APPROPRIATIONS ACT, 2003

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Saturday, April 12, 2003

Ms. JACKSON-LEE. Mr. Speaker, I rise in support of H.R. 1559, the Emergency Wartime Supplemental bill. I support this bill to honor our troops and provide relief to Americans suffering through these difficult economic times.

In this time of war and economic crisis, we do not need massive tax cuts. I applaud my Democratic colleagues on the Appropriations Committee for their tireless efforts to reach a Budget Resolution that achieves mutual reconciliation, supports our military, and helps to stabilize the economy in this time of economic crisis. We need mutual reconciliation right now, not disagreement.

I applaud the supplemental funds allocated for homeland security. I applaud the 26-week provision designed to help provide relief to the unemployed. Since the tragic events of September 11, 2001, I have fought on this floor for the employees of the airline industry. I believe this bill goes a long way to providing the employees of the airline industry economic relief.

My Democratic colleagues on Appropriations did a wonderful job reducing many of the Administration's inflated fund requests. We lowered the President's request for a ''flexibility fund'' from $59.9 billion to $15.7 billion. We reduced the alien nations fund from $50 million to $25 million. These fund reductions, and the many others included in the supplemental will provide relief to every American.

The original emergency supplemental was illogical legislation. Never before have I seen such an outrageous departure from established Congressional procedure. The Senate approved an emergency supplemental bill for $350 billion. Instead of following the wisdom of the Senate, the House proposes an emergency supplemental bill for $550 billion. Never before have I seen Congress make such a frivolous budget decision.

I congratulate the hard work of the Appropriators. However, I would have preferred to see funds, such as a portion of the $2.4 billion used for the reconstruction of Iraq, used to help domestically. I would like to see funds allocated to reach out to our small and minority-owned businesses, and not to large conglomerates and multi-national corporations.

I am on my way to visit Tommy Franks, and the many brilliant military strategists at Central Command. Plus, I recently visited several of the valiant soldiers who suffered injuries fighting in Operation Iraqi Freedom. Having met these brave young men, I know how much their sacrifice means to America.

I support H.R. 1559 to support our troops and to support the U.S. Economy.

PERSONAL EXPLANATION

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2003

Mr. HONDA. Mr. Speaker, on rollcall vote Nos. 146, 147, and 148, I was unavoidably detained with important matters in my district.

Had I been present, I would have voted ''yea'' on rollcall vote 146, Congratulating Charter Schools Across the United States, ''yea'' on rollcall vote 147, Extending Congratulations to the United States Capitol Police on the Occasion of its 175th Anniversary, and ''yea'' on rollcall vote 148, Expressing Support for the Celebration of Patriots' Day and Honoring the Nation's First Patriots.

COMMENDING ARMY RESERVE SPECIALIST ROY RUSSELL BUCKLEY

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. VISCLOSKY. Mr. Speaker, it is with great pride and respect that I wish to commend Army Reserve Specialist Roy Russell Buckley for his bravery in the field of battle and his willingness to fight for his country. Specialist Buckley lost his life on Wednesday, April 23, 2003 in Baghdad, Iraq while transporting fuel trucks for the 685th Transportation

Company, part of the United States Army's 3rd Infantry Division. His sacrifice will be remembered at funeral services on Saturday, May 3, 2003 by a community that has been struck hard by the devastating loss of one of its own.

A native of Merrillville, IN, Specialist Buckley graduated from Merrillville High School in 1996. He was a gifted athlete, with an orange belt in karate and possessed the strength to lift over 950 pounds. After graduating from high school, Specialist Buckley decided to join the Army Reserves with the hope that it would assist him financially with college, help him learn a trade, and allow him to find himself through the discipline and order that it provides.

It came as no surprise to those who knew Specialist Buckley that he would serve his country. A true patriot, his love for his country was evident from the time that he was a child. He collected items with patriotic themes, and his bedroom remains adorned with symbols of his patriotism. A poster of the Declaration of Independence hangs above his bed, and an ''Army of One'' poster hangs by the door. He once hung an American flag next to a bright light in his bedroom because he wanted to see the flag glow, and now a flag serves as the curtain for his window. Specialist Buckley felt tremendous pride for his country, and he was willing to endanger his own life to-protect the lives of his fellow citizens. His courage and heroism will always be remembered, and his sacrifice will forever live in the hearts and minds of those for whom he battled.

Mr. Speaker, Specialist Buckley, along with 160 other local reservists with the 685th Transportation Company, left for Fort Campbell, KY on January 24, 2003 after being called into active duty. His unit was deployed to Kuwait in February, and was instrumental in the battle to liberate the Iraqi people. Specialist Buckley was riding in a large fuel truck when an accident occurred and he was thrown from the vehicle. He gave his life so that the freedoms and values that he treasured could be enjoyed by those around the world.

Although he loved his unit and his country, Specialist Buckley treasured his family above all else. He is survived by his mother, Janie Espinoza, his stepfather, Phillip Espinoza, his four siblings, his fiance, Jenina Bellina, and his 6-year-old daughter, Alicia Faith Buckley. Jenina is stationed in Iraq with the same reservist unit for which her fiance gave his life. These individuals were the heroes to a man that we will forever call a hero, and we should honor them in this tumultuous moment as well.

Mr. Speaker, at this time I ask that you and my other distinguished colleagues join me in honoring a fallen hero, U.S. Army Reserve Specialist Roy Russell Buckley. Specialist Buckley is the third resident of Northwest Indiana to sacrifice his life during Operation Iraqi Freedom, and his passing comes as a difficult setback to a community already shaken by the realities of war. Specialist Buckley will forever remain a hero in the eyes of his family, his community, and his country; thus, let us never forget the sacrifice he made to preserve the ideals of freedom and democracy.

IN HONOR AND REMEMBRANCE OF JOSEPH J. GOLUBSKI

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of Joseph J. Golubski—beloved family man, community leader, and friend and mentor to many.

Mr. Golubski graduated from South High School in 1946 He earned a Bachelor's degree from John Carroll University, and a law degree from John Marshall College. In 1950, he married Rita D. Krysinski. Together they raised seven children. In 1952 Mr. Golubski became a licensed funeral director, continuing the family business that his father established in 1913. With a keen intellect and high energy for learning, Mr. Golubski became a licensed attorney in 1953.

Despite his exceptional scholastic and business achievements, Mr. Golubski's foremost priorities were his family and native community—the Slavic Village neighborhood. His family, community, faith and heritage were central within his life. Mr. Golubski was very active in and supportive of the community along Fleet Avenue. He supported many projects at several area churches, including St. Stanislaus, Immaculate Heart of Mary Church, St. Hyacinth Church, Sacred Heart of Jesus Church, and the former Transfiguration Church. Additionally, Mr. Golubski was an active member of the St. Stan's Dad's Club, Knights of Columbus South East Council, Cleveland Society of Poles, Slavic Village Merchant's Guild, and the National Funeral Director's Association, among many others.

Mr. Speaker and Colleagues, please join me in honor and remembrance of Joseph J. Golubski, beloved husband of Rita; beloved father of Linda, Joseph E., Robert, Nancy, Steven, Cheryl, and Pamela; and adoring grandfather of Stephanie, Denise, Rita, Anne, Matthew, Adam, Martha and Joseph. Mr. Golubski's joyous life was defined by his deep dedication to family and friends, and his exceptional service to his community. His strong spirit, integrity, energy and good works have served to uplift the lives of countless individuals, families—and the entire Cleveland community.

IN HONOR OF SISTER ROSE THERING

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. MENENDEZ. Mr. Speaker, I rise today to honor Sister Rose Thering for her dedication to promoting religious understanding and providing educational opportunities for her community. Sister Thering was the keynote speaker at the annual Holocaust Remembrance Day Observance on April 29, 2003 at the Bayonne City Council Chambers.

Professor Emerita at Seton Hall University, Sister Thering has been an active writer, speaker, and lecturer on Judeo-Christian and Holocaust studies for over 30 years. Sister Thering has organized and directed the annual Seton Hall University Study Tour to Israel since 1972, and has traveled to Israel on over 50 occasions during her tenure at Seton Hall. As an active member of a number of academic, religious, and community organizations, she continues to be a strong advocate for building relations between Jews and Christians.

Sister Thering currently serves on the Newark Archdiocesan Commission for Interreligious Affairs and is executive director of the National Christian Leadership. She was appointed to the Board of Trustees of Kean University in 1994 and has been a member of the New Jersey Commission for Holocaust Education since 1980. She also served on the U.S. Bishops' Advisory Committee to the Secretariat for Catholic-Jewish Relations for 20 years. At Seton Hall University, she continues to improve the Endowment Fund established in her honor, which provides scholarship assistance to school teachers furthering their education in Holocaust studies.

Sister Thering is a life member of Hadassah, the National Council of Jewish Women, and the Hebrew Immigrant Aid Society. As a leader and educator on an issue as important as the Holocaust, I want to praise her for decades of tireless determination and dedicated work. She has touched so many lives by reminding us of the unspeakable horrors of the Holocaust during human kind's darkest hour.

Today, I ask my colleagues to join me in honoring Sister Rose Thering for her commitment to pursuing religious understanding and for her desire to educate and serve members of our community.

RECOGNIZING BONNIE JEAN LONG FOR HER OUTSTANDING SERVICE TO THE PEOPLE OF ST. HELENA, CALIFORNIA AT THE TIME OF HER RETIREMENT AS CITY MANAGER

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize the distinguished service of Bonnie Jean Long, the city manager of St. Helena, California. Her outstanding leadership and commitment to community service has significantly benefited the people of St. Helena and she will be sorely missed upon her retirement.

When looking to hire the first-ever city manager in St. Helena, our community would have had a truly difficult task trying to find someone more qualified than Bonnie. Prior to taking office, Bonnie served as the Cotati, California city manager. Adding to her preparation were the years she spent as the assistant city manager for the cities of Davis and Modesto, California.

Mrs. Long's expertise is matched only by her dedication to improving her community and her tremendous work ethic. As city manager, she has worked tirelessly to manage St. Helena's budgets, to maximize our resources and to handle the needs of our growing population. Somehow she has managed to make this difficult task look easy.

While serving our community as city manager, Bonnie has found additional ways to get

involved in bettering St. Helena through her volunteer work. Bonnie is a member of the St. Helena Rotary club, the Kiwanis club and she sits on the REMIF Board of Directors.

Mr. Speaker, as impressive as Mrs. Long's professional contributions and service to St. Helena are, she would be the first to tell you that her real success has been as a dedicated wife, a loving mother and an adoring grandmother. Whether traveling with her husband John, giving advise to her daughter Samantha or playing with her grandson Zachary, Bonnie has been a shining example of how to keep your priorities straight. For Bonnie, family is the true joy of life.

Mr. Speaker, because of the many contributions she has made to the town of St. Helena and for her excellence and dedication, it is proper for us to honor Bonnie Jean Long today as she retires from the office city manager.

HONORING HENRY COVELLO

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. McGOVERN. Mr. Speaker, I rise today to honor Henry Covello, a veteran of World War II and Korea.

Mr. Covello served our country in World War II as a young man. His honor and bravery earned him a Purple Heart for his service in the war. His lifelong dedication to the United States Army is reflected by the prestige of the Purple Heart, among the highest honors an American citizen can receive. Following his service in World War II, Mr. Covello went off to serve in Korea where he earned his second Purple Heart. I am proud to tell my colleagues that this weekend Mr. Covello will posthumously receive his third Purple Heart.

Mr. Covello served in the United States Army with the 82nd Airborne Division,504th Parachute Regiment, the 5th Airborne Ranger Co., 25th Division, and D Company, 19 Regiment, 24th Division. He served for nearly 25 years in the Army before permanently retiring to Worcester, Massachusetts.

Mr. Covello is an example for all Americans. Devoting himself to our armed forces, Mr. Covello's awards are the sign of a grateful nation. His service in the fight against tyranny and oppression should not be forgotten.

Mr. Speaker, I extend my sincere thanks to Mr. Covello, and to all of our veterans, for bravely fighting to protect our security and liberty. I am confident that my colleagues in the U.S. House of Representatives will join me in thanking Mr. Covello for his service.

INTRODUCTION OF H.R. 1906, THE SERVICEMEMBERS' TRANSITION ASSISTANCE PROGRAM AND SERVICES ENHANCEMENT ACT OF 2003

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. EVANS. Mr. Speaker, I rise today to introduce the Servicemembers' Transition Assistance Program and Services Enhancement Act of 2003. This legislation would improve our servicemembers' often challenging transition process from active-duty military service back into civilian life. In the Homeless Veterans Comprehensive Assistance Act of 2001 (Public Law 107–95), Congress made a commitment to end chronic homelessness among veterans within this decade. This legislation is a strong step forward to honoring that commitment.

Mr. Speaker, I am proud to say that this bill is a proactive measure; it aims to educate our separating servicemembers about the risk factors associated with homelessness, as well as provide them with the tools they need to obtain quality long-term employment.

Unemployment and continual underemployment can lead to poverty, which is the common denominator and root cause of homelessness. This measure would ensure that all servicemembers have the opportunity to participate and take advantage of important Transition Assistance Program (TAP) services prior to leaving military service.

TAP is jointly administered by the Departments of Defense, Labor, and Veterans Affairs. These services generally include, employment counseling, career assistance, and veterans' benefits guidance for active-duty servicemembers returning to civilian life. Currently, only the Marine Corps requires mandatory TAP attendance for all of its separating or retiring servicemembers. The Marine Corps again leads the way!

Mr. Speaker, every veteran and servicemember I have spoken with concerning TAP has said that attending a transition workshop was a positive experience, and that the services truly helped them in their civilian job search. Additionally, as we all know, the military is comprised of a substantial number of married servicemembers. This measure acknowledges the special people that make-up our military community, and encourages full spousal participation in TAP services.

Further, this important legislation would also require that TAP workshops include homelessness risk awareness assessments. As servicemembers leave military life to become civilians, they must adjust to new responsibilities and in certain ways a new lifestyle. This transition can be particularly challenging to veterans who are at greater risk of becoming homeless.

According to recent studies, veterans: comprise 23 percent of the overall homeless population and 33 percent of the homeless male population; are twice as likely to become homeless as non-veterans; female veterans are approximately four times as likely to become homeless as their non-veteran counterparts; 40 percent of homeless veterans reported mental health problems; 49 percent reported alcohol abuse; 31 percent reported drug use; 52 percent reported chronic medical conditions.

Lastly, Mr. Speaker, I want to thank Linda Boone and the entire staff of the National Coalition for Homeless Veterans. I very much appreciate their advocacy on behalf of homeless veterans.

I encourage all my colleagues to support this proactive legislation.

HONORING DR. ARTHUR O. HAZARABEDIAN

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize Dr. Arthur O. Hazarabedian posthumously for his vast contributions to his community and to the Armenian culture. His passing on March 31st of this year was a tragic loss to all who knew him.

Arthur graduated from U.C. Berkeley with a Bachelor of Science in Agriculture Economics in 1953. He then received a Degree in Veterinary Medicine in 1959 from U.C. Davis. Dr. Hazarabedian's compassion for the animal community was shown in his ownership of Harmar Veterinary Services in the East Bay of San Francisco. Most of his career as a veterinarian was dedicated to aiding pets, and he offered his services to four veterinary hospitals over the span of 40 years. Dr. Hazarabedian's love for helping other creatures is evident in his being a founding member of many veterinary organizations, including the American Veterinary Medical Association and their Business Management Committee. He also served as a representative of the California Board of Equalization and was a Charter member of the California Academy of Veterinary Medicine.

Dr. Hazarabedian has made a significant impact on many lives in the Armenian community. One of Dr. Hazarabedian's greatest accomplishments was the founding of the Armenian Technology Group, Inc. He, and the other ATG co-founders, formed the organization to assist Armenia in its transition from a subject state of the Soviet Union to a free and independent nation. Under Dr. Hazarabedian's leadership, the goal of ATG has been the advancement of democracy in Armenia through the development of a modern agricultural base in a free-market economy. ATG has sought to introduce modem farming practices and technologies to Armenian farmers and government representatives through programs designed to promote independent action and knowledge sharing.

In 1990, he received the Distinguished Alumni Achievement Award from the Faculty at the University of California, Davis, School of Veterinary Medicine, which is the highest award for contributions, public service and excellence in the veterinary profession. Three weeks before he passed away, on March 8, Dr. Hazarabedian received the Man-of-the-Year award from the Armenian National Committee of America—Bay Area Chapter, at a ceremony held in San Francisco, CA for his outstanding service to Armenia and Armenian-American causes.

Mr. Speaker, I rise today to recognize Dr. Arthur O. Hazarabedian for his exceptional services to the protection of the humanitarian cause. I invite my colleagues to join me in commending Arthur for an exceptional career and for his everlasting contributions.

HONORING THE DEDICATED LIFE AND WORK OF MR. JAMES A. WILDING

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to honor Mr. James A. Wilding, an outstanding citizen of Northern Virginia who has served his community and country for almost half a century.

Mr. Wilding will retire from the Metropolitan Washington Airports Authority this month after 43 years of service. Revered as a leader in both the public and private sectors, Jim will leave behind a legacy of dedication and excellence beyond compare.

Jim graduated from the Catholic University of America as a Civil Engineer in 1959. He then joined the Federal Aviation Administration, where his key role in the transformation of the Washington region began. Jim was one of the original planners of the Washington Dulles International Airport. En route to his position as Chief Engineer, Jim advanced through the ranks of the FAA, working in many different engineering capacities on both Washington Dulles International and Ronald Reagan Washington National Airport. By 1979, Jim had successfully mastered the positions of Chief Engineer, Deputy Director, and finally Director of the FAA's Metropolitan Washington Airports.

Upon the 1987 transfer of the region's airports to the new Metropolitan Washington Airports Authority, Jim began his tenure as that organization's President. He continued to implement his vision of a globally connected Washington area, easily accessible by world-class air facilities. Of course, this vision was far removed from reality; the region's current economic prosperity may obscure the collective memory of the wholly government-centered Metropolitan area of 50 years ago. Mr. Wilding's involvement in the region's air service played a large role in changing that. He oversaw a capital development program of more than 3 billion dollars at the two federally owned airports in the region and led the modernization of Reagan National Airport. Dulles also underwent major growth in the 1990's. Under Jim's leadership, passenger activity at the two airports has almost doubled to 31 million passengers in 2002.

Widely acknowledged as an expert in the aviation industry, Jim has won numerous awards, including the highest award in the Transportation Department: the Secretary of Transportation's Gold Medal. He has served namely as Chairman of the Airports Council International—North America, as President of the Aero Club of Washington, and has served on the Board of Directors of the regional organization, and on the Board of its worldwide parent based in Geneva, Switzerland. Currently, he serves on the Policy Review Committee of the American Association of Airport Executives.

The United Way Campaign of Arlington County, Virginia is only one of the many regional groups indebted to Jim for his support and active participation. Jim is a member of the Economic Development Commission of Arlington County and has served on the Board of Directors as well as the Executive Committee of the Arlington County Chamber of Commerce. He has served on the Advisory Board of the Eno Transportation Foundation, and currently serves on the Board of the Washington, DC Convention and Tourism Corporation, on both the Board of Directors and Executive Committee of the Dulles Area Transportation Association, and has served on the Executive Committee of the Transportation Research Board.

The people of Northern Virginia join these organizations in their debt of gratitude to Jim Wilding, and extend him heartfelt thanks for his continuing role in advancing the prosperity of the Washington region. Mr. Chairman, the life and service of this Virginian serve as a shining example to all who wish to improve the well-being of their community through dynamic public and private activity.

TRIBUTE TO DR. MYLES MARTEL

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. CAMP. Mr. Speaker, I rise to pay tribute to Dr. Myles Martel in celebration of his 60th birthday.

Dr. Martel has been involved with the United States political process for decades, leaving behind him a legacy of leadership. He came to prominence serving as former President Ronald Reagan's personal debate advisor, after which he moved on to become an advisor to the White House Office of Communications. Dr. Martel has also served as a speech advisor to ambassadors, congressmen, senators, governors and cabinet members. His expertise has awarded him many honors, including the George Washington Honor Medal, and the Distinguished Alumni Award for Outstanding Professional from the University of Connecticut. Dr. Martel has published five books, and has been quoted by many nationally recognized newsmagazines and newspapers.

I am honored today to recognize Dr. Myles Martel for his many accomplishments, and to wish him the best on the celebration of his 60th birthday.

TRIBUTE TO REVEREND RONALD L. BAILEY, D. MIN.

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to an outstanding individual who has dedicated his life to serving others, the Reverend Dr. Ronald L. Bailey, D. Min., who on April 26 of this year was elevated to the position of Bishop by the Love Gospel Assembly, a non-denominational church serving over 2,500 members within my Congressional district in the South Bronx.

Dr. Bailey was born and raised in Harlem, New York, and is the Senior Pastor of Love Gospel Assembly, one of the larger multi-faceted, multi-cultural ministries in New York City.

Dr. Bailey was ordained in 1987 by the late Bishop Gerald Julius Kaufman, founder of Love Gospel Assembly, who also mentored Dr. Bailey in full-time ministry for eight years. Dr. Bailey's life and work as he labored beside Dr. Kaufman have built on the foundation of ministry to and for the poor and inner cities that was clearly articulated and demonstrated by Dr. Kaufman and continued the important work of Love Gospel Assembly.

Dr. Bailey has a Bachelor of Arts in Theological Studies, a Master of Arts in Theology from Evangelical Theological Seminary and a Doctor of Ministry (D. Min) from United Theological Seminary in conjunction with Robert Schuller's School for Preaching (Fuqua School of Communication).

Dr. Bailey sits on the Board of Directors for The Urban Youth Alliance Inc., the Steering Committee for the Bronx National Day of Prayer, and the Board of Directors for the Concerts of Prayer, Greater New York.

Dr. Ronald L. Bailey has been married for 35 years to Dorothy Bailey and they have three children, Ron, Jr., Rachel, and Danielle and one grandchild, Anaiah.

Among other things, Dr. Bailey serves meals to over 700 people weekly, conducts a food pantry and provides clothing to the needy.

As it is written in Hebrews 6:10, ''for God is not unjust; he will not forget your work and the love you have shown him as you have helped his people and continue to help them,'' the community recognizes him and honors him with this consecration.

Mr. Speaker, I ask my colleagues to join me in paying tribute to and in congratulating the Reverend Dr. Ronald L. Bailey, D. Min. on his consecration as Bishop of Love Gospel Assembly.

CONGRATULATIONS, MONSIGNOR JOSEPH SEMANCIK ON 50TH ANNIVERSARY OF ORDINATION

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. VISCLOSKY. Mr. Speaker, it is with great pride and sincerity that I wish to congratulate Monsignor Joseph Semancik as he celebrates the 50th anniversary of his ordination into the priesthood. He will be honored by his parishioners with a luncheon following an 11:00 am Mass at Sacred Heart Parish in East Chicago, Indiana on Sunday, May 2, 2003.

A native of Northwest Indiana, Monsignor Semancik was born in Whiting on March 3, 1929 to Frank Semancik and Lillian Duray. He attended St. John the Baptist School and Catholic Central High School. After graduating from high school, Monsignor Semancik's passion for his faith led him to study at Sacred Heart Seminary in Fort Wayne, Indiana, and later at St. Meinrad Seminary in Southern Indiana. He was ordained into the priesthood on May 1, 1953, and this important event became a stepping stone for his lifelong dedication to the citizens of Northwest Indiana.

Monsignor Semancik began his career as an Assistant Priest for Assumption Parish in East Chicago and at St. Catherine of Siena in Hammond, Indiana. He was appointed administrator at Sacred Heart Parish in 1960, a position he held until being named pastor at Holy Trinity Church in Gary in 1969. After five years as pastor for Holy Trinity, Monsignor

Semancik returned to Sacred Heart as pastor, a position he has held to this day.

Mr. Speaker, in addition to his exceptional efforts to guide his congregation at Sacred Heart, Monsignor Semancik also has worked extensively with Catholic Charities in Northwest Indiana. He began his mission with Catholic Charities in 1960, and was named Diocesan Director in 1962, a position he held until 1998. Under his guidance, the agency provided social services throughout the four counties that comprise Northwest Indiana and expanded to seven offices throughout the region. Monsignor Semancik has also served Catholic Charities, USA as a member of the Board of Directors, as well as serving as a member of the Study Cadre that redirected the mission of Catholic Charities. He also ably served as Chairman of various Catholic Charities's committees.

Monsignor Semancik has also enriched the Northwest Indiana community through his work in other community organizations, such as serving as the President of both the Lake County Economic Opportunity Council and the Lake County Community Development Council. He was one of the founders of the Indiana Catholic Conference and of the Hospice of the Calumet Area. He has received many commendations for his work, including the Sagamore of the Wabash Award, the highest honor bestowed by the Governor of Indiana.

Mr. Speaker, at this time I ask that you and my other distinguished colleagues join me in congratulating Monsignor Joseph Semancik as he celebrates the 50th anniversary of his ordination into the priesthood. Monsignor Semancik has been a fixture in Northwest Indiana throughout his career in the ministry, and he has touched the lives of many throughout the community. His unselfish and lifelong dedication to those in need is worthy of the highest commendation, and I am proud to represent him in Congress.

IN HONOR OF THE POLISH AMERICAN CONGRESS OHIO DIVISION

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. KUCINICH. Mr. Speaker, I rise today in honor of the Polish American Congress, Ohio Division, as they celebrate their 54th anniversary—sharing their cultural gifts along a parade route lined with food, song and joyous celebration.

On May 18, 1949, the Ohio Division of The Polish American Congress was founded. The Polish American Congress is composed of individuals of Polish ancestry as well as Polish organizations. The group serves as a unifying force for both Polish Americans and Polish citizens living in America. Taking a positive stand on issues concerning the people of Poland, the group strives to attain a free market economy within the framework of a democratic society.

The goal of The Polish American Congress is to make Americans of Polish heritage more successful U.S. citizens by encouraging them to assume the responsibilities of citizenship. In addition, the group supports fraternal, professional, religious, and civic associations dedicated to the improvement of the status of all Americans of Polish heritage.

It is evident that the Polish American Congress has played a crucial role in the Polish Community, and in its many years of service has been an invaluable contribution to the Cleveland Community.

Mr. Speaker and Colleagues, please join me in honor and celebration of the Polish American Congress, as they celebrate 54 years of service to their members and to the Cleveland community.

IN HONOR OF DR. DEVARAJAN P. IYENGAR

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. MENENDEZ. Mr. Speaker, I rise today to honor Dr. Devarajan P. Iyengar for his contributions to the medical field and his dedication to the people of Jersey City, Kearny, and Bayonne, New Jersey. He was honored by the Bayonne Community Cancer Support Group at Puccini's Restaurant on April 26, 2003 in Bayonne.

For over 20 years, Dr. Iyengar has dedicated himself to providing quality care for the people of Bayonne and surrounding areas. Currently director of oncology at Bayonne Medical Center and chairperson of the Transfusion and Cancer Care Committees, Dr. Iyengar has served on the staffs of Christ Hospital, Greenville Hospital and Union Hospital in Jersey City; West Hudson Hospital in Kearny; and Bayonne Medical Center since 1993. Dr. Iyengar is committed to providing a level of care that goes beyond the average standard of health care. He recently helped found the Bayonne Community Cancer Support Group and is well known for taking the time to provide additional support for his patients and their families.

Dr. Iyengar earned his degree in medicine from the University in Baroda, India and completed his residency at the University of Medicine and Dentistry in New Jersey. After finishing his fellowship in oncology and hematology at Newark Beth Israel Medical Center, he was a research associate and later an attending physician for Newark Beth Isreal. Dr. Iyengar is a fellow at the Academy of Medicine of New Jersey and a member of the American Society of Breast Disease.

Dr. Iyengar and his wife, Dr. Rekha Iyengar, a radiation oncologist, have three sons, Arjun, Ashwin and Arvind.

Today, I ask my colleagues to join me in honoring Dr. Devarajan P. Iyengar for his years of service and dedication to the medical community and to the people of New Jersey.

IN RECOGNITION OF THE 30TH ANNIVERSARY OF THE SONOMA VALLEY CHORALE

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize the Sonoma Valley Chorale as this organization celebrates its 30th anniversary.

The Sonoma Valley Chorale was founded in 1973 by Jim Griewe. It's first performance space was in the Pioneer Chapel of the First Congregational Church of Sonoma. As the membership grew, the Chorale relocated, first to St. Francis Solano Church and finally to the Veterans' Memorial Building.

Sonoma Valley Chorale, Inc. has a member-administered Board of Directors and serves as an umbrella organization for the 130 voice Choral, Chamber Ensemble, Orchestra, Sonoma Valley Children's Chorus and for community programs promoting small ensemble performances.

During its 30 year history, the Chorale has received many musical honors and has toured France, Italy, the United Kingdom and the New England states. The Chorale was featured during both the 10th anniversary concert series of the Napa Valley Symphony and the 50th anniversary concert gala of the Santa Rosa Symphony.

Guest conductors have included world renowned composer-conductor Jester Hariston. In 2000 the Chorale performed the world premier of ''Come Life, Shaker Life'' by American composer Gwyneth Walker. This work was commissioned by and composed specifically for the Sonoma Valley Chorale and its music director, Jim Griewe.

The Chorale's repertoire ranges from 1100 AD to the present and spans musical genres from Gregorian chants to Broadway show tunes.

Mr. Speaker, the Sonoma Valley Chorale is an integral part of the cultural landscape of the First Congressional District and a true treasure for the people of the Sonoma Valley. It is therefore appropriate that we acknowledge and honor the Sonoma Valley Chorale, its founder and director Jim Griewe, and the hundreds voices who have contributed to the legacy and success of this organization.

HONORING HERBERT ADAMS

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. McGOVERN. Mr. Speaker, today I rise to honor a distinguished veteran of our armed forces, Herbert Adams.

Mr. Adams served our nation as a member of the United States Army where he was awarded numerous medals for his distinguished service on the battlefield. Following his service in World War Two, the governments of Belgium and the Netherlands recognized Mr. Adams' role in freeing those nations from the Nazi regime.

In addition to the European medals awarded to Mr. Adams, he received numerous American medals including the Purple Heart; the Bronze Star; the Combat Infantry Badge; the Armey Occupation with German Clasp; the Honorable Service Lapel Button for World War Two; and the European-African-Middle Eastern Campaign Medal with four Bronze Service Stars.

I am grateful for Mr. Adams' service. He distinguished himself on the battlefield through bravery, strength, and commitment to the American cause of ridding Europe of the Nazi menace.

Mr. Speaker, I extend my sincere thanks to Mr. Adams for bravely fighting in defense of

our nation. In addition, I am confident that my colleagues in the U.S. House of Representatives join me in honoring Mr. Adams for his service.

USA GOLD AWARD FOR MARIA WITTE OF GIRL SCOUT TROOP 4043

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. EVANS. Mr. Speaker, today I would like to salute an outstanding young woman who has been honored with the Girl Scouts of the USA Gold Award by Girl Scouts of the Mississippi Valley, Inc. in Rock Island, Illinois. She is Maria Witte of Girl Scout Troop 4043.

She is being honored for earning the highest achievement award in Girl Scouting. The Girl Scout Gold Award symbolizes outstanding accomplishments in the areas of leadership, community service, career planning, and personal development. The Girl Scout Gold Award can be earned by girls ages 14–17 or in grades 9–12.

Girl Scouts of the USA, an organization serving over 2.6 million girls, has awarded more than 20,000 Girl Scout Gold Awards to Senior Girl Scouts since the inception of the program in 1980. To receive the award, a Girl Scout must fulfill five requirements: earn four interest project patches, earn the Career Exploration Pin, earn the Senior Girl Scout Leadership Award, earn the Senior Girl Scout Challenge, and design and implement a Girl Scout Gold project. A plan for fulfilling the requirements of the award is created by the Senior Girl Scout and is carried out through close cooperation between the girl and an adult Girl Scout volunteer.

As a member of the Girl Scouts of the Mississippi Valley, Inc., Maria began working toward the Girl Scout Gold Award in June 1999. Maria worked with her partner on painting a wall mural for a local gymnastics facility.

The earning of the Girl Scout Gold Award is a major accomplishment for Maria and I believe she should receive the public recognition due her for this significant service to her community and her country.

HONORING THOMAS CHARLES TURK

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. RADANOVICH. Mr. Speaker, I rise today to honor former Undersheriff of Madera County, Thomas Charles Turk on the occasion of his retirement. The event commemorating the occasion will be held in Madera County at the Fairgrounds in Chowchilla, California on Saturday, April 26th, 2003.

Thomas Turk has dedicated half of his life to law enforcement. As a young man he was drafted into the United States Army and served for two years as a military policeman. When he came out of active duty, he joined the Madera County Sheriff's department and was assigned to the jail. After one year, he began patrolling the Chowchilla streets working out of a substation. He was respected and admired by the community. For much of his career, Tom was on a first name basis with most of Madera County. He was later appointed to the Detective Division and then to Sergeant. There, he learned that every time you get promoted you get moved to the graveyard shifts. Tom worked his way up through the ranks, from Sergeant to Lieutenant, and then to Undersheriff.

Undersheriff Turk dedicated his life to his department and the people of Madera County. He never stopped promoting the integrity of the Department and the honor of his position. Tom has worked countless overnight shifts, which accounts for his two ''Officer of the Year'' commendations, and has done so with the utmost humility. Tom's dedication to his job makes great departments such as the one in Madera County.

Mr. Speaker, I rise today to honor Undersheriff Thomas Charles Turk for his service to the County of Madera and for his outreach to the community of which he served. I invite my colleagues to join me in commending Thomas for his devotion throughout his career and in wishing him many years of continued success.

HONORING THE SELECTION OF MS. ELIZABETH ANN KRABILL AS THE 2003 UNITED STATES CHERRY BLOSSOM QUEEN

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. TOM DAVIS of Virginia. Mr. Speaker, I would like to take this opportunity to honor Ms. Elizabeth Ann Krabill upon her selection as the 2003 United States Cherry Blossom Queen.

Elizabeth, a sophomore Economics major at Cornell University, was selected as the U.S. Cherry Blossom Queen on April 4, 2003. The tradition of crowning a national Cherry Blossom Queen is a long one, started by the National Conference of State Societies in 1948. Elizabeth joins her 53 predecessors in representing America as a Goodwill Ambassador. In fact, she will depart for a goodwill visit to Japan on May 1, 2003—less than a month after her coronation. In Japan, Elizabeth will participate in a series of celebrations and conferences over two weeks.

Before her ascent to the national crown, Elizabeth was chosen as Virginia's 2003 Cherry Blossom Princess. Elizabeth finds herself in familiar company: Elizabeth's mother, aunt and sister all preceded her as Cherry Blossom Princesses at one time. Elizabeth grew up in McLean, Virginia and graduated from National Cathedral School. She excelled at competitive swimming in high school and was twice chosen as captain of her swim team. She has spent two summers sharing her swimming talents with children as a swimming lesson instructor at Beauvoir Summer Camp. At Cornell, Elizabeth is active in her sorority, Alpha Phi, as the Vice President of Marketing.

Virginia is proud to send one of her native daughters into the international arena to represent the United States. A well-rounded and gifted individual, Elizabeth Krabill will represent her country with dignity and poise, and I applaud her initiative in seeking this great honor.

TRIBUTE TO DR. WILLIAM A. SEDERBURG OF FERRIS STATE UNIVERSITY

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. CAMP. Mr. Speaker, I rise today to pay tribute to Dr. William A. Sederburg for his faithful service as president of Ferris State University in Big Rapids, Michigan. After eight years as president and one year as interim president at Ferris, Dr. Sederburg is retiring from his position.

He became the 16th president of the college in 1995 after a distinguished career as a professor, Michigan state senator, and successful businessman. Dr. Sederburg's experience in higher education is exemplary. He has held numerous leadership positions in higher education, including serving on the State Board of Education, chairing the Senate Select Committee on the Future of Higher Education, chairing the Senate Standing Committee on Higher Education and Technology, and chairing the Senate Appropriations Subcommittee on Higher Education.

Throughout his career and efforts, Dr. Sederburg has positively affected the lives of thousands of students. He is seen as a leader by his peers, as well as an educator and trusted advisor to his students. Dr. Sederburg has worked tirelessly to improve the facilities and infrastructure on the Ferris State campus, and his dedication is an example to everyone.

I am honored today to recognize Dr. William A. Sederburg for his many complishments, and thank him for his work.

TRIBUTE TO BRONX COMMUNITY COLLEGE ON ITS SILVER ANNIVERSARY HALL OF FAME 10K RUN

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. SERRANO. Mr. Speaker, it is with joy that I rise today to once again pay tribute to Bronx Community College, which will hold its 25th Anniversary Hall of Fame 10K Run on Saturday, May 3, 2003.

The Hall of Fame 10K Run was founded in 1978 by Bronx Community College's third president, Dr. Roscoe C. Brown and today continues to be an event of great significance. Its mission is to highlight the Hall of Fame for Great Americans, a national institution dedicated to those who have helped to make America great.

The 10K race tradition continues under the stewardship of Dr. Carolyn G. Williams. Dr. Williams has endorsed and follows the commitment made by Dr. Brown to promote physical fitness and highlight higher education.

As one who has run the Hall of Fame 10K Run, I can attest that the excitement it generates brings the entire City together. It is a celebration and an affirmation of life. It feels wonderful to enable more than 400 people to have this experience—one that will change the lives of many of them. It is an honor for me to join once again the hundreds of joyful people who will run along the Grand Concourse,

University Avenue and West 181 Street and to savor the variety of their celebrations. There is no better way to see our Bronx community.

The Annual Hall of Fame 10K Run is joined by a 2 Mile Fitness Walk and, for the second year, a Hall of Fame Excalibur One Mile Boys and Girls Youth Challenge for 9 to 18 years olds.

Mr. Speaker, I ask my colleagues to join me in recognizing the individuals and participants who are making the Bronx Community College's 25th Annual Hall of Fame 10K run possible.

CONGRATULATIONS TO CROATION SONS LODGE NUMBER 170

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. VISCLOSKY. Mr. Speaker, it is my distinct honor to congratulate the Croatian Sons Lodge Number 170 of the Croatian Fraternal Union of America on the festive occasion of its 96th Anniversary and Golden Member banquet on Sunday, April 27, 2003. In addition to honoring thirty new 50-year members, the Lodge will also honor Martha J. Woss with the Woman of the Year Award, and Valentine-Walter Bahun with the Man of the Year Award.

This year, the Croatian Fraternal Union will hold this gala event at the Croatian Center in Merrillville, Indiana. Traditionally, the anniversary celebration entails a formal recognition of the Union's Golden Members, those who have achieved fifty years of membership. This year's honorees include: Richard D. Bekelya, Josephine Blaschke, Violet Marie Boatman, Josephine Bobinac, Tom Bobinac, Nettie Brooks, Bernadette Chelich, Catherine Child, Yvonne Drysdale, Alice Erbesti, Matthew Erdelac, Sandra C. Giorgi, Marija Jugovic, Pauline Muraida, George Nosich, Carol Jean Pettit, John L. Ramuscak, Rudolph J. Ramuscak, Mary C. Rozmanich, Joanna Russ, Annie Jane Seral, Bartol Sikich, Jr., Rosemary Smith, Gertrude Studanich, Jean O. Surig, Dolores Teel, Jo Ann Tull, Irene Weger, Josephine Williamson, and Mary Yurkas.

These loyal and dedicated individuals share this prestigious honor with over 300 additional Lodge members who have previously attained this important designation.

Mr. Speaker, Martha Woss has been a fixture with the Croatian Fraternal Union for 78 years. She has served as president, vice president, recording secretary, and scribe, as well as serving as the chair for numerous committees. Martha also wrote a weekly column reporting the events of her Lodge, as well as other area Lodges. She was the first woman to bowl in the Joe Rady Tourney, and she was awarded a plaque from the national president for this honor. Martha has been a dedicated member of the Lodge since 1925, and because of her commitment and hard work, she has achieved the honor of being designated as Woman of the Year.

On January 17, 2003, Valentine-Walter ''Wally'' Bahun celebrated not only his 83rd birthday, but also 65 years of service for Lodge 170 of the Croatian Fraternal Union of America. Wally has served in various positions throughout his time with the Lodge, including president, vice president, and trustee. He was also elected as a delegate to the Toronto 15th Convention in 1979, and has been elected as a delegate each year since for his dedication to Lodge 170. His commitment to the Croatian community of Northwest Indiana serves as an example of the dedication we all must show to keep our nation great.

Mr. Speaker, I urge you and my other distinguished colleagues to join me in commending Lodge President Betty Morgavan, and all the other members of the Croatian Fraternal Union Lodge Number 170, for their loyalty and ongoing display of passion for their ethnicity. The Croatian community has played a key role in enriching the quality of life and culture of Northwest Indiana. It is my hope that this year will bring renewed hope and prosperity for all members of the Croatian community and their families. I am proud to represent these gifted residents of the First Congressional District of Indiana.

SALUTING THE CARGILL SALT MINERS OF TEAMSTERS LOCAL NO. 436 IN THEIR STRUGGLE TO RETAIN REPRESENTATION AND END A LOCK-OUT DESPITE COMPANY EFFORTS TO BREAK THE UNION

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. KUCINICH. Mr. Speaker, I rise in support of the members of Teamsters Local No. 436. This racially and ethnically diverse group of salt miners constitutes the bargaining unit at Cargill's Cleveland salt mine in Ohio's 10th Congressional District. Many of them are locked out of the mine in a labor dispute, the outcome of which will have major implications for working men and women everywhere.

In May 2002, the salt miners went on strike. Between May and August, the miners and the company met on several occasions to resolve the dispute and draft a mutually agreeable labor contract. On August 13, 2002, while still engaged in good faith negotiations with Cargill, the union miners made an unconditional offer to return to work. When the miners attempted to return to their jobs, they learned that Cargill hired permanent replacement workers who were either hired before August 13, or their dates of hiring were backdated prior to August 13. All but 26 of the union miners were locked out. The hiring of replacement workers in this manner violates the National Labor Relations Act as an act of bad faith in labor negotiations.

Shortly after the lockout, one of the replacement workers filed a decertification petition with the National Labor Relations Board. In a strong show of support, the working and locked out union miners showed up at the mine at 6:00 in the morning on April 10, 2003, to support the union. One locked out miner drove 150 miles from Columbus for the vote while another left his hospital bed to vote. The result of the election was a 63–58 victory for the union. Even though the Cargill-supported replacement workers appealed the election, the union workers again rallied to oppose the decertification and voted 64–61 to retain the union.

The union workers have my full support. The replacement workers, too, should understand that the good pay and benefits they enjoy at Cargill were hard-fought by the Teamsters locally and the national organized labor movement in general. Once the union is gone, no one will be there to represent them in gaining and retaining their pay, rights, and benefits. Unions are good for workers and companies alike. I support the union workers' efforts to stop the decertification of their union and to end the lock-out so they can return to work as soon as possible. I call on Cargill to accept the democratic process built into our nation's labor law, accept the will of the workers to retain union representation, and return immediately to good faith negotiations with the Teamsters.

IN HONOR OF LUDO NOLFO, RECIPIENT OF BAYONNE UNICO FOUNDATION'S 2003 MAN OF THE YEAR AWARD

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. MENENDEZ. Mr. Speaker, I rise today to honor Ludo Nolfo, for his outstanding dedication to the community of Bayonne, New Jersey. Mr. Nolfo was named the 2003 Man of the Year by the Bayonne Chapter of UNICO National on April 5, 2003 at the Chandelier Restaurant in Bayonne.

An Italian immigrant at age 16, and a graduate of New York University with a degree in accounting, Mr. Nolfo served two years in the United States military before working with Manufacturers Hanover in New York. For over 27 years, Mr. Nolfo worked for First Union National Bank, where he was Vice President of Trade Services. He is currently Vice President of International Trade Banking at the New York Branch of Rabobank Nederland.

In addition to his remarkable professional record and successful career, Mr. Nolfo has a distinguished record of community service. As trustee of the Bayonne Board of Education and Our Lady of the Assumption Roman Catholic Church, commissioner of the Bayonne Housing Authority, and treasurer of the Board of the Bayonne Visiting Nurses Association, Mr. Nolfo continues to demonstrate an impressive level of commitment to serving the people of Bayonne.

A past president and district governor of the Bayonne Chapter of UNICO National, Mr. Nolfo has been committed to serving the Italian community throughout our region. He is a founding member and formal grand marshal of the Bayonne Columbus Committee; a member and past president of the Bayonne Sicilian Citizens Club; and a member of the Sons of Italy of Bayonne. He also served on the Committee on Italian Migration, sponsored by the Italian Consulate.

Today, I ask my colleagues to join me in honoring Mr. Nolfo for his exceptional service to the people of Bayonne and in congratulating him on being named Bayonne UNICO's 2003 Man of the Year.

IN RECOGNITION OF DOMAINE CHANDON OF NAPA VALLEY

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize Domaine Chandon, the Napa Valley leading sparkling wine producer, as it celebrates its 30th Anniversary.

Domaine Chandon was founded in 1973 as the first American sparkling wine venture established by the French Champagne house, Moet et Chandon. As pioneers in producing California sparkling wine, Domaine Chandon has had a far-reaching impact on winemaking in the Napa Valley and is continuing to break new ground with its foodloving wines, both sparking and varietal stills.

Before Domaine Chandon was established, American-made sparkling wine was overshadowed by French Champagne. When Moet et Chandon, makers of Dom Perignon and other fine Champagnes, selected the Napa Valley as the next world class sparkling wine regions, it helped establish California's reputation as one of the world's top wine producing regions.

In addition to producing premium sparking wine and a highly regarding line of still wines, Domaine Chandon has proven that sparkling wines shouldn't be limited to New Year's Eve and weddings. With eight sparkling wine cuvees available nationally and five specialty wines available at the winery, Domaine Chandon offers a full range of flavors and styles that are very well matched with foods. As the only Napa Valley winery with an on-site restaurant, Domaine Chandon showcases the pairing sparkling wine with food and in doing so, has help establish the region as a world-renowned dining destination.

Mr. Speaker, as Domaine Chandon celebrates its 30th anniversary with a showcase 30-course dinner and other signature events the weekend of May 2 through May 4, 2003, it is appropriate that we recognize them today for their many contributions to fine wine and fine dining in California's Napa Valley.

CONGRATULATIONS TO EMPLOYEES OF SERENITY HOUSE OF GARY, INDIANA

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. VISCLOSKY. Mr. Speaker, it is with great sincerity and enthusiasm that I congratulate the employees of Serenity House of Gary, Inc. as they celebrate 25 years of assisting those in the Gary, Indiana community as they recover from alcohol and drug addiction. These devoted individuals will commemorate their Silver Anniversary at a banquet to be held on April 26, 2003.

Serenity House of Gary, Inc. is a transitional facility that nurtures residents as they recover from the mental, physical, and spiritual effects of alcohol and drug addiction, as well as providing employment counseling and referrals to ensure that the reintegration into the community is successful for both the patient and those in the surrounding area. The employees at Serenity House are committed to supporting addicts and their families through every step of the recovery process. By promoting each individual's talents and skills, these employees teach all those committed to recovering to develop meaningful, productive lives without the reliance upon narcotics and alcohol.

Mr. Speaker, Serenity House opened in August 1980 to fulfill the need for a residential treatment facility in Lake County, Indiana. It provides a supportive environment for patients to recover from their addiction as they simultaneously learn important life skills, such as obtaining and maintaining both employment and housing in order to enrich the quality of their lives. The employees are trained to counsel and assist those who are recovering from dependency, and are therefore able to create a positive atmosphere in which the patients are prepared to enjoy the benefits of their success.

The physical and emotional suffering caused by addiction affects not only the individual, but also hovers like a storm cloud over all those who have a vested interest in his or her well-being. Serenity House provides a safe haven for those who wish to recover from their dependency but are unable to do so on their own. It is within these walls that those who are looking for the opportunity to improve their lives can find solace.

Mr. Speaker, at this time I ask that you and my other distinguished colleagues join me in congratulating the employees of Serenity House of Gary, Inc. for 25 years of service to the residents of Lake County, Indiana. Through their efforts, many in the Northwest Indiana community have had the opportunity to enhance their lives and recover from a debilitating illness. It is this compassion and commitment to their fellow man that makes Northwest Indiana a great community, and I am honored to represent these outstanding individuals in Congress.

IN HONOR OF JAMES WHITLEY, JR.

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. KUNINICH. Mr. Speaker, I rise today in honor and recognition of Metroparks Rangers Chief James Whitley Jr., on the occasion of his recent retirement from service with the Cleveland Metroparks.

Raised in Cleveland, Chief Whitley graduated from John Hay High School in 1976. He enlisted in the U.S. Navy shortly thereafter. While stationed in England, Chief Whitley earned a Bachelor's degree in Psychology. Following four years of exemplary service to his country, he came home to Cleveland where he worked as a caseworker for Cuyahoga County. In that capacity, Chief Whitley helped troubled veterans obtain shelter, food and benefits.

In 1982, Chief Whitley began his service as a police officer with the City of Cleveland Heights. His outstanding work and personal dedication to helping others was clearly rejected throughout his tenure of service. He rose quickly through the department ranks and was promoted to Commander of the Traffic Bureau in 1990. Significantly and historically, Chief Whitley broke through racial barriers by becoming the first African-American Sergeant within the Cleveland Heights Police Department, which paved the way for other men and women to follow.

As Chief of the Metroparks Ranger, Chief Whitley's vision and leadership brought new life to the Ranger Special Units and was a significant force behind the newly constructed headquarters operations facilities, opening this fall. A tireless supporter of continued education, Chief Whitley was a strong advocate for post-secondary education for rangers and staff.

Mr. Speaker and Colleagues, please join me in honor, admiration, gratitude and recognition of Chief Ranger James of our country and on behalf of the citizens of our Cleveland community have served to lift the spirits Whitley, Jr. Chief Whitley's exceptional work ethic, law enforcement expertise and commendable service on behalf and the lives of countless individuals and families and we extend our best wishes throughout his future endeavors.

IN HONOR OF GREEK INDEPENDENCE DAY

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. MENENDEZ. Mr. Speaker, I rise today to honor the 182nd Anniversary of Greek Independence Day. On March 25, 1821, the people of Greece began their quest for freedom from the Ottoman Turks, and we commemorate their resolve and their country's enduring independence.

The birth of democracy in Greece ushered in one of the true golden ages of Western Civilization, and the democratic ideals of ancient Greece provided an inspiration and foundation for American democracy. The peoples of Greece and the United States enjoy a rich friendship based on our common devotion to the ideals of freedom and democracy. Our nation continues to strive for high standards of equality and justice championed by Greek philosophy; and, in shaping their new democracy, the Greeks used the Declaration of Independence as a guide.

The celebration of Greek Independence Day provides a chance for Americans and Greeks alike to reflect on and celebrate a common history that shares the same principles of freedom and democracy.

The Greek Independence Day parade continued its grand tradition this year, marking the 65th annual parade along Fifth Avenue in New York City. I praise the efforts of the Federation of Hellenic Societies of Greater New York for making such a celebration of Greek Independence possible. This annual tradition provides a chance for Greeks and Americans to celebrate Greek culture and to continue the great partnership between our peoples and cultures.

The commemoration of the Independence of Greece is an important reminder of the contributions of Greece to democracy in America and worldwide. Today, I ask my colleagues to join me in celebrating Greek Independence Day and to pay tribute to the shared traditions of Greek and American democracy.

RECOGNIZING BROTHER TIMOTHY DIENER FOR HIS OUTSTANDING SERVICE TO THE PEOPLE OF NAPA COUNTY

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize and honor Brother Timothy Diener for his outstanding commitment to serving the Napa Valley community in my home state of California.

June 2003 will mark the 75th anniversary (diamond jubilee) of Brother Timothy's entry into the De La Salle Christian Brothers.

Brother Timothy, a lifelong Catholic and the son of German immigrants, was born in 1910 in New Jersey. In 1918 his family moved to Los Angeles, where he graduated from Cathedral High School. He joined the Christian Brothers in 1928 and made two significant discoveries, wine and teaching.

At the age of 25, Brother Timothy became heavily involved in the new Christian Brothers winery. Officially his title was ''wine chemist'' but it was common to find him performing such additional duties as digging ditches, being the hose dragger, scrubbing the tank, driving the trucks and operating the cement mixer. Half a century of hard work and excellence have since passed and today Brother Timothy is considered a pioneer in the Napa Valley wine industry and is treasured as a master vintner.

Much like the spectacular wine he makes, Brother Timothy gets better with age. Though he turns 93 in November, Brother Timothy maintains an enthusiasm for life and a deep dedication to serving others. Not surprisingly, he continues to serve the cause of Christian Brothers' education as an honorary founding member of the Lasallian Education Fund. He uses his position to assist the underserved youth of our community.

Mr. Speaker, Brother Timothy represents much more than Napa's wine roots or our communities commitment to promoting education. Quite simply, Brother Timothy represents the heart of the Napa Valley. His life has been a legacy of hard work, faith and passionate living. For all of these reasons and countless more, it is most appropriate that we honor Brother Timothy Diener at this time and congratulate him on 75 years with the De La Salle Christian Brothers.

CONGRATULATIONS TO NORTHWEST INDIANA EDUCATORS

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. VISCLOSKY. Mr. Speaker, it is with great pride and enthusiasm that I wish to congratulate an exceptional group of Northwest Indiana educators. The Indiana State Teacher's Association will present these outstanding individuals with the 2002–2003 Crystal Apple Award for excellence in education during a banquet on Wednesday, May 7, 2003 in Schererville, Indiana. This year's recipients are: Darlene M. Vassil, Linda Johnson, Estelle Becke, Judith Thayer, Renee Kouris, James Crist, and Sherry Peters.

Darlene Vassil is a 22-year veteran of art education, and she effectively uses this wealth of experience to enrich the lives of her students. She was awarded a grant from the Indiana Department of Education to develop an electronic portfolio program so that her students can learn to enhance creativity through technology. Darlene's enthusiasm and dedication for her work led to her involvement in the Fine Arts and Music Education (FAME) organization. She was instrumental in the organization of the Northwest Indiana FAME Festivals Imaginarium for the past two years, and has been responsible for various art displays from other cultures being brought to her community.

Linda Johnson has served in the Hanover Community School Corporation for 28 years, and her dedication and professionalism is unsurpassed. She has taught students at various grade levels throughout the elementary and intermediate system. She currently teaches fifth grade at Lincoln Elementary and will retire after the school year is completed. Known for her intelligence and wisdom, Linda is a source of advice for both her students and her peers. Her devotion and humor will be greatly missed.

Estelle Becke began her career as an elementary school teacher in the Highland school system, and currently teaches seventh grade geography. She is a bold, strong, and loyal person who has a passion for both her subject area and her craft. Estelle has sponsored her school's Geography Bee, and has also emceed the school-wide event. She has spent her career teaching her students tolerance for those from diverse cultures and backgrounds.

Judith Thayer has dedicated 30 of her 34½ years of teaching to the Lake Central School Corporation. She currently teaches fourth grade at Kolling Elementary School in St. John, Indiana. Her efforts and excellence in the classroom have undoubtedly contributed to the status of Kolling as one of Indiana's Four Star Schools. Although Judith has a principal's certificate, she chooses to be in the classroom because of her love for the students.

Renee Kouris has touched the lives not only of her theater students, but also the lives of those who watch their performances. Her compassion for her students and her desire to include every student in her productions has made Renee one of the most popular teachers at Munster High School. Last year, her theater class participated in a state-wide competition and placed second for the original work that they wrote, produced, and presented. Her ability to challenge students and faculty while remaining humorous, compassionate, and sincere makes her an excellent choice for the 2002–2003 Crystal Apple Award.

James Crist is known for his ability to connect with students in a way that few other teachers are able to duplicate. He directs the Pupils Reached by Individual Direct Education (PRIDE) program, which reaches out to students who have difficulty adapting to standard teaching methods. He teaches them to take pride in themselves and their work. James promotes fairness, acceptance, and stability to students who otherwise would have given up on their education. His adaptability to meet the needs of his students is remarkable, and we are deeply indebted to him for his dedication to his pupils.

Sherry Peters uses her work ethic, dedication, and creative spirit to improve her teaching methods and effectiveness. She does not simply rely on her lesson plans from previous years, but she constantly updates her materials and evaluates her methods in an attempt to reach her pupils. She has the ability to understand her students and connect with them in the classroom, and she uses this ability to take them far beyond their previous limitations. She uses creative strategies to enrich the lives of her students, and the seniors at Lowell High School have elected her the Most Influential Teacher on many occasions.

Mr. Speaker, at this time I ask that you and my other distinguished colleagues join me in congratulating these tremendous educators as they accept the 2002–2003 Crystal Apple Award from the Indiana State Teacher's Association. Their tireless dedication to enriching the minds of today's youth is invaluable, and I am proud to represent these outstanding teachers in Congress.

IN HONOR AND REMEMBRANCE OF MIKE REINERI

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of Mr. Mike Reineri—family man, friend, and outstanding radio personality.

Mr. Reineri had a long and distinguished career within the broadcasting industry. He was sworn into the Radio & Television Broadcasting Hall of Fame in November of 2001, and throughout his career, he served in every aspect of broadcasting in cities across the country.

Mr. Reineri's first major appearance on radio was in 1959 with WFVG in North Carolina. He stayed there for about a year and soon moved to WKIK, where he did a rock-n-roll show from 7–I1 pm at a remote studio at the Piggy-Park Drive-In in Raleigh. His highly entertaining style of broadcasting drew crowds from across the Carolinas.

Besides his natural ability to entertain, Mr. Reineri also possessed a kind and generous heart. While broadcasting in Cleveland, he created and promoted the very successful ''Shoes for Kids'' program that provides underprivileged and homeless children with footwear. This annual campaign grows stronger every year, and continues to assist Cleveland's neediest children.

Wherever he's lived, Mr. Reineri always sought to be of service to others. He was deeply dedicated and civically active in Miami. For more than two decades, Mr. Reineri served as a member of the Board of Directors of the Boys and Girls Club of Miami and was awarded the Service to Youth Award and Service Bar. In 1991 he was awarded the Easter Seals Man of the Year Award in Miami and the Miami Power Squadron Award for Outstanding Contribution to Safe Boating.

Mr. Speaker and Colleagues, please join me in honor and recognition of Mr. Mike Reineri. I extend my sincerest condolences to his family and friends, especially to wife Barbara. Mr. Reineri's exceptional broadcasting talents and achievements will be known for generations to come. Moreover, his exceptional sense of kindness and compassion for others—through word and deed—will live on forever.

HONORING ROBERT B. HILLE

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. ROTHMAN. Mr. Speaker, I rise today to pay tribute to a dear friend of mine and of the Bergen County community, Robert B. Hille, who is about to become the 105th President of the Bergen County Bar Association. Robert Hille and I began our careers together as young lawyers in the Bergen County Bar Association. It was there that I got to see firsthand what a remarkable person Robert Hille is. He has been and continues to be an extraordinarily gifted attorney and loving husband of Leslie and father of Erin and Tara.

Throughout the course of his career, Robert Hille has handled himself in a highly professional and dignified manner that has won him the great admiration and respect of his peers. His election as the 105th Bergen County Bar Association President is a reflection of the high esteem that not only I have for him, but that everyone in the Bergen County legal community has for him.

Robert Hille is a man who strives to do what is right and just in his profession. I extend my heartfelt congratulations to him and his family on his election as President of this most prestigious organization, I wish him the very best.

SUPPORT FOR H.R. 832, PERMANENT PARTNERS IMMIGRATION ACT

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. SHERMAN. Mr. Speaker, H.R. 832, the Permanent Partners Immigration Act would allow US citizens and lawful permanent residents, who are in a permanent partnership, to sponsor their partner for immigration purposes in the same way that opposite-sex spouses now can. This proposal would also hold these partners to the same legal commitments of a legal marriage, in that if a person is found to have entered into a fraudulent permanent partnership for the purpose of obtaining a visa for another person, they will be subject to the same five year maximum imprisonment, or $250,000 maximum fine, or both.

According to the Human Rights Campaign, this legislation would affect the status of thousands of couples who currently are separated or risk permanent separation from the ones they love. Fourteen countries—including Belgium, Canada, Denmark, France, Israel, the United Kingdom and South Africa—recognize same sex partnerships for purposes of immigration.

I have co-sponsored H.R. 832 because I strongly believe in its purposes and I am confident that its text will be fine tuned as it goes through the legislative process. I called upon the Congressional leadership to begin that process.

HONORING NINE NEW MEMBERS OF THE INDIANA FOOTBALL HALL OF FAME

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. VISCLOSKY. Mr. Speaker, it is with great joy and enthusiasm that I wish to congratulate the nine new members of the Indiana Football Hall of Fame. The 2003 honorees for this prestigious designation include: Louie (Lou) Karras, Mike Jennings, Bob Johnson, Larry L. Johnson, Keith A. Johnson, John Forchetti, Tom Herbert, Roderick G. Moore II, and George Pappas. These men have shown a commitment to high school and collegiate football programs across Northwest Indiana, and they will be honored at a reception on May 18, 2003 in Merrillville, Indiana.

Mr. Speaker, Lou Karras graduated from Gary Emerson High School in 1945 after earning All-State honors for three years. He went on to have an outstanding career at Purdue University from 1946–1950. As a senior, he was chosen as the Most Valuable Player and was selected to play in the East-West Game, the Hula Bowl, and in the Chicago All-Star game against the Philadelphia Eagles. He started for the Washington Redskins as a rookie before an eye injury cut his career short. Lou's mother is the only woman inducted into the National Football League Hall of Fame for raising three NFL players: Lou Karras, Alex Karras, and Ted Karras. After his playing career, Lou served as President of the Purdue Alumni Association in Lake County, Indiana. He also presided as the Democratic City Chairman in Gary, Indiana, as well as President of the Gary City Common Council.

Mike Jennings attended Gary Wirt High School and excelled in football, basketball, and track. He graduated in 1957 having earned All-City, All-Conference, and All-State honors. He went on to attend Southwestern Missouri University, where he was a four-year letter winner and a three year starter as a fullback and linebacker. He also attended Texas A&M, where he honed his skills under the legendary coach Paul ''Bear'' Bryant. After his playing career, Mike became the head coach at Chesterton High School, where he amassed a record of 95–81–1 in 18 seasons.

Bob Johnson was an outstanding football player for Valparaiso High School until his graduation in 1976. He was named the Most Valuable Player in 1975, and was named to the Duneland All-Conference Team, the All-Area Team, and the All-State Team in 1974 and 1975. Bob's excellence on the field also earned him a position on the North-South All Star Team in 1976. After high school, Bob attended Manchester College, where he was named to the All-Conference Team in 1978, 1979, and 1980. He was also named an NAIA All-American in 1980, and was named the Most Valuable Player for that season.

Larry L. Johnson was a standout at Munster High School in football, wrestling, and track. By the time he graduated in 1970, he had been named the captain of his football and wrestling team. He was named to the All-Conference Team in football, as well as the 1st Team All-State. He also played in the North-South All-Star game. He attended the University of Michigan, where he was a four-year letterman and was awarded the Arthur Robinson Award for Most Outstanding Student Athlete on the football squad. In 1975 he was awarded the prestigious Fielding Yost Award.

Keith A. Johnson attended Munster High School and was a three-year letterman. He was awarded All-Star honors in 1971 as a defensive back while leading his team as a captain. He went on to attend the University of Michigan, where he was a three-year letterman at wide receiver. His team was named the Big Ten Conference Co-Champion in 1973–1974, and he was a participant in the Orange Bowl on New Year's Day in 1976.

John Forchetti has been the team physician for Chesterton High School for over 37 years. He graduated from Villanova University in 1958 and Jefferson Medical School in 1962. He served as a medical doctor for the United States Navy from 1963 to 1965, when he began his career as the Trojan's team physician.

Tom Herbert graduated from Gary's Lou Wallace High School in 1965 and went on to attend Ball State University. Considered the dean of Big Ten officials, Tom has been with the prestigious conference for 25 years, and has officiated in ten bowl games. His most recent game was the Holiday Bowl in San Diego on December 27, 2002.

Roderick Moore has spent his career as an athletic trainer with the Valparaiso community. He was the athletic trainer for all of the high schools and junior high schools in Valparaiso from 1972–1976. He was associated with the 1975 State Championship Team and the 1985 State Runner-up Team. He is currently the head athletic trainer for his alma mater, Valparaiso University, and was a charter member of the Indiana Athletic Trainers Association.

George Pappas played high school football for Hammond High School and was twice selected as an All-State player. In 1960, George was chosen as a High School All-American. He played on two undefeated teams, and in four years his teams lost a total of two games. He was named the Most Outstanding Lineman in 1959 and 1960. George went on to attend Purdue University, where he was selected by his teammates as the Most Valuable Player and Outstanding Freshman Lineman. After his playing career, George became a Graduate Assistant at Purdue from 1965–1966. He was an assistant coach at North Central High School in 1969, and he became the head coach at North Central in 1975. During his 17 years as head coach, George compiled an impressive record of 126–53.

Mr. Speaker, at this time I ask that you and my other distinguished colleagues join me in congratulating these nine men for their achievements within the Indiana football system. Their success serves as an inspiration to those involved in Indiana athletics, and our youth can be proud to have them as role models after whom to pattern their careers.

IN HONOR AND REMEMBRANCE OF EDWARD JOHN WOJNIAK, SR.

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of Edward John

Wojniak, Sr.—Beloved family man, World War II veteran, community leader, and friend and mentor to many.

Mr. Wojniak was born in 1919 in the St. Hyacinth area of Cleveland. As a young boy, he moved with his family to West Virginia where his father found work as a coal miner. Tragically, in 1935, Mr. Wojniak's father died in a mining accident. His family remained in West Virginia for a few years. After Mr. Wojniak graduated from high school, his family relocated to Pittsburgh. Soon after, World War II broke out. Mr. Wojniak enlisted in the U.S. Army 815 Engineers Corps, and fought in Italy and Northern Africa. He returned to Cleveland after the war, and enrolled in college at Western Reserve University. In 1951, he graduated with a Bachelor of Arts degree, and in 1954, he graduated with a Master of Science degree in Social Administration. During college, he met and married Jennie Pogroszewski.

Together, Mr. and Mrs. Wojniak raised four children. His life revolved around family, community, faith and heritage. His professional life was dedicated to helping others. For more than a quarter century, Mr. Wojniak worked on behalf of our elderly at the State of Ohio Department of Aging. His deep affection for his Cleveland community and his Polish heritage were clearly reflected through his civic involvement and volunteer spirit. Mr. Wojniak worked diligently to secure an official proclamation to name the Broadway-Forman area of Slavic Village as ''Solidarity Square. '' Throughout his adult life, Mr. Wojniak was highly active in veterans' groups and Polish fraternal organizations, including the Polish National Alliance and the Polish American Congress. Notably, Mr. Wojniak was the longest-serving President of Polish-Americans, Inc.

Mr. Speaker and Colleagues, please join me in honor and remembrance of Edward John Wojniak, beloved husband of Jennie, beloved father of Barbara, Elizabeth, Edward and Michael; beloved grandfather of nine; beloved brother, and trusted and loyal friend to many. Mr. Wojniak's joyous life was defined by his deep dedication to family, and his exceptional service to community and country. His strong spirit, energy and good works have served to uplift the lives of countless individuals, families—and the entire Cleveland community.

INTERNATIONAL SUPPORT FOR CUBAN OPPOSITION DAY

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I ask that the following Proclamation by the Miami-Dade County Office of the Mayor and the Board of County Commissioners be included in the RECORD.

Whereas: As the Apostle of the Cuban Independence Jose Marti once said: ''Liberty is very expensive and it is necessary either to resign oneself to live without it or to decide to pay its price;'' and

Whereas: Realizing that Cubans are persecuted and exiled in their own land, deprived of their most elemental rights, fired from their jobs, subjected to a cruel and systematic hate campaign, and suffering defamation towards them and their families, the thousands of men and women, that for years have confronted with civic activism that tyranny, deserve the admiration and support of all; and

Whereas: On Monday, May 13, 2002, coinciding with the 71st Anniversary of Pedro Luis Boitel's birthday, a Cuban murdered by the Castro regimen, a group of Cuban exile institutions have agreed to declare May 13th, ''International Support for the Cuban Opposition Day,'' and

Whereas: The efforts of these Cuban organizations are not only against the Fidel Castro dictatorship, but against all forms of oppression anywhere on earth, because the defense of human rights does not know boundaries of any particular nation, thus the representatives of these organizations invite Cubans, inside and outside the island, as well as those sympathetic to this worth cause, to join this noble effort; and

Whereas: It is fitting and proper that official acknowledgement be given to the organizers, and participants of these plethora of organizations, and wish them complete success in their quest for a Cuba with liberty and justice for all;

Now Therefore: Be It Resolved, That I, Alex Penelas, Mayor of Miami-Dade County, Florida, On Behalf Of The Board of County Commissioners And This Community, do hereby proclaim Monday, May 13, 2002, as International Support for the Cuban Opposition Day.

In Observance Thereof: I call upon the good people of Miami-Dade County to join me in recognizing the importance of this endeavor aimed to obtain the most laudable aspirations of the human race—to live in freedom.

IN RECOGNITION OF 55 YEARS OF ISRAELI INDEPENDENCE

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. PALLONE. Mr. Speaker, I would like to acknowledge that on May 7, 2003 the State of Israel will be celebrating its independence and fifty five years of statehood. Since its founding in 1948, Israel has served as a staunch ally on behalf of America's vital interests in the Middle East and internationally.

Mr. Speaker, being that the citizens of the United States and Israel maintain a deeply rooted friendship based upon a commonality of interests and shared core ideals, including a dedication to democracy and individual freedoms, I ask that we rise up in recognition of Israel's independence.

I would also like to recognize the special sister relationship that the State of New Jersey has forged with the State of Israel, through the New Jersey-Israel Commission. Israel has repeatedly proven itself as a valued partner in trade and mutual cultural exchange, and has earned the support of New Jersey's citizens.

Mr. Speaker, at this time I would like to recognize a special group of constituents from the 6th District of New Jersey who will be showing their support for this unique relationship by ''Walking For Israel'' on May 4th. I ask that my colleagues to join me in commending the Jewish Federation of Greater Middlesex County for sponsoring such an event. It is my hope that America's citizens will mark this occasion and demonstrate their support for the US-Israeli relationship with similar events across the country.

HONORING FATHER EVAGORAS CONSTANTINIDES

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. VISCLOSKY. Mr. Speaker, it is with great sincerity and enthusiasm that I wish to congratulate Father Evagoras Constantinides for his numerous contributions to the citizens of Northwest Indiana. Father Constantinides has been a fixture of the community since 1969, and he will be honored at a dinner presented by Friends of Hospice on Friday, May 2, 2003.

Mr. Speaker, Father Constantinides was born in Lapithos, Cyprus in 1918 and was educated in his village through his second year of high school, where he graduated with the Gold Medal Award for academic excellence. He entered Athens College in 1932, where he was accepted on a yearly scholarship with the school's science section. Father Constantinides had no trouble maintaining his scholarship for six years, and he graduated with honors while receiving the Delta Public Speaking Prize and the English Language Prize. This dedication and commitment to his studies exemplifies the hard work on which Father Constantinides prides himself.

After finishing his collegiate studies in Greece, Father Constantinides journeyed across the world to America to continue his studies and broaden his experiences. In 1938, he enrolled at Fenn College, which is now Cleveland State University, to study civil engineering. During his four years at the University, he served as a Greek teacher and as the Hellenic Board of Education Secretary for the Greek Orthodox Community of the Annunciation of Cleveland, Ohio. Although he enjoyed his time in Cleveland, his final year was interrupted by World War II. As a British subject, Father Constantinides entered the Canadian Army as a private in the fall of 1942. After completing his basic training, he was enrolled in the officer training program, from which he graduated as a 2nd Lieutenant in the Engineer Corps with proficiency in explosives, mines, and demolitions. His outstanding ability as a military officer, coupled with his excellent intellect, allowed Father Constantinides the opportunity to work for the United States Central Intelligence Group translating Japanese documents and the Greek Constitution into English.

After returning to the United States following his discharge in 1947, Father Constantinides began extensively studying theology, and on March 11, 1956 he was ordained into the priesthood. He was appointed pastor of the SS. Constantine and Helen parish in Gary on September 1, 1969, and his gracious presence has been felt throughout Northwest Indiana since his arrival. In 1971, Father Constantinides was instrumental in the construction of the Hellenic Cultural Center in Merrillville. His efforts also led to the design and construction of the SS. Constantine and Helen Cathedral, one of the ten largest Orthodox churches in the Americas, in 1975. It was during this time that Father Constantinides became deeply involved in the work of Hospice of the Calumet Area.

In addition to the many contributions within his own parish, Father Constantinides has

dedicated his talents to improving the community, the Nation, and the world. During his 26-year tenure at SS. Constantine and Helen, he trained ten assistants who are now serving the Greek Orthodox Church with distinction. He was honored with the office of Protopresbyter in 1972, and he served as the Treasurer and member of the National Presbyters Council from 1970–1974, and again from 1980–1982. He received the Greek Orthodox Archdiocese of North and South America Service Award and Gold Cross in 1976 for his struggles and lobbying activities for the liberation of invaded Cyprus, a cause he continues to pursue. Father Constantinides offered his wisdom and his faith in various countries, including Russia, Kenya, Uganda, and India. He has also authored four Sunday school books for children, and has translated six Orthodox Service books from Greek to English.

Since his retirement in June 1995, Father Constantinides has devoted his time to the Orthodox Christian Mission Center, as well as writing, lecturing, and substituting at churches in the Chicago Diocese. In September and October 2002, he traveled to Argentina, Chile, and Ecuador at the behest of His Eminence Metropolitan Taraslos of Buenos Aires to perform missionary work. Father Constantinides also devotes much of his time to his loving wife, Maria, and their four children.

Mr. Speaker, at this time I ask that you and my other distinguished colleagues join me in thanking Father Evagoras Constantinides for his contributions to the citizens of Northwest Indiana, and to citizens of countries throughout the world. His love for his fellow man is an inspiration to us all, and I am proud to represent him in Congress.

A TRIBUTE TO TEMPLE SINAI OF GLENDALE, CA

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. SCHIFF. Mr. Speaker, I rise today to honor Temple Sinai in Glendale, California. This week, Temple Sinai celebrates its 75th Anniversary, marking the extraordinary history of the synagogue and its congregation.

Temple Sinai was incorporated under California State Law on June 22, 1928, as the Sinai Community Center. At that time, the fledgling congregation consisted of fewer than a dozen Jewish families and met in the Masonic Hall located above the Ralph's Grocery Store at the corner of Orange and Broadway in Glendale. Using various venues for its functions until 1939, the congregation found its first permanent home at 425 West Windsor Road. Ten years later, the congregation constructed the first segment of its current home at 1212 North Pacific Avenue, and it has since grown both in physical plant and congregational census.

Today the congregation has 300 member families—including mine—of all ages and backgrounds, serving Jews who live in Glendale, Burbank, Los Angeles, La Canada, La Crescenta, Pasadena, South Pasadena, San Marino, and Thousand Oaks. There are 240 students in the combined Religious and Hebrew Schools. A larger cadre of volunteers manages the many opportunities for involvement in the community, from ritual and religious services to advisory and policy-making bodies.

The goals of the congregation embody the values of Judaism and its continuity. The congregation strengthens Judaism and Jewish values within and among the members of the local Jewish community, provides strength and support to members of the community who experience tragedy and grief in their lives, celebrates with members of the community the joyous occasions of their families, provides leadership experiences for Jews in the community so that they can undertake leadership of the synagogue in the future, and educates non-Jews as to the norms and traditions of Judaism.

I am proud to be able to recognize Temple Sinai for its 75 years of offering a place of solemn and joyous worship to the people of Glendale and the nearby foothill communities. My heartfelt ''Mazel Tov'' on this milestone. Today, Temple Sinai exemplifies the role congregations of every faith have within communities as a refuge for all who come to worship together regardless of differences. I ask all Members to join me in congratulating Temple Sinai for their 75 years of remarkable achievement and to wish Temple Sinai all the best as your congregation grows from strength to strength.

PROPOSAL SEEKS TO CURTAIL IDENTITY THEFT

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. KLECZKA. Mr. Speaker, for the fourth consecutive session of Congress, I am introducing the Personal Information Privacy Act (PIPA), which would help restore individuals' control over the use of their Social Security numbers and personal information.

Over the years, the Social Security number (SSN) has unfortunately become a *de facto* national identifier. SSNs are required to receive a driver's license from every state, and many companies require consumers to provide their SSN as a condition of doing business. This means that should one's SSN fall into the wrong hands, it can be used to steal one's identity, run up thousands of dollars of false charges in your name, and wreak havoc on your credit history.

The issue of identity theft has grown to be the largest single complaint received by the Federal Trade Commission (FTC), and curbing the rampant use of the SSN—''the key to identity theft''—is paramount in reducing identity theft and restoring citizens' ability to protect their personal information.

Under this legislation, PIPA, businesses would be prohibited from refusing to sell goods or services to individuals that do not want to provide their SSN. Furthermore, without written consent, one's SSN could not be used for commercial purposes or used as an identifier. Neither could information on products or services bought by an individual and where they were purchased—known as transaction histories—be sold to third parties.

Lastly, individuals would be permitted to seek redress for violations of this measure in civil courts, with the statute of limitations beginning to toll three years after the offense was discovered. PIPA would also establish penalties for the use of Social Security numbers without a consumer's consent of up to $25,000 for a single offense, and up to $500,000 for repeated violations.

Any victim of identity theft could tell you the difficulty of restoring one's credit and good name. Identity theft is on the rise, and topped the FTC's consumer fraud list for the third year in a row. Unless action is taken to curb the widespread use of SSNs as identifiers or as a condition of doing business, this crime will continue to harm increasing numbers of our citizens.

I urge my colleagues to cosponsor this legislation, and give Americans the ability to better safeguard themselves from identity theft.

RECOGNITION OF MASSACHUSETTS STATE TROOPER SCOTT McDONALD

HON. JOHN W. OLVER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. OLVER. Mr. Speaker, I rise to call your attention to the story of a citizen of the First Congressional District of Massachusetts, State Trooper Scott McDonald. Recently, the Massachusetts State Police awarded Scott a Medal of Lifesaving, an honor bestowed upon Troopers who undertake significant actions in the saving of another life.

During patrol on August 4, 2002, Trooper McDonald responded to a motor vehicle accident in the town of Deerfield. He arrived at the scene to find a truck overturned on the road. The driver was unconscious, without a pulse and not breathing. Immediately, Scott administered CPR on the accident victim. While performing resuscitation, a passing motorist stopped, identified herself as a doctor and said she would pronounce the victim dead. However, Trooper McDonald continued lifesaving efforts. Amazingly, the driver was ultimately revived and flown to Baystate Medical Center in Springfield.

Mr. Speaker, Trooper McDonald is a fine example of the Commonwealth's outstanding first responder community. Troopers like Scott are especially important in the First Congressional District, as many of the towns rely on the State Police for their emergency and law enforcement needs. I join the Massachusetts State Police, the City of Holyoke, and Scott's family and friends in honoring Massachusetts State Trooper Scott McDonald.

TRIBUTE TO FRED LEVY

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. FARR. Mr. Speaker, I rise today to honor the life of Fred Levy, an extremely gifted educator who dedicated much of his life to expanding horizons for his students. Mr. Levy, an instructor at Cabrillo College for over 30 years, passed away April 9, 2003, at the age of 69. A valued teacher, husband and father, all who knew him respected Fred for his passion and sincerity. Mr. Levy is survived by his

wife, Robley Levy; three children Rebecca, Barnaby, and Elizabeth; and six grandchildren.

Mr. Levy was born in 1934 in Cairo, Egypt, where his father was working as a correspondent for the New York Times. At the age of 7, Sadie Miller, a family friend took him under her wing and fled Egypt to escape impeding Nazi troops. They went to great lengths to avoid the Nazis and eventually traveled up the coast of South America and the United States until they reached New York. Fred's parents arrived shortly thereafter, and the family remained in the city until Fred graduated from Amherst College in 1955. Mr. Levy went on to serve in the United States Army, retiring only to pursue a master's degree in poetry at Stanford University.

Mr. Levy was appointed to the Cabrillo College faculty in 1963 as an instructor in both English and speech. Immediately deemed an integral part of the staff, Fred became a much loved teacher that students would seek out for advice and support. Fred was a proactive educator and successfully introduced new academic programs to Cabrillo with the intentions of increasing the variety of subject matter presented in the classroom. Colleagues marveled at his ability to turn shy first-year students into confident university bound scholars through these programs along with his engaging lectures. Not only was Fred passionate about teaching, he also enjoyed acting and directing in Cabrillo College's theater production company. Those who knew Fred best noted that he was also a Shakespeare zealot and frequently organized trips to Oregon for the Shakespeare Festival. Fred retired after a long and successful career in 1995.

Mr. Speaker, I wish to express my condolences to Robley and the Levy family during these difficult times. His legacy as a devoted teacher and scholar will blossom as his students apply the lessons taught in his classroom to succeed in life. Those who had the pleasure of sharing Fred's company have and will continue to benefit from his sincere appreciation of life and education.

UPON INTRODUCTION OF THE ESSENTIAL AIR SERVICE ELIGIBILITY FAIRNESS ACT OF 2003

HON. JOSEPH R. PITTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. PITTS. Mr. Speaker, today, I introduced the Essential Air Service Eligibility Fairness Act of 2003, a bill to provide much needed financial relief to the Lancaster Airport and other airports throughout the United States that are adversely impacted by the existing law.

Under current law, if an airport is located fewer than 70 highway miles from the nearest large or medium hub airport, the airport is ineligible to receive a subsidy from the Essential Air Service Program.

However, current law allows the Department of Transportation to determine whether or not a given airport meets the criteria for receiving the EAS subsidy.

State and local officials are better able to determine the most commonly traveled routes in their communities.

In my own Congressional District, the Lancaster Airport has been affected by this debate.

On March 21, 2003, the 3rd Circuit Court of Appeals affirmed the Department of Transportation's decision to deny Lancaster Airport an EAS subsidy because Lancaster Airport was deemed to be located within 70 highway miles of Philadelphia Airport.

The Lancaster Airport and my constituents were dismayed at this decision.

The route that the Department of Transportation used is not the most commonly used highway route and would take over three hours to drive. The most commonly traveled route is located 80 highway miles from Philadelphia Airport, but takes only one and a half hours to drive.

I am introducing this legislation today, to empower a Governor or a local Metropolitan Planning Organization (MPO) to determine eligibility for local EAS subsidies.

Having worked with local MPOs in my district, I am confident that these determinations should be made at the state and local level.

A Lancaster County rank seventh in the state for air service demand and generates over 876,000 annual originating air trips. Additionally, these air travelers pay more than $20 million per year in aviation taxes.

Lancaster County with over 11,000 businesses and a population of over 472,000 needs and deserves commercial air service.

This legislation will ensure that communities like Lancaster County continue to receive quality local air service. I urge Congress to support this legislation.

HONORING STAFF SERGEANT SCOTT SATHER, SERGEANT MICHAEL F. PEDERSON, SPECIALIST RICHARD A. GOWARD, AND PRIVATE FIRST CLASS JASON M. MEYER

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. KILDEE. Mr. Speaker, it is a great honor to rise before you today to pay tribute to the honorable service to this country and its citizens given by Staff Sergeant Scott Sather, Sergeant Michael F. Pederson, Specialist Richard A. Goward and Private First Class Jason M. Meyer. On May 5, members of the community will gather at a benefit concert given by the Carriage Town Ministries in Flint, Michigan, to honor Staff Sergeant Scott Sather, Sergeant Michael F. Pederson, Specialist Richard A. Goward and Private First Class Jason M. Meyer for their service to this nation.

Staff Sergeant Sather graduated from Clio High School in 1991 where he excelled in baseball and football. Staff Sergeant Sather joined the United States Air Force in 1992 serving in Washington and England. During his service, Staff Sergeant Sather earned several honors, including a Bronze Star. Staff Sergeant Sather and his wife, Melanie, were married in July of 2002. Staff Sergeant Sather made the ultimate sacrifice for his nation on April 8, 2003 while serving in Iraq.

Sergeant Michael F. Pederson graduated from Flint Northern High School in 1996. Following graduation from high school, Sergeant Pederson joined the United States Army where he was assigned to Hunter Army Airfield in Georgia. Sergeant Pederson made many achievements while in the Army as well as at home, where he helped support a large family, including his 7–year-old daughter. Sergeant Pederson made the ultimate sacrifice for his nation on April 2, 2003 while serving in Iraq.

Specialist Richard A. Goward graduated from Merrill High School in 1989. Following his graduation from high school, Specialist Goward joined the United States Army where he served from 1990 to 1996. Sergeant Goward married his wife, Karen, and they had two children. Sergeant Goward attended the Corrections Officers Training Academy and was employed at the St. Louis Corrections Facility until the events of September 11, 2001 once again called Sergeant Goward to duty and prompted him to enlist in the Michigan National Guard. Sergeant Goward made the ultimate sacrifice for his nation on April 14, 2003 while serving in Iraq.

Private First Class Jason M. Meyer graduated from Howell High School in 1999. Following his graduation from high school, Private First Class Meyer joined the United States Army where he was assigned to Fort Stewart in Georgia. Private First Class Meyer married his wife, Melissa in March of 2002 and lived in Hinesville Georgia at the time of his deployment. Private First Class Meyer made the ultimate sacrifice for his nation on April 8, 2003 while serving in Iraq.

Mr. Speaker, Staff Sergeant Sather, Sergeant Pederson, Specialist Goward and Private First Class Meyer are sons, they are fathers, husbands and friends. They are true Americans, deserving of our respect and gratitude not only for their devotion to the United States and its ideals, but for their devotion to their families, their friends and their communities. These men are a symbol of excellence to everyone in this nation, and are a shining example of the best our society has to offer. I ask my colleagues in the 108th Congress to please join me in paying tribute to these men, their families and their achievements. May their sacrifices to be remembered always.

HONORING CHATTANOOGA BAR ASSOCIATION

HON. ZACH WAMP

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. WAMP. Mr. Speaker, I rise today to honor the work of the Chattanooga Bar Association in my hometown of Chattanooga, Tennessee and join them in celebrating their upcoming Law Day luncheon on May 7, 2003.

In 1957, American Bar Association President Charles S. Rhyne, a Washington, D.C. attorney, envisioned a special day for celebrating our legal system and the freedoms we enjoy as Americans. In 1958, President Dwight D. Eisenhower proclaimed a ''Law Day'' to strengthen our great heritage of liberty, justice, and equality under the law. In 1961, May 1st was designated by a joint resolution of Congress as the official date for celebrating Law Day.

On this Law Day 2003, we have the opportunity to re-examine how we, as a nation, want our judiciary to function. At a time when partisanship and special interests try to shape a judiciary, we have the responsibility to reaffirm

our commitment to an independent third branch of government.

This year on May 7th, the Chattanooga Bar Association will honor the legal community of Chattanooga, Tennessee with their annual Law Day luncheon. During the luncheon, the Chattanooga Bar Association will honor Judith P. Medearis with the 2003 ''Liberty Bell Award.'' This award, given to a person who is not in the legal profession, is one of the CBA's highest honors. The purpose of the ''Liberty Bell Award'' is to recognize community service that has strengthened the American system of freedom under law. In selecting the recipient of this award, the Chattanooga Bar Association considers activities which (1) promote a better understanding of our Constitution and the Bill of Rights; (2) encourage a greater respect for the law and the courts; (3) stimulate a deeper sense of individual responsibility so that citizens recognize their duties as well as their rights; (4) contribute to the effective functioning of our institutions of government; and (5) foster a better understanding and appreciation of the rule of law. I ask all Members of the House of Representatives to join me in congratulating Judith Medearis for her contribution to the Chattanooga community.

Beginning in 1999, the CBA began awarding a college scholarship to the winner of the Annual Law Day Essay Contest. This year's theme was ''Celebrate Your Freedom—Independent Courts Protect Our Liberties''. Megan Galbreth, a Junior at Girls Preparatory School is the winner for 2003. I join the CBA in congratulating Megan for her award-winning essay.

Mr. Speaker, I ask the United States House of Representatives join me in thanking the Board of Governors of the Chattanooga Bar Association for their contributions and commitment to the legal profession and to the Chattanooga community. The members of the Board of Governors Executive Committee are: Lynda Minks Hood, Executive Director; Honorable Rebecca J. Stern, President; Alan L. Cates, President-Elect; Michael K. Alston, Secretary-Treasurer; Harold L. North, Jr., Immediate Past President. Board members include: William H. Cox, III; James M. Haley, IV; Cynthia D. Hall; Steven M. Jacoway; Jason L. Thomas; Joseph R. White and Wade Hinton.

COMMENDING EDWARD J. McELROY OF THE BUREAU OF IMMIGRATION AND CUSTOMS ENFORCEMENT

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. ACKERMAN. Mr. Speaker, I'd like to call to the attention of the House Mr. Edward J. McElroy, an extraordinary federal employee—a person who would typically be referred to in this chamber as a bureaucrat. Indeed, he is one, the interim director of the Department of Justice's new Bureau of Immigration and Customs Enforcement in New York. But in my community in New York, we don't think of him as a bureaucrat, or as a cog in the impersonal and vast machinery of the federal government. In Queens, Ed McElroy is a hero.

About 3 weeks ago I called him after discovering that a young man in my community, Mohammad Sarfaraz Hussain, was on the verge of being deported. Now eighteen, this young man came to New York from Pakistan when he was a seven year old little boy, to be with his mother as she died in the hospital. Only a few short years later, his father died of a heart attack leaving him an orphan.

Despite these tragedies, Mohammad thrived in Queens. Living with his aunt and uncle, and with the support of his siblings and cousins, his school and his friends, Mohammad has grown to be the kind of young man all of us hope our society produces: decent, modest and responsible, a varsity basketball player with a crowd of friends and a bright future ahead of him.

But in February, after reporting to immigration officials in New York under the special registration program implemented after 9/11 to screen male aliens from high-risk states, Mohammad was told that he was in our country illegally and that our federal government would seek his deportation. He was supposed to appear before a federal judge today.

A terrible tragedy was unfolding, a young man, an orphan, who since he was in second grade had only known life in America, was only weeks away from being sent to Pakistan, where he had no family and knew no one.

Mr. Speaker, this scenario is not what we had in mind when the special screening procedures were put in place. The new screening policy makes a lot of sense for the security of our nation, it made no sense when applied in this case. The most threatening thing about Mohammad Hussain is his jump shot.

But the story has a happy ending Mr. Speaker because in New York, the federal government is lucky enough to have Ed McElroy making decisions about the enforcement of immigration laws.

Instead of ducking his head, instead of hiding behind rules and regulations to avoid making a decision, Ed McElroy did the kind of job we all hope our federal employees will do. He investigated, he looked deeper, he performed due diligence, he protected the interests of the United States and most importantly, he did the right thing.

After taking all the steps necessary to ensure that America's interests were met first, Ed McElroy notified me that he had reviewed Mr. Hussain's case would exercise prosecutorial discretion in not removing him from the United States.

Mr. Speaker, there is a lot to be proud of in a case like this. There is, of course, Mohammad Hussain, a young man like millions of others who has come to this country in tragic circumstances and has come to know, love and live the American dream.

And, making the continuation of this American story possible is a federal employee, a bureaucrat. A hero named Ed McElroy who understands that his responsibility as a guardian of our nation's borders and laws is not just the implementation of regulations, but the use of judgement in the pursuit of justice.

Mr. Speaker, I am proud to call the House's attention to the great job Ed McElroy has done, and I know the whole House will join me in thanking him for his service, which is a credit to the entire United States government.

CONGRATULATIONS TO WEST ANCHORAGE HIGH SCHOOL STUDENTS

HON. DON YOUNG

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. YOUNG of Alaska. Mr. Speaker, I rise today to applaud the more than 1200 students from across the United States that traveled to Washington, D.C. this past weekend to compete in the national finals of the We the People: The Citizen and the Constitution program. Administered by the Center for Civic Education and funded by the U.S. Department of Education, We the People is the most extensive educational program in the country developed specifically to educate young people about the Constitution and the Bill of Rights.

I am proud to announce that students from West Anchorage High School in Anchorage represented the state of Alaska in this national event. These young scholars have worked conscientiously to reach the national finals by participating at local and statewide competitions. As a result of their experience, they have gained a deep knowledge and understanding of the fundamental principles and values of our constitutional democracy. For the first time in the competition's history, a team from Alaska participated in the events' final round and finished the competition in 4th Place.

The three-day We the People national competition is modeled after hearings in the United States Congress. The hearings consist of oral presentations by high school students before a panel of adult judges on constitutional topics. The students are given an opportunity to demonstrate their knowledge while they evaluate, take, and defend positions on relevant historical and contemporary issues. Their testimony is followed by a period of questioning by the judges who probe the students' depth of understanding and ability to apply their constitutional knowledge.

The We the People program provides curricular materials at upper elementary, middle, and high school levels. The curriculum not only enhances students' understanding of the institutions of American constitutional democracy, it also helps them identify the contemporary relevance of the Constitution and Bill of Rights. Critical thinking exercises, problem-solving activities, and cooperative learning techniques help develop participatory skills necessary for students to become active, responsible citizens.

Independent studies by the Educational Testing Service (ETS) revealed that students enrolled in the We the People program at upper elementary, middle, and high school levels ''significantly outperformed comparison students on every topic of the tests taken.'' Another study by Richard Brody at Stanford University discovered that students involved in the We the People program develop greater commitment to democratic principles and values than do students using traditional textbooks and approaches.

I am proud to have the class from West Anchorage High School represent my home state of Alaska and I applaud their historic 4th Place finish. It is inspiring to see these young people advocate the fundamental ideals and principles of our government, ideas that identify us

as a people and bind us together as a nation. It is important for future generations to understand these values and principles, which we hold as standards in our endeavor to preserve and realize the promise of our constitutional democracy. I wish these young ''constitutional experts'' the best of luck in all of their future endeavors.

IMPROVING EDUCATION RESULTS FOR CHILDREN WITH DISABILITIES ACT OF 2003

SPEECH OF

HON. MAX SANDLIN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1350) to reauthorize the Individuals with Disabilities Education Act, and for other purposes:

Mr. SANDLIN. Mr. Chairman, I rise today to speak regarding H.R. 1350, the Individuals with Disabilities Education Act.

It is with great regret that I feel compelled to vote against the IDEA reauthorization bill. I had looked forward to voting on a bill that finally provides adequate resources for students with disabilities, their families, and teachers. I had looked forward to voting on a bill that would continue to protect the unique needs of children with disabilities. Unfortunately, the measure offered by the majority failed on both these counts and does a disservice to the teachers and the children that they serve.

I am profoundly disappointed that once again our Congress has failed to live up to the funding promises of the original Individuals with Disabilities Education Act, passed in 1975. The original bill recognized our federal responsibility to help states provide a free and appropriate public education to students with disabilities. While the original law promised to fund 40% of states' costs to educate these special needs children, Congress has never funded more than 18%. Without appropriate funds, schools are caught in a failing balancing act, trying to provide adequate resources to students with disabilities while also meeting the needs of typical students. I know the rural schools in the First District of Texas simply cannot wait any longer for the relief they so badly need. We should have finally committed ourselves to fulfilling the promise of IDEA with mandatory funding for these students. Anything less is unacceptable.

I am also deeply concerned regarding the discipline provisions in H.R. 1350 for children with disabilities. No one believes that teachers and principals should not have the right to discipline students. However, this bill eliminates protections that children with disabilities deserve in consideration of their limitations. Current law requires schools to determine whether a student's actions were the result of a disability before determining a punishment. This new bill does not do so and puts more students at risk for suspension or expulsion. It is important that we retain protections for the best interests of these children, and remember the challenges they endure.

This IDEA bill also fails to protect families who feel their school system is not complying with their children's needs. Previously there was no statute of limitations on parents' rights to file grievances against the schools. This new bill requires that they do so within one year of the incident. Often times parents aren't aware of the rights that their children are entitled to under IDEA and do not fully understand what services would best suit their child. While we should discuss the need for closure on potential liability for schools, certainly parents should have more than one year to appeal their schools' decisions.

My mother was a school teacher for 30 years and has well impressed upon me the challenges of teaching children with disabilities without the resources to back it up. I have talked with parents of special needs children at length about the struggles they face in getting their children the services they so badly need. Our parents and teachers desperately need our help and this bill fails to meet the mark. For these reasons, I cannot support the IDEA re-authorization bill, but will continue to fight in Congress to give our communities the educational resources they deserve.

TRIBUTE TO AIR FORCE LT. GENERAL ROGER DEKOK

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Ms. HARMAN. Mr. Speaker, I rise to pay tribute to the life and career of my friend, Air Force Lt. General Roger DeKok.

General DeKok died suddenly last week while on a business trip. My heartfelt condolences, and those of the many individuals in the South Bay he commanded and who were his friends, go to his wife, Carol, and family.

I first met General DeKok when he assumed command in August 1996 of the Space and Missile Systems Center (SMC) at Los Angeles Air Force Base in my district. SMC is the Air Force's pre-eminent procurement center for space-based systems, including the nation's sophisticated surveillance satellites and technology to track and intercept enemy missiles.

Commander of SMC for only two years, General DeKok excelled in motivating people. His loyalty, warmth and kind personality are virtues for which he will be remembered. Under his leadership, SMC continued its tradition of excellence and continued to produce many of the high quality space-based systems necessary for the war fighter of the 21st century.

General DeKok's activities and passion centered on the frontiers of outer space. He served in numerous space plans and operations positions, from detachment level to space policy work in the White House, and commanded two space wings.

While serving at the Pentagon in 1983, he coordinated the Air Force Space Plan. During his assignment to the White House National Security Council, he helped develop and coordinate the U.S. National Space Policy that was signed by President Reagan in January 1988. Prior to assuming his last position as vice commander of Air Force Space Command at Peterson AFB, he served as deputy chief of staff for plans and programs at Headquarters U.S. Air Force, where he was responsible to the secretary of the Air Force and the chief of staff for planning, programming and manpower activities within the corporate Air Force.

General DeKok retired from the Air Force in April 2002 after 34 years of service and joined TRW Inc., which was later acquired by Northrop Grumman Corp. At the time of his passing, he was vice president and deputy general manager of Northrop Grumman's Command, Control & Intelligence Division.

Roger DeKok deserves the thanks of a grateful nation. He will be sorely missed by his family, friends and the communities he served.

CONGRATULATING CHARTER SCHOOLS ACROSS THE UNITED STATES FOR THEIR ONGOING CONTRIBUTIONS TO EDUCATION

SPEECH OF

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. KIND. Mr. Speaker, as a member of the House Education and Workforce Committee, as well as co-chair of National Charter School Week, I strongly support the H. Res. 204, legislation honoring National Charter Schools Week.

Public schools are America's commitment to providing a high quality education for every child. I am dedicated to ensuring that all children have the opportunity to receive a quality education regardless of what public school they attend. This includes charter schools, which are models of successful education reform and one of the fastest growing education innovations working to improve our public education.

As a National Co-Chair of Charter Schools, I would like to take a minute to celebrate the first decade of Charter Schools in the United States. Traditionally, charter schools are independent public schools, designed and operated by educators, parents, community members and others. Since the first charter school began operation in 1992 in St. Paul, Minnesota, the number of charter schools has grown to nearly 2,700, serving 500,000 students around the country.

I am proud to say that we currently have 128 charter schools operating across the state of Wisconsin. In my congressional district alone, we have 20 charter schools presently and that number grows each year.

Just last week, I took the opportunity to visit the LaCrosseroads Charter School in my hometown of La Crosse, Wisconsin, and was impressed by all of the wonderful things that have been accomplished there in just the past several years. The interests, involvement and stewardship of these charter school students extend well beyond La Crosse and reach out beyond the borders of this country with their active participation in the Red Cross School Chest Program. For this program, LaCrosseroads students have been collecting school supplies for Red Cross distribution to children in other countries, who are unable to attend school because of war or natural disasters.

Charter schools have consistently been at the forefront of my priority list, and I am pleased that Wisconsin is one of seven states with over 100 exceptional charter schools. I have consistently advocated for increased

funding for Charter Schools and supported the Charter School Facilities Financing Demonstration Program during consideration of the No Child Left Behind Act (NCLB) of 2001.

Mr. Speaker, I recognize that charter schools give parents options when determining the best public school in which to enroll their children. Thus, we must ensure that all our students reach their highest academic potential, which may require attending a charter school that provides a model better suited towards an individual student's needs.

H.R. 1350, IMPROVING EDUCATION RESULTS FOR CHILDREN WITH DISABILITIES ACT OF 2003

SPEECH OF

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2003

Mr. WALSH. Mr. Chairman, I rise today in support of H.R. 1350, Improving Education Results for Children with Disabilities Act of 2003.

More than two decades ago, the federal government imposed special education mandates on states and local school districts. Ever since then, the federal government has struggled to fund those mandates.

Our nation's special needs children require a special commitment. And I'm pleased that this Congress has met that commitment with this IDEA renewal and reauthorization bill.

It is important to note that since 1996 when Republicans regained the majority of this body, overall federal IDEA funding to states and school districts has increased by 282.3%. From 1996 to 2003, IDEA spending has increased an average of 18.6% per year—that's more than double the average annual increases from 1988 to 1995 when Democrats held the majority.

This bill reauthorizes that renewed commitment that our party has brought to our nation's education policy. Not only is it Congress' responsibility to financially support the provision of special education by local school districts, it is our duty to ensure that no child is left behind in America's classrooms. Today, with this legislation we reaffirm this important priority.

In addition to renewing our continued commitment to special needs education funding, H.R. 1350 increases accountability and improves education results for children with disabilities by deemphasizing compliance with complicated rules, diverting that attention to delivering academic results. It ensures that parents of special needs children will receive report cards from schools showing academic progress indicators beginning in 2005, just as the No Child Left Behind reforms implemented such policies for mainstream students.

H.R. 1350 reduces the Individualized Education Plan, or IEP, paperwork burden on districts and special education teachers, lengthening the required IEP filing from every one to three years, though these provisions in the bill are options for BOTH states and parents. If parents opt for an annual IEP, this package continues to guarantee that right. By amending lengthy paperwork requirements, we ensure that teachers will spend more of their time on instructing students and less on filing government forms.

In addition, H.R. 1350 improves early intervention strategies to reduce overidentifying or even misidentifying students as those with special needs. This legislation will give flexibility to local districts to use a percentage of funds for pre-referral services.

Finally, this legislation supports general education and special education teachers by providing for appropriate professional development and encouraging innovative approaches to parental involvement and parental choice.

Mr. Chairman, local school districts throughout my congressional district in New York State face uncertain fiscal times this coming budget year and, quite possibly, well into the near future. Funding instructional services for students with special needs is an enormous burden these districts bear. I urge my colleagues to vote in favor of H.R. 1350 to more fully share in this responsibility.

REGULATORY CERTAINTY

HON. MARY BONO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mrs. BONO. Mr. Speaker, I rise today on an issue of critical importance to our economy.

Throughout the broadband debate over the past two years, we have all heard from carriers of all shapes and sizes. They have very different business plans and different opinions on the way competition should proceed. The one common message from all of these disparate companies, however, is a strong and urgent call for regulatory certainty. Individual investors, Wall Street analysts and companies alike all demand it.

I fear that the recent FCC action on the Triennial Review threatens to exponentially increase regulatory uncertainty for the telecommunications sector. I fear lawsuits all across the country that will drag out resolution of these important issues for many years to come. Our world of digital packets of information traveling at the speed of light knows no geographic boundaries. However the resulting state-by-state patchwork of burdensome regulations threatens to pose yet another obstacle to getting reasonably priced broadband to our constituents.

The old adage is true, you can't make everyone happy, all of the time. But if we level the playing field and let the markets work, the smart people in these companies can at least develop business plans and investors can judge their strategy on the merits. These companies need some clear direction so they can plan their futures, adjust, adapt and deliver for their shareholders and consumers.

Just ten short years ago we watched as the telecommunications sector drove the greatest economic expansion in the history of the world. The American people that are suffering through this depressed economy demand leadership. We must provide certainty and stability to the telecommunications sector so that our markets can work and drive our economy to greatness once again.

IN HONOR OF THE U.S. CHAMPION MOORPARK HIGH SCHOOL DECATHLON TEAM

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. GALLEGLY. Mr. Speaker, I rise to recognize the Moorpark High School Academic Decathlon Team as the United States Academic Decathlon Champions.

This is the second time in five years that Moorpark High School's team has won this premiere scholastic contest. Prior to its win in 1999, no team from Ventura County, California, had even competed in the nationals.

Team members Lindsay Hebert, Nathaniel Jones, Adam Abed, Paul Ideal, Kevin Randolf, Ashlee Scott, Grant Volk, Tracy Yagi and Max Geiger are now recognized as the best and the brightest in the country. They are the pride of their school, their community and their country.

These youngsters won by literally dedicating their lives to the challenge. For nine months they put in up to 40 hours a week beyond their school days to study and hone their skills. They gave up weekends, vacations, part-time jobs and time with their families.

Their hard work paid off. Last weekend, Moorpark scored 51,423 points out of a possible 60,000 points to win the national title against 37 other teams from throughout the country. They brought home 15 gold, nine silver and seven bronze medals.

Their coach, Larry Jones, worked as hard, if not harder, than his students and is as deserving of high praise. Coach Jones has said he will retire from the team after 12 years of leading dozens of students to victory at the county, state and national level. He said the same thing after winning the 1999 championship, but this time he says he means it. At a minimum, he has earned some relaxation in the glow of a job well done—again. I know my colleagues will join me in wishing him the best in whatever his future brings.

Mr. Speaker, I also know my colleagues will join me in applauding nine outstanding students who achieved a very prestigious goal—Lindsay Hebert, Nathaniel Jones, Adam Abed, Paul Ideal, Kevin Randolf, Ashlee Scott, Grant Volk, Tracy Yagi and Max Geiger—the U.S. champion Moorpark High School Academic Decathlon Team.

VOTER PROTECTION ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. PAUL. Mr. Speaker, I rise to introduce the Voter Protection Act. Unlike most so-called ''campaign reform'' proposals, the Voter Protection Act enhances fundamental liberties and expands the exchange of political ideas. The Voter Fairness Act accomplishes this goal by lowering and standardizing the requirements for, and the time required to get, signatures to qualify a Federal candidate for the ballot. Many states have unfair rules and regulations that make it virtually impossible for minor party and independent candidates to get on the ballot.

I want to make 4 points about this bill. First, it is constitutional. Article I, section 4, explicitly authorizes the U.S. Congress to, ''At any time by law make or alter such regulations regarding the manner of holding elections.'' This is the authority that was used for the Voter Rights Act of 1965.

The second point I would like to make is an issue of fairness. Because so many states require independent candidates to collect an excessive amount of signatures in a short period of time, many individuals are excluded from the ballot. For instance, there has not been one minor party candidate on the Georgia ballot since 1943, because of Georgia's overly strict ballot access requirements. This is unfair. The Voter Protection Act corrects this.

My third point addresses those who worry about overcrowding on the ballot. In fact, there have been statistical studies made of states that have minimal signature requirements and generous grants of time to collect the signatures. Instead of overcrowding, these states have an average of 3.3 candidates per ballot.

The fourth point that I would like to make is that complying with ballot access rules drains resources from even those minor party candidates able to comply with these onerous rules. This obviously limits the ability of minor party candidates to communicate their message and ideas to the general public. Perhaps the ballot access laws are one reason why voter turnout has been declining over the past few decades. After all, almost 42 percent of eligible voters have either not registered to vote or registered as something other than Democrat or Republican.

The Voter Protection Act is a constitutional way to reform campaign laws to increase voter participation by making the election process fairer and open to new candidates and ideas. I hope all my colleagues will join me in supporting this true campaign reform bill.

CONTINUING SUPPORT OF U.S. ARMED FORCES

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. WILSON of South Carolina. Mr. Speaker, I rise today to pay tribute to the men and women of the United States Armed Forces, who continue to act with honor, courage, valor, and respect. Operation Iraqi Freedom was fought with precision and ended decisively.

Through the sweat and blood of our troops a vicious dictator's regime has ended, the American people are safer, and an oppressed people have new hope for the future. These extraordinary men and women risked their lives for this noble cause, while many nations stood on the sidelines, once again proving that America is the symbol of liberty and freedom in the world.

I encourage Americans to continue their support of our troops and their families, even long after the war no longer headlines on our nightly news. I commend radio host Mike Gallagher for doing his part, in organizing a benefit concert, featuring the Marshall Tucker Band, for military families in Spartanburg, South Carolina, and I hope others follow his lead.

May Cod bless our troops and may Cod bless America.

IN RECOGNITION OF WORLD WAR I VETERAN AL ROSS

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. SHAW. Mr. Speaker, today I bring sad news of the passing of an American hero, Mr. Al Ross of Palm Beach County, Florida at the age of 101. Al Ross was one of the last remaining veterans of World War I.

Al was a living legend in Palm Beach County, who freely gave of his time to educate many generations of Americans on the true meaning of service to our nation and deep understanding of the Pledge of Allegiance. In countless schools and public appearances around the county, he was a fiery champion for all veterans and a defender of the flag. Up until the very last moment that continued to be his mission.

In 2002, fewer than 500 veterans of World War I remained and Al was the last known survivor in Palm Beach County and the Treasure Coast. Still wearing his 1918 Navy uniform, I last saw him this past July 4th speaking to a Town of Palm Beach picnic celebrating America. As always, he had something new to share with his audience, and this month was looking forward to again being a featured speaker at this year's Memorial Day services at the National Cemetery.

We in Congress should remember Al Ross, along with his fellow soldiers and sailors from the Great War who are rapidly departing God's green earth which they ably defended with honor and dignity.

Mr. Speaker, Al Ross, small in stature, big in heart will be missed. He lived to see our military go from trench warfare to laser guided missiles, from Verdun to Baghdad. Yet as Al Ross would say, our flag was still there bringing freedom and hope to people around the world.

In Al's honor I close with his favorite, The Pledge of Allegiance, which he recited many hundreds of times and explained its meaning in his own colorful way.

''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.''

Mr. Speaker, I salute Al Ross on behalf of a grateful nation.

HONORING THE MEMORY OF BRIG. GEN. AUSTIN SHOFNER

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. GORDON. Mr. Speaker, I rise today to recognize the memory of a great American hero and warrior, Brig. Gen. Austin C. Shofner, who retired from the U.S. Marine Corps in 1959 to return back to his home of Shelbyville, Tennessee.

At the time of his death in 1999, Gen. Shofner was the state's most decorated veteran, having survived the Bataan Death March during World War II. Not only did the tenacious Marine survive this harrowing experience, but he escaped his captors to report the atrocity to the rest of the world. Once he recovered from the starvation and severe beatings inflicted on him during his captivity, he was given command of a battalion that ferociously fought on the western Pacific shores of Peleliu, where he was badly wounded.

Refusing to be sidelined for long, Gen. Shofner recovered from his wounds and led another battalion of Marines that attacked the enemy on the island of Okinawa. He was only 28 years old at the end of World War II. Through the courageous actions of warriors like Gen. Shofner, the United States of America has persevered against its enemies. We are once again facing uncertain times and an unconventional enemy, so it is appropriate that we remember our nation's past heroes. Their deeds and acts of bravery are an inspiration to America's current breed of fighting men and women who go in harm's way to protect us and the interests of this great nation.

God bless the brave men and women who wear and have worn the uniforms of our Armed Forces. And God bless the sacrifices they have made and will continue to make to keep this country free. Brig. Gen. Austin Shofner made many sacrifices when his country depended on him the most. He is the epitome of courage and honor and will forever be remembered as a true hero.

INTRODUCTION OF THE RUNAWAY, HOMELESS, AND MISSING CHILDREN PROTECTION ACT

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. GINGREY. Mr. Speaker Today I introduce the Runaway, Homeless, and Missing Children Protection Act. This legislation contains the reauthorization of both the Runaway and Homeless Youth Act and the Missing Children's Assistance Act. This bill strengthens the programs and services authorized under these acts in order to better address the needs of the at-risk youth served.

The changes that were made to the Runaway and Homeless Youth Act will allow for a larger percentage of the allocation to go toward Transitional Living Programs. This will help to meet the need that exists for these programs so older runaway and homeless youth can develop the skills and resources to promote their independence and prevent future dependency on social services. Additionally, youth who are participating in the Transitional Living Program who come to the end of their 18 month stay before they reach the age of 18 will now be able to receive an exception to stay in the Transitional Living Program until they are 18 years old. The bill clarifies that term ''group homes'' in the Transitional Living Program includes ''maternity group homes.'' These group homes operate currently and have been successful at providing child development, family budgeting, health and nutrition, and other skills to promote the parent's long-term economic independence in order to ensure the well-being of the child. The Runaway, Homeless, and Missing Children Protection

Act authorizes parts A (Basic Centers Program), B (Transitional Living Program), C (National Communications System), and D (Coordination, Training, Research, and Other Activities) at $105 million for fiscal year 2004 and at such sums for fiscal years 2005 through 2008 and authorizes part E (Street Outreach Program) at such sums for fiscal years 2004 through 2008.

Additionally, the bill addresses the needs of missing, abducted, and sexually exploited children by reauthorizing the Missing Children's Assistance Act. This legislation increases the authorization level of the National Center for Missing and Exploited Children from $10,000,000 to $20,000,000 for fiscal years 2004 through 2008 to mirror the Prosecutorial Remedies and Other Tools to End the Exploitation of Child Today Act of 2003 (PROTECT Act), and extends the authorization of the remaining activities under the Act through 2008. The Runaway, Homeless, and Missing Children Protection Act also allows the National Center for Missing and Exploited Children to coordinate the operation of a cyber tipline to provide online users an effective means of reporting Internet-related child sexual exploitation in the areas of distribution of child pornography, online enticement of children for sexual acts, and child prostitution.

This piece of legislation has been worked out in a very bipartisan fashion and I am happy that we were able to come together to help address the needs of runaway, homeless, missing and exploited youth. These at-risk youth receive much needed services through these Acts and I urge my colleagues to support this important piece of legislation.

HONORING MR. FRED LEWIS

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. HYDE. Mr. Speaker, I would like to bring to your attention today the exemplary work and most commendable public service of a fine and most outstanding music teacher, Mr. Fred Lewis. After 45 years as director of the Fenton High School Band located in Bensenville, Illinois, Mr. Fred Lewis is retiring in June of 2003.

During his tenure, he has instructed over 2000 band members and conducted hundreds of community concerts. Since 1955 the band has toured every two years throughout the United States and Europe gaining national and international recognition.

Mr. Lewis' final concert will be held on May 10, 2003. At that time, a scholarship fund will be established in Mr. Lewis' name at Fenton High School. Each year the Fred Lewis Scholarship Fund Committee will provide a cash award to a graduating senior band member to be used for continuing music education. Also, the Fenton Auditorium will be renamed Lewis/Huffman Auditorium.

I hope my colleagues will join me in honoring and offering congratulations to this outstanding teacher of 45 years for his selfless dedication to his students and to Fenton High School.

TRIBUTE TO THE MARINES FROM THE 2ND BATTALION, 23RD MARINE REGIMENT, 4TH MARINE DIVISION

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. BERMAN. Mr. Speaker, I rise today to pay tribute to the Marines from the 2nd Battalion, 23rd Marine Regiment, 4th Marine Division, headquartered in Encino, CA and to their families who support them, give them strength, and struggle heroically to keep things going at home while they serve overseas.

I am particularly pleased to join Major General John J. McCarthy, Commanding General, 4th Marine Division, Judge Harry Pregerson and all of the family members of this Battalion in celebrating our own special ''Marine Family Day,'' an event which is planned both to provide some recreation for the family members of our reservists and to honor the more than 900 members of this Marine Forces Reserve unit who served in Iraq, and especially those 38 who were wounded in action. Sadly, one Marine, Staff Sergeant James Cawley was killed in action during this conflict.

Since the creation of the 2nd Battalion, 23rd Marines in July 1942, the battalion has valiantly fought in numerous campaigns from World War II where its members saw action at Iwo Jima and Saipan to Desert Shield, Operation Desert Storm, and, of course, Operation Iraqi Freedom. They were deployed in February of this year, and have earned the distinction of being the longest-serving reserve unit in theater. While this status has earned them honor and respect, it was gained at enormous sacrifice on the part of both them and their loved ones.

Not only have these reservists risked their lives, many have taken steep pay cuts and put their careers on hold to do so. They have missed birthdays, holidays, and other important family events. These men and women are police officers, firemen, doctors, lawyers, executives, and workers of every stripe and variety; people who make up the fabric of our communities. They are our husbands, wives, fathers, mothers, brothers, sisters and friends. They are patriots.

I am proud that many of these reservists and their families live and work in my congressional district and I am honored to be celebrating with them this Saturday. I ask my colleagues to join with me in saluting the men, women, and families of the 2nd Battalion, 23rd Marine Regiment, 4th Marine Division.

CELEBRATING POLISH CONSTITUTION DAY

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. EMANUEL. Mr. Speaker, today I rise in celebration of Polish Constitution Day, Saturday, May 3rd. More than 111,000 people of Polish descent live in the Fifth Congressional District of Illinois. Amazingly, Chicago has more people of Polish descent than any other city except Warsaw, and I know they will all be reflecting on their proud heritage this Saturday.

Members of this body may not be aware of the Third of May Constitution, but passed on May 3, 1791, it was the second constitution in the world—second only to the Constitution of the United States. It was the first in Europe. This important event in the history of Poland, indeed the history of the world, is too often overlooked. Recently, however, there has been a movement to resurrect the memory of this important event, and today I stand before you in honor of its significance.

Slavic in origin, Poland has a tremendous history of more than a thousand years. During that time it has been invaded, occupied and liberated on numerous occasions. Yet, throughout a tumultuous history, Poland has remained uniquely Polish. Today Poland plays a vital role in Eastern Europe and is a friend to the United States.

Like most of Europe, Poland began life as a feudal state. But it also has a rich democratic history. In 1346 Casimir the Great established the first Polish legal code and in 1364 laid the foundation of Krakow University, providing two vital ingredients for democracy—rule of law and an educated populace. In 1430, Poland established the ''Nieminem Captivabimus,'' similar to our Habeas Corpus. By 1493, Poland established a Parliament with two houses, a Senate of dignitaries, and the Sejm which consisted of elected representatives. Following 1505, Parliament's consent was required for all new laws. The Third of May Constitution represents the culmination of these democratic reforms.

On May 3rd, 1791, the Sejm passed the Government Act, or what is today known as the Third of May Constitution. Embracing Enlightenment ideals like Rousseau's doctrine of national sovereignty and Montesquieu's concepts of a tripartite government, the Third of May Constitution demonstrates Poland's important role in helping to establish the modern world. While the Government Act still retained some resemblances of Poland's feudal heritage, it extended rights to citizens who previously had little or no rights. Peasants, for example, were officially placed under the protection of the ''law and government of the country.'' Unfortunately, soon after enactment Russia invaded Poland and the country was partitioned by Germany and Russia, abolishing the Constitution. Still, Poland can proudly look back on 1791 as a time when Poland helped establish modern democracy.

Mr. Speaker, on Saturday I look forward to joining the people of my district, as well as those of Polish descent around the world, in celebrating the common bond of democracy. I hope the members of this body will join me in saluting this important day.

PERSONAL EXPLANATION

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. KIRK. Mr. Speaker, on April 30, 2003, I missed rollcall vote number 149, H. Res. 206, the rule for H.R. 1350 due to my service on active duty as a reserve naval officer. Had I been present I would have voted ''yea''.

THE INDIVIDUAL TAX SIMPLIFICATION ACT OF 2003

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. NEAL. Mr. Speaker, today I am introducing ''The Individual Tax Simplification Act of 2003,'' and I invite all my colleagues to join me in sponsoring this legislation, which is identical to legislation I filed last Congress.

The tax code seems to get more and more complex each year, despite calls for simplification. Recently, the Joint Tax Committee determined that taxpayers are increasingly relying on paid return preparers, up 27 percent over a decade. Over the same period, the reliance on computer software has jumped from 16 percent of returns filed to 46 percent. Tax code complexity leads not only to taxpayer frustration and confusion, but also increased costs. Tax code complexity also leads to difficulties for the IRS in administering our tax laws fairly and consistently.

The simplification bill that I have re-introduced will eliminate hundreds of lines from tax forms, schedules and worksheets. I believe that it is possible and preferable to accomplish simplification in a revenue neutral manner, and without moving money between economic income groups. While some may argue that there is no constituency for simplification, I would say that is certainly changing. One survey found that two-thirds of taxpayers said the federal tax system is too complicated, up from barely 50 percent five years ago.

The Individual Tax Simplification Act has three parts. The first is based on legislation I introduced in the last three Congresses regarding nonrefundable personal credits. The second part simplifies the taxation of capital gains. The third part repeals two hidden marginal tax rates on high-income individuals, and repeals the individual minimum tax.

Title I—Simplification Relating to Nonrefundable Personal Credits

In recent years, much tax relief has been given to taxpayers in the form of nonrefundable credits, like the education credits. These credits are not usable against the alternative minimum tax. That means that more and more individuals will lose all or part of these credits, and will have to fill out the extremely complicated Alternative Minimum Tax (AMT) form. Congress has recognized this problem by enacting a short-term waiver of this exclusion. Congress has also permanently taken the child credit and the adoption credit out of the AMT. Now is the time to finish the job.

The other problem with nonrefundable credits is that the phase-out provisions vary from credit to credit, causing unnecessary complexity. In addition, the same additional dollar of income can result in a reduction in more than one nonrefundable credit. It is fundamentally wrong to promise the American public tax relief, then take all or part of it away in a backhanded manner. This fundamentally flawed policy, enacted in 1997, will get worse each and every year as more American families find themselves to be AMT taxpayers simply because of the impact of inflation, or because of their desire to take advantage of the tax relief we have promised them. Not only that, this situation has gotten much worse since the passage of the 2001 tax cuts.

This bill addresses both concerns. First, it permanently waives the minimum tax limitations on all nonrefundable credits. Second, the bill creates a single phase-out range for the adoption credit, the child credit, and the education credits, replacing the current three phase-out ranges.

Title II—Simplification of Capital Gains Tax

The second title of this bill substantially simplifies taxation of capital gains. Under current law, there are five different tax rates for long-term capital gains, and a complicated, 40-line tax form that must be endured. Moreover, this part of the tax code is already scheduled to get worse because additional rates will take affect under current law in 2006. The solution is clear. Replace this jumble of rates and forms with a simple 38 percent exclusion. Not only will this result in tremendous simplification, but more than 97 percent of individuals would be eligible for modest capital gains tax reductions.

Title III—Repeal of Certain Hidden Marginal Rate Increases, and of the Individual Minimum Tax

The third title of the bill repeals the hidden marginal rate increases in current law, and repeals the individual minimum tax. For many taxpayers, discovery of the Personal Exemptions Phaseout (PEP) and the ''Pease,'' which limits itemized deductions, can be both confusing and disappointing.

Under current law, itemized deductions are gradually reduced by 3 percent of adjusted gross income (AGI) above approximately $139,000, or by 80 percent of the otherwise allowable itemized deductions for individuals exceeding $139,000 AGI, whichever is lower. This is known as the Pease provision. In addition, personal exemptions are gradually phased out for incomes between approximately $139,000 and $262,000. This is known as the PEP. If we did not hide the effect of these provisions of current law, more people would know that these provisions result in hidden marginal rate increases. Current law has a hidden marginal rate increase, which gets worse as families grow larger. The 2001 tax cuts as enacted provide for gradual phase-out of both of these limitations in 2006, but then the repeal is subject to a sunset. This bill would immediately eliminate both.

The second part of this title is a complete repeal of the individual AMT. The original intent of the AMT was to make sure that wealthy individuals did not overuse certain tax benefits and unfairly reduce their tax burden. Unfortunately, it no longer accomplishes that goal. Since the AMT is not adjusted for inflation, more and more middle income taxpayers are falling into the AMT. In fact, a recent Tax Policy Center report showed that by the end of the decade, the AMT will hit 97 percent of all families with two children earning between $75,000 and $100,000. This is not what was intended, especially when you consider that what pushes taxpayers into the AMT now, more often than not, are state and local income and property taxes, personal exemptions, and the nonrefundable credits. The National Taxpayer Advocate has called for the repeal of the AMT, finding that the AMT calculation adds another 12 hours of preparation time for a taxpayer. Certainly, this is not what Congress was trying to accomplish when the AMT was passed.

My suggestion is to repeal it for individuals, and substitute a simple tax on adjusted gross income. The current hidden tax is dropped, and is paid for with an explicit tax on the same individuals. They get simplification, and we convert a deceptive practice into an open one.

This bill gives the Secretary of the Treasury the ability to set the rate so that this bill would be revenue neutral over ten years. The threshold amount, chosen to mimic the reality of current law, would be $120,000, and $150,000 in the cases of a joint return.

Conclusion

This bill provides fairly dramatic simplification of the individual tax system. It eliminates up to 200 lines on tax forms, schedules and worksheets. It is basically revenue neutral, so it can be accomplished during a year when there is no budget surplus to fund tax cuts. It does not attempt to shift money between income groups. The general philosophy behind the bill is that those who benefit from tax simplification of the current code should offset any revenue loss involved.

With only one-third of individuals actually willing to fill out their own forms, it is time for Congress to act. Unfortunately, the reality is that no one wants to pay for simplification no matter how much they support the goal. Here is my suggestion. I am introducing this legislation to continue the discussion I began during the 106th Congress. I am pleased that this Administration has talked about the need for tax simplification. I am also pleased that since I began this effort, the Joint Committee on Taxation and other Members of Congress have joined the debate. I look forward to working with all interested parties in this simplification effort.

IMPROVING EDUCATION RESULTS FOR CHILDREN WITH DISABILITIES ACT OF 2003

SPEECH OF

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1350) to reauthorize the Individuals with Disabilities Education Act, and for other purposes:

Mr. LANGEVIN. Mr. Chairman, I rise today in opposition to H.R. 1350, reauthorizing legislation for the Individuals with Disabilities Education Act. The reauthorization of IDEA is critical to the educational outcomes of millions of students with disabilities for years to come. I am sorely disappointed that H.R. 1350 represents a lack of commitment to fulfilling the promise of IDEA by failing to fund the law, and even proposes changes undermining the very philosophy of IDEA.

IDEA was enacted with the clear intention of eliminating discrimination against students with disabilities by promising a free and appropriate education to children with disabilities. Even with the increases in IDEA funding over the last several years, the federal government has never lived up to its share of this promise, which was intended to be 40 percent of the cost of special education services. These recent increases touted on the floor of the House have only added up to 18 percent—hardly significant in a time of state budget crises. As schools are forced to dip into their

general education budgets to make up for the shortfall in special education funding, all of America's students are losing out—and those with disabilities are being left behind.

Every year, access to education for students with disabilities is subjected to the federal appropriations process—and every year, it comes up short. I am dismayed that H.R. 1350 fails to provide for mandatory funding, and outraged that the leadership allowed for 14 amendments to be offered on this bill but denied my colleagues and me the opportunity to vote on two proposed amendments that would have guaranteed children with disabilities and their families the access to necessary resources for their education.

Further, H.R. 1350 makes significant substantive changes counter to the philosophy of IDEA. One of many alarming changes is the elimination of a key civil rights protection providing safeguards for students with disabilities in instances where behavior problems may be a manifestation of their disability. Currently, IDEA sets up a structure for initial assessments and intervention plans, so that disruptive or problematic behavior can be avoided or mitigated. In instances where students with disabilities do violate a school code, IDEA currently requires administrators to determine if the offending behavior is a manifestation of a student's disability. If that is the case, then the student, teachers and parents can return to the original behavior plan and find a way to work together to avoid further problems. If that is not the case, the student can then be subjected to the same penalties as a non-disabled student would.

I believe the current disciplinary review process is fair and in the best interest of all students. Even with these protections, students with disabilities are over-represented among students who are expelled. Yet, H.R. 1350 proposes to eliminate the provisions that require both consideration of a child's disability and use of functional behavioral assessments and intervention plans—denying students the safeguards that assure them access to educational services and placing them at significantly greater risk.

I have also heard a strong sentiment against the proposed changes in the Individualized Education Program (IEP) from my constituents, and parents and educators across the country. H.R. 1350 contains a provision to eliminate the requirement of short-term benchmarks, resulting in a negative impact on the effective collaboration between home and schools providing appropriate education and related services to students with disabilities. Measuring student progress against short-term objectives is needed to ensure that student evaluations are regular and based on multiple criteria. 1 hear stories of students who have achieved the goals set in their one-year IEP in less than that time—this is something that should be acknowledged, celebrated and encouraged—not overlooked. Any steps toward imposing a three-year IEP are steps toward overlooking the progress made in the collaborations that are essential to IDEA.

The reauthorizing legislation also fails to recognize a shortage of qualified personnel that has hampered the full implementation of IDEA for 25 years. H.R. 1350 eliminates language that sets standards for special education service providers. In the No Child Left Behind Act, Congress made it clear that every child should have a highly qualified teacher, yet H.R. 1350 removes the highest requirement provision—at a time when high standards were never more important. Every contentious issue related to IDEA—discipline, disproportionate representation of minorities, over-identification of students referred to special education—could be better addressed by ensuring an adequate supply of appropriately trained and highly qualified personnel. Ultimately, highly trained professionals make all the difference in providing an appropriate education for any student—students with disabilities are no different.

I urge my colleagues to only support legislation that preserves the spirit and meaning of IDEA. I am disappointed that the reauthorizing legislation we are here to vote on today fails to live up to that standard, and I encourage my colleagues to vote against H.R. 1350.

HONORING LANCE MICHAEL ARCHBOLD FOR EARNING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Lance Michael Archbold, 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 134, and in earning the most prestigious award of Eagle Scout.

Lance has been very active with his troop, participating in such scout activities as Camp Geiger, Camp Bartle, Camp Jayhawk, High Adventures hiking in Colorado, floating down Buffalo River and Current River, biking 225 miles of the Katy Trail in Missouri, and Junior Leader Corp for Webelos Day Camp. Over the nine years he has been involved in scouting, he has earned numerous merit badges. Additionally, Lance has held several leadership positions, serving as scribe, den chief, patrol leader, assistant patrol leader, outdoor program manager, co-captain and captain. Lance also has been honored for his numerous scouting achievements with such awards as the Arrow of Light Award, Ordeal Member of the Order of the Arrow, Foxman in the Tribe of Mic-O-Say, the On My Honor Award, and the Duty to God Award.

For his Eagle Scout project, Lance helped the Independence visitors center for the Church of Jesus Christ of Latter-Day Saints with their annual Christmas tree display for the community. He built stands for each tree they had on display so the trees would not tip over. The organization has used them for two years now.

Mr. Speaker, I proudly ask you to join me in commending Lance Michael Archbold for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

REINTRODUCTION OF THE VETERANS HOUSING FAIRNESS ACT

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mrs. MALONEY of New York. Mr. Speaker, today, I introduce legislation that allows veterans to use their guaranteed VA loans to purchase co-operative housing units. FHA and other government agencies already have programs to give loans for co-operative residential units, and most banks accept co-operative shares as collateral. The Department of Veterans Affairs should do the same. For many veterans who live in communities where co-operative housing is common or where the cost of houses and condominiums can be high, a co-operative residential unit is an affordable alternative.

FARMERS INSURANCE GROUP'S 75TH ANNIVERSARY

HON. EDWARD R. ROYCE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. ROYCE. Mr. Speaker, I rise today in recognition of Farmers Insurance Group's 75th Anniversary and Diamond Jubilee, which it celebrated on March 28, 2003. This year commemorates the company's three-quarters of a century of serving tens-of-millions of policyholders and customers across the country. Founded in 1928 in Los Angeles by Thomas E. Leavey and John C. Tyler, true entrepreneurs and philanthropists, Farmers has grown into one of the largest and most successful insurance companies in America.

Nationally, Farmers Insurance employs nearly 20,000 individuals and has an insurance agent and district manager force of more than 15,000 strong. In California, Farmers is the largest state-based insurer and employs over 6,000 individuals and has in excess of 4,000 exclusive agents and district managers. These employees, agents and district managers are a valuable financial and insurance resource for their communities. They are also leaders in volunteer service. Over the years, Farmers Insurance Group's employees, agents and district managers have volunteered their time, personal finances and raised millions of dollars for local, state and national philanthropies and charities.

Today, Farmers Insurance remains committed to community service and providing excellence in financial advice and security. Throughout the last 75 years Farmers Insurance Group has emerged as the third largest property and casualty insurer in the country. It is my hope that the company will continue to make great strides forward and will remain a leader in the personal and commercial lines and life insurance industries.

As a Representative from California, where Farmers Insurance Group's home office is located, I am proud to congratulate all employees, agents and district managers on a successful 75 years of service to their communities.

THOMASINA E. JORDAN INDIAN TRIBES OF VIRGINIA FEDERAL RECOGNITION ACT

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. MORAN of Virginia. Mr. Speaker, today I am joined by my fellow Virginians Reps. Jo Ann Davis, Tom Davis, Bobby Scott, and Edward Schrock and Rep. Neil Abercrombie of Hawaii in introducing the ''Thomasina E. Jordan Indian Tribes of Virginia Federal Recognition Act.''

This legislation will grant federal recognition to six Indian tribes in Virginia: the Chickahominy Tribe, Chickahominy Indian Tribe Eastern Division, the Upper Mattaponi, the Rappahannock Tribe, the Monacan Tribe, and the Nansemond Tribe.

As we approach the 400th anniversary of the first permanent European settlement in North America, we are long overdue in recognizing the direct descendants of the native Americans, who met these settlers. We must acknowledge these historic tribes and the significance of their heritage. Together, the men and women of these tribes represent a long neglected part of our nation's history.

Like much of our early history as a nation, the Virginia tribes were subdued, pushed off their land, and, up through much of the 20th Century, denied full rights as U.S. citizens. Despite their devastating loss of land and population, the Virginia Indians successfully overcame years of racial discrimination that denied them equal opportunities to pursue their education and preserve their cultural identity. That story of survival doesn't encompass decades, it spans centuries of racial hostility and coercive state and state-sanctioned actions. Unlike most tribes that resisted encroachment and obtained federal recognition when they signed peace treaties with the federal government, Virginia's six tribes signed their peace treaties with the Kings of England. Most notable among these was the Treaty of 1677 between these tribes and Charles the II.

In more recent times, this racial hostility culminated with the enactment and brutal enforcement of Virginia's Racial Integrity Act of 1924. This act empowered zealots, like Walter Plecker, a state official, to destroy records and reclassify in Orwellian fashion all non-whites as ''colored.'' To call yourself a ''Native American'' in Virginia was to risk a jail sentence of up to one year. Married couples were denied marriage certificates or even unable to obtain the release of their newborn child from a hospital until they changed their ethnicity on the state record to read ''colored,'' not ''Native American.'' For much of the 20th Century admission to public schools education was denied. These and other indignities are part of a shameful legacy experienced in our lifetime.

More to the point, this legacy has also complicated these tribes' quest for federal recognition, making it difficult to furnish corroborating state and official documents. It wasn't until 1997 when then Governor George Allen signed legislation directing state agencies to correct state records that had deliberately been altered to list Virginia Indians on official state documents as ''colored.''

Federal recognition would provide what the government has long denied, legal protections and financial obligations, including certain social services and benefits the federal government provides the 562-recognized tribes.

I know that the gambling issue may be at the forefront of some people's concerns. In response to this concern, I have worked to close any potential legal loopholes in this legislation to ensure that the state could prevent casino-type gaming by the tribes. Having maintained a close relationship with many of the members of these tribes, I believe they are sincere in their claims that gambling is inconsistent with their values. This position is already borne out by the fact that none of the tribes today engage in bingo gambling despite the fact that they have all established non-profit organizations that are permitted under Virginia law to operate bingo games despite compelling financial needs that revenues from bingo could address.

The real issue for the tribes is one of recognition and the long overdue need for the federal government to affirm their identity as Native Americans. Coupled with this affirmation is an opportunity for the tribes to establish a more equitable relationship with the state and secure federal financial assistance for the tribes' social services, health care and housing needs. Many of their older members face the prospect of retiring without pensions and health benefits that most Americans take for granted.

I urge my colleagues to support this legislation.

LATINO YOUTH LEADERSHIP INSTITUTE

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Ms. LINDA SÁNCHEZ of California. Mr. Speaker, on May 9th and 10th of this year, the Latino Youth Leadership Institute (LYLI) will hold its 2nd Annual Latino Youth Leadership Conference and Awards Dinner.

The initial inspiration to establish LYLI came out of the participation of students, young professionals and community leaders in the annual United States Hispanic Leadership Conference (USHLC). In the spring of 1999, after receiving information about the USHLC, a small group of community leaders made a commitment to send a delegation from Orange County to the conference in Chicago. The group succeeded in raising enough money to send the largest delegation from the furthest location to the USHLC. More importantly, they have continued to send a delegation of students each year.

Early in 2001, a group of USHLC Alumni began a series of meetings to explore the possibility of organizing a youth leadership conference in 2002 and to discuss the feasibility of establishing a nonprofit organization. LYLI was created to pursue its mission of increasing civic participation, promoting higher education, and cultivating a new generation of leaders to meet today's challenges and tomorrow's expectations. LYLI was formally incorporated as a 501 (C) 3 organization in December of 2001. The establishment of LYLI evolved gradually over a three-year period of time and would not have occurred without the perseverance of numerous volunteers and the support of elected officials, corporations, government entities, labor unions, and other community organizations.

The year 2002 was a historic one for LYLI. After years of thinking, planning, and meeting, LYLI organized its very first Latino Youth Leadership Conference and Awards Dinner. Over 1,000 high school and college students attended the Latino Youth Rally and Job Fair. As a result of this conference, some of the students volunteered and registered over 700 new voters. This year over 2,000 high school and college students from throughout Southern California are expected to participate in the Latino Youth Leadership Conference.

Although LYLI's success can be attributed to many contributors, supporters, and volunteers, two individuals deserve special recognition for their willingness to involve themselves completely in the creation, growth, and development of the Latino Youth Leadership Institute. As CoFounders of LYLI, President Ignacio ''Nash'' Orozco and Vice-President Bob Martinez have worked passionately and tirelessly to build an organization that would be able to motivate, inspire and train a new generation of Latino youth to realize their full potential as leaders.

Because of the commitment and dedication demonstrated by Mr. Orozco and Mr. Martinez, thousands of Latino Youth have already benefited from the work of LYLI, and thousands more are likely to be part of LYLI's most promising future. I salute the determination of both Mr. Orozco and Mr. Martinez to stay the course and oversee the transformation of their vision of what could be to having a real, living, functioning organization capable of shaping the dreams and aspirations of our nation's youth.

THE MEDICARE TELEHEALTH VALIDATION ACT OF 2003

HON. DOUG OSE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. OSE. Mr. Speaker, health care costs increase annually. 40 million Americans currently go uninsured. 38 million Americans depend on Medicare for their health care. With these challenges before us, Congress must act to provide the most comprehensive and cost effective health care services available. For this reason, I am reintroducing the Medicare Telehealth Validation Act of 2003.

I firmly believe that telemedicine is the best preventative medicine. The techniques and consultative efficiency provided by telehealth services reduce costs by diagnosing diseases and disorders before they progress. By expanding Medicare reimbursement for telehealth technology, we will be cutting illnesses off at the pass, and reducing overall costs.

Furthermore, telemedicine can meet the needs of underserved populations. According to researchers from the Centers for Disease Control and Prevention, there were 80 physicians per 100,000 persons in most rural areas in 1998, compared with 308.5 physicians per 100,000 in urban areas and 223.5 physicians per 100,000 persons in the suburbs. The youth death rate from all causes was 58.5 per 100,000 persons in most rural areas from 1996 to 1998, compared with 44.5 per

100,000 persons in urban areas and 35.4 per 100,000 in suburban areas. With such a disparity in quality of care between those with access to medical care and those without, Congress must act to expand the use of telehealth technology before preventable illnesses become life-threatening diseases.

The Medicare Telehealth Validation Act provides $40 million for development of telehealth networks for rural communities. These networks enable underserved populations access to the same diagnostic and consultative care that urban residents have come to expect. These networks link health care professionals in their offices to patients and colleagues from across the street or from across the globe.

In addition to providing critical medical consultation to underserved and rural constituents, this legislation provides telehealth technology to inpatient services, increases the categories of eligible participants to increase access to telehealth technologies, and it seeks to reduce the barriers for access to telehealth technologies by increasing multi-state licensing. Moreover, this legislation will expand Store and Forward technology and revolutionize radiology. X-rays and slides can be shared with specialists quickly and confidentially. Diagnosis and treatment will be better, faster, and less expensive.

I am a firm believer that preventative medicine is the best medicine. I encourage my colleagues to join me in supporting this important legislation.

DEDICATED TO PROVIDING QUALITY HEALTH CARE—A TRIBUTE TO BETTY JEAN KERR

HON. WM. LACY CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. CLAY. Mr. Speaker, I rise today to pay tribute to Betty Jean Kerr, as 2003 marks her 25th year of service as C.E.O. of People's Health Centers (PHC) in St. Louis. Kerr has been passionately devoted to providing quality health care to the medically underserved and uninsured. Strongly believing that everyone deserves quality health care, Kerr has dedicated her tenure with PHC to ensuring that primary care and prevention services are efficiently provided at these community health centers, regardless of a patient's socioeconomic status.

Kerr's extraordinary leadership is exemplified by the strong foundation she has laid and the recognized growth within PHC. PHC was a three-year-old free clinic with only one location when Kerr became CEO. Under her guidance, she has been essentially instrumental in making PHC a sprawling community of apartments for the elderly, housing for persons with disabilities, social security services, primary health care, dental services, a pharmacy, affordable homes, and small businesses.

Kerr has been remarkably persistent in reaching beyond traditional methods of making quality health care services accessible to everyone. In an effort to provide increased access to health in conjunction with health center locations, she has created school-based sites. Her staff is in all St. Louis Public middle schools, three high schools, private schools, and soon to be in the large school districts in North County.

In addition to developing sustained partnerships with patients to manage improving their health, Kerr has maintained and required a high level of expectations for health care practitioners serving minority populations in low-income neighborhoods throughout St. Louis. Setting high standards and goals for PHC, she continues to work with the board on strategic planning decisions that will reduce health disparities within St. Louis.

Mr. Speaker, it is with great privilege that I recognize Betty Jean Kerr today before Congress. This dynamic woman strongly believes that every citizen has the right to a long and healthy life. In addition to her steadfast commitment to guaranteeing accessible primary care and preventative health care services, Kerr has a vision of expanding the number of health care center locations throughout the St. Louis community. It is with great honor that I ask my colleagues to join me in honoring Betty Jean Kerr.

MAY 1ST ANNUAL DAY OF OBSERVANCE FOR COMMEMORATING OUR VICTORY IN THE COLD WAR

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. MOORE. Mr. Speaker, the Governors of Kansas and Wisconsin have proclaimed May 1 as their annual day of observance for commemorating our victory in the Cold War.

In a very real sense, the victory of the western allies was also a victory for the oppressed peoples of the Soviet bloc, and liberation for the Russian people, who are now friends and allies of the United States. May 1 was the traditional day of celebration for Communists worldwide, and displays of military might. It is fitting that May 1 now become a day of celebration of liberty for free peoples everywhere, and for remembrance of the sacrifices that made the downfall of Communism a reality.

These state proclamations were in response to efforts by the Cold War Veterans Association, which has its headquarters in the State of Kansas, and of which I am proud to be a member.

The Cold War was a long struggle, less dramatic than traditional wars, which ended with battles for cities, dropping of bombs, and formal surrenders. The Cold War ended over a period of several years, but as both President George W. Bush and Secretary Donald Rumsfeld said, ''It was a war, and we won.'' The resolute opposition to the Communist Empire took many forms, and cost many lives of American soldiers, sailors, airmen, and marines. It will be years before the casualty count is complete, but it is real, whether the losses were at sea, over Soviet or east European airspace, in shoot-downs over international waters, or along the Korean demilitarized zone (DMZ).

May 1 is the anniversary of the shoot-down of Francis Gary Powers' U–2 in 1960, and the beginning of his captivity in the U.S.S.R. The month of May saw other losses, and some small but shining victories.

May was the month in 1949 that the Soviets ended their blockade of West Berlin, after the U.S. Air Force and the British Royal Air Force supplied the besieged city with food and fuel for almost a year, costing the lives of 68 Allied servicemen and 9 Germans. Attacks on U.S. aircraft in the month of May included one in 1955, in which 2 Chinese Communist soldiers were shot down over international waters, an attack on U.S. reconnaissance aircraft over the U.S.S.R. (1954), and over international waters near the Kamchatka Peninsula (1953), shoot-downs over East Germany (1953, 1960, 1964), and by North Koreans (1963, 1974). U.S. military officers assassinated in May included 2 in Iran (1975) and one in El Salvador (1983). An attack in May 1967 by North Koreans on a U.S. Army barracks left 2 Americans dead and 17 wounded. Two separate terrorist attacks in May 1972 by the Red Army Faction in West Germany left 4 U.S. soldiers dead and 18 wounded. A terrorist attack in San Juan, Puerto Rico, in May 1982 killed one crewman and wounded 3 others from the U.S.S. Pensacola (LSD–38). Casualties at sea in May included the entire crew of 99 aboard the U.S. nuclear submarine Scorpion, which was lost at sea in 1968. May 1954 saw the U.S.S. Bennington (CV–20) damaged by an explosion and fire in the Atlantic, killing 103 and injuring 201. In May of 1981, an EA6B Prowler crashed during landing aboard the carrier U.S.S. Nimitz (CVA–68) in the Atlantic, with 14 killed and 48 injured. In May 1987, 37 sailors aboard the U.S.S. Stark were killed and 21 wounded by an Iraqi Exocet missile. In May 1975, after our involvement in Vietnam and Cambodia had ended, our troops had to rescue the U.S.S. Mayaguez and its crew from the Khmer Rouge, again at a cost of lives of our sailors and marines. And the list goes on.

During the Cold War, over 40 U.S. aircraft were shot down, and others were lost during operational missions. Shooting incidents on the ground, along the Iron Curtain in Europe and the Bamboo Curtain in Asia often made the morning reports, but seldom the morning papers. Our atomic veterans participated in a large number of nuclear weapons tests; many of them exposed to ionizing radiation, with tragic consequences in later life.

There were many successful missions. Many long nights of faithful and vigilant service, on the frontiers of freedom, on polar ice, submerged, flying airborne alerts and reconnaissance. Staying combat-ready in the Fulda Gap of Germany. Keeping watch on the Korean DMZ. Standing watch in stormy seas. Maintaining the defenses of the continental United States. Constantly improving the combat capability of the United States through research and development.

So on May 1, I salute the brave men and women of our Armed Forces who served in the Cold War, and especially those who paid the ultimate price. We refuse to allow their bravery to go unheralded in the name of ''political correctness.'' We also salute the freedom fighters who stood up to tyranny on the streets of Poland (1956, 1981), East Germany (1953), Czechoslovakia (1968), Hungary (1956), Romania (1989), and Afghanistan (1979–88). Their victory and ours are commemorated on each May 1 from this year forward.

I now ask our National Government and other state governors to proclaim this day of observance, with appropriate ceremonies and recognition. I also ask President Bush to create the Cold War Victory Medal by executive order, for award to all who served in the

Armed Forces and civilian intelligence agencies during this period. We owe them nothing less.

HONORING AND REMEMBERING OUR TROOPS

HON. JIM DeMINT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. DEMINT. Mr. Speaker, today we are here to honor and remember our troops—the young, brave Americans who recently fought to save a nation from enslavement. Answering the call of our great nation, young men and women are putting on a uniform, serving our military, and making enormous sacrifices. As American fighting men and women, they are helping write the history of the 21st century with bold strokes of courage.

Like their parents and grandparents, our troops are having their characters tested. This time it is by sweltering heat, blinding sandstorms, and enemies that hid behind women and children. But they quickly won a victory, not just for a nation, but for a vision—a vision of freedom and individual dignity. As a result, their heroic efforts will help preserve peace around the world and extend freedom and human dignity to even more people.

And when their service in Iraq is over, they will return home to a proud and grateful Nation. Their humility will pass off praise with the words ''just doing my job,'' while they think about their brothers and sisters who didn't come home. This is why America is so great. And through all their efforts our world continues to be shaped by American courage, power, and wisdom; and reverberates with American ideals.

Still, our troop's victories in Iraq do not come without a price. The United States has lost some of its best citizens. Tonight we recognize one of those fallen Marines, Private Nolen Ryan Hutchings. A graduate of Boiling Springs High School, Ryan taught those around him what it meant to be an American, and his willingness to serve inspired others to become Marines.

There is one story where he felt the need to honor a former classmate's deceased father who had retired from the military. Ryan traveled to several Marine bases to find a frame to hold a U.S. flag and then got in full dress uniform and presented the flag to the family.

Without a doubt, Ryan's sacrifice will enrich the history of the Marine Corps, and places such as An Nasiriyah will be added to the list of hallowed ground like Belleau Wood, Iwo Jima, and the Chosin Resovior. At the same time, his dedication to his community, to his fellow Marines, and to his country provide us with a shining example.

His strength, honor, sacrifice, devotion, and courage show us the path we must follow. As Ronald Reagan once said, ''some people wonder all their lives if they made a difference''—the Hutchings family will never have to wonder about Ryan.

CONGRATULATING RABBI HENRY COHEN

HON. JOSEPH M. HOEFFEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. HOEFFEL. Mr. Speaker, I rise today to recognize Henry Cohen of Montgomery County, Pennsylvania, who is celebrating the 50th anniversary of his ordination in the rabbinate.

Henry Cohen was born in 1927 in Houston, Texas into a family of reform rabbis. Rabbi Cohen has been involved with and contributed to Jewish education for his entire career. After graduating Phi Beta Kappa from the University of Texas as an English major and attending graduate classes in the English Department of the University of Chicago, he entered Hebrew Union College in Cincinnati in 1947. After being ordained in 1953, he served as an Army chaplain at Camp Polk, Louisiana, in Korea and at Ft. Sam Houston in San Antonio.

In 1955, he became assistant rabbi at Temple Beth-El in Great Neck, New York. In 1958 Henry became the spiritual leader of Sinai Temple in Illinois. At the university of Illinois he received a Master of Arts Degree in the Philosophy of Education and wrote a study entitled, ''The Idea of God in Jewish Education.'' He also completed a study, ''Jewish Life and Thought in the Academic Community,'' which was included in Marshall Sklare's The Jew in American Society. Continuing in education he taught a course in Judaism at St. Joseph's College during the 1970's. Rabbi Cohen has been teaching introduction to Judaism classes and has completed a research project for the Jewish Outreach Institute designed to discover what actually happens in the families of interfaith married couples who, at the time of their wedding, made a commitment to give their children a Jewish education. He developed a ''Beliefs and Values Survey for Interfaith Couples'' to enable them to clarify the similarities and differences of their religious and moral beliefs.

In 1964, Rabbi Cohen became the rabbi of Beth David Reform Congregation in Philadelphia. There he initiated a bi-cultural Black-Jewish nursery school and was chairman of the Jewish Coalition for Peace. Rabbi Cohen wrote two books: Justice, Justice: A Jewish View of the Black Revolution and Why Judaism?—A Search for Meaning In Jewish Identity.

He has visited the Middle East to gain a new perspective on the Arabs and Israelis. In 1986 Rabbi Cohen, and his wife Edna, visited the Soviet Union where they met the parents of Beth David's Cantor, Lilia Kazansky, and began a successful campaign to fight for their release. The couple gained their freedom in 1987. Rabbi Cohen also encouraged the formation of Chavurah Lahayyim, to support Central American refugees fleeing persecution. Rabbi Cohen helped form the Interfaith Hospitality Network of the Main Line which helps the homeless by providing meals and care in synagogues and churches.

Rabbi Cohen is an honorary board member of the Jewish Community Relations Council of Greater Philadelphia and received the Sylvia K. Cohen award for work in inter-group relations. He has been married to Edna for 45 years with two daughters, Shelley and Lisa.

I am grateful to Rabbi Cohen for his 50 years of service to the Jewish Community and the Philadelphia region as a whole.

IN HONOR OF ARMY SPECIALIST THOMAS ARTHUR FOLEY III

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. TANNER. Mr. Speaker, today I rise to honor the memory of a fine American, a young husband and father from Dresden, Tennessee, who gave his life serving our Nation in Operation Iraqi Freedom.

SPC. Thomas Arthur Foley III, 23, served with the 2nd Battalion of the 44th Air Defense Artillery Regiment of the 101st Airborne Division of the United States Army. On the 14th of April, he and a fellow soldier were killed outside Baghdad.

Tommy leaves behind a wife of a year and a half, Paulette, and a seven-month-old son, Logan, who reside at Fort Campbell Army Base on the Tennessee-Kentucky border. Tommy's stepfather and mother, Brian and Emily Penick Darden, reside in Dresden. His father and stepmother, Thomas and Angela Foley Jr., live in Montgomery, Kansas. He has a sister, Rebecca Barrington of Martin, Tennessee, and two brothers—David, who lives in Dresden, and Sean, who lives in Kansas.

Tommy's brother David has also been serving in Iraq and was able to return to Tennessee last week to see his brother buried with full military honors in Martin, Tennessee.

Family members and friends say Tommy was a man who loved life. He bravely gave that life to help make this world a better place for his son Logan and indeed for us all.

Mr. Speaker, please join Tommy's friends, family and me as we honor his memory and thank him for his heroic service to our country.

A TRIBUTE TO FRANCES F. LEE—EDUCATOR, LEADER, ACTIVIST

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. LANTOS. Mr. Speaker, I would like to ask my colleagues to join me in paying tribute to Frances F. Lee, a remarkable woman who has devoted her life to community service and social progress. Her contributions—as an educator, nonprofit leader, and principled activist—merit our admiration.

Ms. Lee recently announced her retirement as Vice Chancellor of Instruction at the City College of San Francisco (CCSF), a distinguished institution that is one of the largest community colleges in the world. As a former educator, I can only imagine the challenges she faced in enhancing CCSF's academic stature and helping thousands of Bay Area men and women to realize their educational dreams. Ms. Lee's reputation for achievement reflects her success in these endeavors. As a resolution of the San Francisco Board of Supervisors recently noted: ''Frances F. Lee served with dignity, distinction and grace and

won universal respect and admiration of faculty, staff, students, administrators and community leaders.'' Mr. Speaker, I share this view wholeheartedly.

Frances Lee's contributions to the CCSF community make up only one part of her extraordinary forty-year legacy to the City of San Francisco. A dedicated social worker, she acted as Executive Director of the Chinese Newcomers Service Center for more than a decade, where she used her talents to educate America's newest residents about our language and society. Ms. Lee has also been a civil rights champion in the Bay Area, serving on the Board of Directors of Chinese for Affirmative Action for the past 19 years and fighting to open the doors of America's schools and businesses to all Americans, regardless of race, religion, gender, and sexual orientation.

The causes and organizations to which Frances Lee has devoted herself mirror the breadth of her passion. From the Center for Southeast Asian Refugees to the San Francisco Bilingual Vocational Training Program, her commitment to the Bay Area community has enriched our lives.

Mr. Speaker, the San Francisco Board of Supervisors has declared May 9th as ''Frances Lee Day'' in the City and County of San Francisco. I ask my colleagues to join me in recognizing the achievements of this outstanding woman, and in congratulating her on her retirement.

A TRIBUTE TO MS. CONNIE MITCHELL, WINNER OF DELAWARE'S HOME-BASED BUSINESS ADVOCATE AWARD

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. CASTLE. Mr. Speaker, I rise today to pay tribute to Ms. Connie Mitchell—winner of the Delaware Home-Based Business Advocate Award. Ms. Mitchell earned this honor through her work as President of Mitchell Business Services.

As you know, advocates for small and home-based business have always been extremely important to the economic vitality of each State and to our national economy. Home-based businesses provide opportunities for millions of people to earn a living and provide financial stability for their families. Through her work, Connie has distinguished herself and many other home-based business advocates in Delaware's small business community.

Throughout my years in public service I have consistently counted Delaware's home-based businesses to be amongst the very best in the country, and recognition of Ms. Mitchell further confirms my belief.

Connie Mitchell's accomplishments and innovative leadership in the community have placed Mitchell Business Services and many other home-based businesses in a position to rise above and meet the challenges of the future; I commend her on her receipt of this award and I look forward to Ms. Mitchell's continued success.

A TRIBUTE TO RYAN GERMAN, WINNER OF THE DELAWARE YOUNG ENTREPRENEUR AWARD

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. CASTLE. Mr. Speaker, I rise today to pay tribute to Ryan German, owner of Caffe Gelato in Newark, Delaware and winner of the Delaware Young Entrepreneur award.

Mr. German established Caffe Gelato in Downtown Newark during his senior year as a business student at the University of Delaware. It has since turned into one of the most popular eateries in the city thanks to the efforts, dedication and creativity of its owner, Mr. German.

Throughout my years in public service I have consistently counted Delaware's small businesses amongst the very best in the country. Mr. German's recognition further confirms my belief.

As you know, small businesses have always been extremely important to the economic vitality of each State and to our national economy. Small businesses account for the majority of all new jobs being created daily, and provide opportunities for millions of people to earn a living and provide financial stability for their families. Through his work, Ryan has distinguished himself as an outstanding leader in the small business community.

Ryan German's accomplishments and entrepreneurial skills have placed Caffe Gelato in a position to rise above and meet the challenges of the future; I commend him on his receipt of this award and I look forward to Mr. German's continued success.

IN RECOGNITION OF SUNIL AGHI

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Ms. SOLIS. Mr. Speaker, today I rise to remember and honor the life of my friend, Mr. Sunil ''Sunny'' Aghi, who recently passed away.

Sunny's colleagues and the community will always remember his activism, dynamism and deep sense of commitment to the democratic principles. He believed passionately in the democratic process and worked to support that process. As a leader of the Indo American community, he brought issues of importance to the community to the forefront of the political debate. Sunny's leadership inspired other Indian Americans to become engaged and civically involved.

Sunny also fought diligently to bridge the divide between the United States and India. He sought to promote a positive relationship between India and the United States through an open, honest and productive dialogue between the two nations.

Mr. Aghi's dedication to serving the community was unrivaled and his passing has left a void. I am deeply saddened by his sudden passing and join his family, friends, colleagues, and the Indian American community in mourning his death. Today I rise to ask Congress to pay tribute to Sunny's energy, passion and dedication.

CENTRAL NEW JERSEY HONORS THE JEWISH FEDERATION OF GREATER MIDDLESEX COUNTY, THE U.S.-ISRAEL RELATIONSHIP AND FIFTY-FIVE YEARS OF ISRAELI STATEHOOD

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. HOLT. Mr. Speaker, I rise today in recognition of the Jewish Federation of Greater Middlesex County whose members will demonstrate their support for the U.S.-Israel relationship on May 4, 2003 with a Middlesex County community wide ''Walk for Israel'' in Johnson Park, Highland Park, New Jersey. I applaud the members of the Jewish Federation not only for their commitment to Israel, but for the service they provide to the less fortunate members of our Central New Jersey community. Their heartfelt work to improve the lives of others regardless of race, religion, or ethnicity is a testament to their humanity and we are proud to have them here in New Jersey.

I also rise today to recognize the strong U.S.-Israel relationship and to celebrate the 55th year of Israeli Statehood. Since it was founded in 1948 and with prompt U.S. recognition, Israel has stood firm as an ally of the United States and its interests in the Middle East. Our citizens maintain a deeply rooted friendship based upon common interests, a shared commitment to democracy, individual freedoms, and a rejection of extremism and terrorism.

New Jerseyans have a special relationship with Israel. We have a special sister state relationship with the State of Israel through the New Jersey-Israel Commission. Israel, as a valued partner in trade and cultural exchange, receives the continued support of our citizens.

Since 1948, the State of Israel has committed itself to living in harmony and mutual respect with its neighbors and to arriving at a peaceful solution to the conflict with the Palestinians. For most of the last three years, however, Israelis and Palestinians have found themselves in a violent and crippling deterioration of relations. Thousands have died in horrible violence that has torn through the hearts of both the Israeli and Palestinian communities.

With the introduction of the so-called ''Roadmap'' yesterday by President Bush, I hope we are at a renewed moment of hope. The people of New Jersey believe that the future security of Israel depends upon bringing end to terrorism, bloodshed, and human suffering and to establishing a just, permanent peace with the Palestinians.

I rise today in recognition of the Jewish Federation of Greater Middlesex County, the special U.S.-Israel relationship, and to celebrate 55 years of Israeli independence. Let us commit ourselves to work together with Israel so that she will enjoy her next 55 years at peace with her neighbors.

HONORING CHRISTOPHER STERLING BRENNECKE FOR EARNING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Christopher Sterling Brennecke, 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 1082, 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 Scout Reservation for 7 years and the Philmont Scout Ranch. Over the 11 years he has been involved in scouting, he has earned 31 merit badges. Additionally, Christopher has held several leadership positions, serving as quartermaster, historian, scribe, librarian, patrol leader, assistant patrol leader and senior patrol leader. Christopher also has been honored for his numerous scouting achievments with such awards as the Arrow of Light Award, the God and Country Award and Warrior in the Tribe of Mic-O-Say.

For his Eagle Scout project, Christopher landscaped around the front of the Buckner Elementary School as well as the courtyard.

Mr. Speaker, I proudly ask you to join me in commending Christopher Sterling Brennecke for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

A TRIBUTE TO SAM CALAGIONE, PRESIDENT OF DOGFISH HEAD BREWERY

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. CASTLE. Mr. Speaker, I rise today to pay tribute to Mr. Sam Calagione, President of Dogfish Head Brewery and winner of the Delaware Small Business Person of the Year Award.

Throughout my years in public service I have consistently counted Delaware's small businesses amongst the very best in the country. Mr. Calagione's recognition further confirms my belief.

As you know, small businesses have always been extremely important to the economic vitality of each State and to our national economy. Small businesses account for the majority of all new jobs being created daily, and provide opportunities for millions of people to earn a living and provide financial stability for their families. Through his work, Sam has distinguished himself as an outstanding leader in the small business community.

Sam Calagione's accomplishments and entrepreneurial skills have placed Dogfish Head Brewery in a position to rise above and meet the challenges of the future; I commend him on his receipt of this award and I look forward to Mr. Calagione's continued success.

A TRIBUTE TO DR. ALLEN BARNETT, RECOGNIZED FOR DELAWARE ENTREPRENEURIAL SUCCESS

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. CASTLE. Mr. Speaker, I rise today to pay tribute to Dr. Allen Barnett—President and CEO of AstroPower. A position which has earned him recognition in Delaware for his Entrepreneurial success.

Dr. Barnett has established one of the largest and fastest growing independent solar electric power companies in the world. Dr. Allen Barnett's creative, insightful and necessary foray into sustainable energy is not only beneficial to the entire population for ecological reasons but also for its economic stimulus.

Throughout my years in public service I have consistently counted Delaware's cutting edge entrepreneurs amongst the very best in the country. Dr. Allen Barnett's recognition further confirms my belief.

Dr. Barnett's accomplishments and innovative leadership in the community have placed AstroPower in a position to rise above and meet the challenges of the future; I commend him on his receipt of this award and I look forward to Dr. Barnett's continued success.

RECOGNIZING HAROLD O. JOHANSON

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Ms. SOLIS. Mr. Speaker, I rise today to recognize the numerous contributions of Mr. Harold O. Johanson on the occasion of his recent retirement as City Manager of El Monte, CA.

A long time resident of El Monte, Mr. Johanson has dedicated his life to serving the city. He began his career with the city of El Monte as a Planning Intern in 1967. Three years later, he became an official employee of the city as an Assistant Planner. He quickly rose through the city ranks and over the years has held several positions including Planning Director, Director of Community Services, and City Manager.

Over the course of this impressive career, Mr. Johanson dramatically changed the landscape of the city. Some of his greatest accomplishments were overseeing the establishment of the El Monte Aquatic Center, the Santa Fe Plaza Redevelopment Project, three First Time Home Buyer Programs, and numerous commercial centers that brought much needed revenue to the city. The city flourished under Mr. Johanson's strategic and watchful leadership.

As the current Treasurer for the San Gabriel Valley Boys and Girls Club and Secretary of the Downtown El Monte Business Association Board of Directors, and member of the Kiwanis Club, he has always been active in the community outside his work. While many will miss his presence in city hall, I know he will continue to work with the community.

On April 24, 2003, the city of El Monte thanked Mr. Johanson for his years of committed work. I also would like to thank Mr. Johanson and recognize his dedicated service to the community of El Monte.

CENTRAL NEW JERSEY CELEBRATES MEGAN BOYLE FOR HER RECEIPT OF THE CORE OF THE ARC ANNUAL DISTINGTUSIHED CITIZEN AWARD

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. HOLT. Mr. Speaker, I rise today to thank Megan Boyle for her volunteer service. She has been chosen by CORE of the ARC, a coalition of local social service agencies, law enforcement officials, educators and community activists, that seeks out and honors youth who have voluntarily given outstanding service to those with disabilities in the school community. She is a senior at East Brunswick High School and she has worked actively as a volunteer for the Sayerville Association for Brain Injured Children for three and one half years.

Megan's aunt introduced her to the Association for Brain Injured Children and after participating in the Saturday program two or three times, she was committed. She volunteers each Saturday helping with art, board games, exercise, sports and other activities. Her commitment expanded to summer camp with the Association over the past three summers.

Megan has displayed a variety of talents working with both autistic children and children with Down's syndrome. She has helped the children progress in the areas of learning skills and socialization skills. Her success and confidence gained her a promotion at the summer camp. Her new responsibility put her in the leadership position of being in charge of seven counselors and twenty children for six weeks.

It is only through the generosity of time and spirit of individuals like Megan that our community can meet the needs of those with disabilities. It is not often that someone as young as Megan is so willing to share of her time and expertise. She tells us she is richer for this dedication to improving the lives of others. Clearly the individuals she has befriended and served are also better off.

I ask that all the members join me in congratulating Megan Boyle as a recipient of the CORE of the ARC's Annual Distinguished Citizen Award.

HONORING KYLE ALAN BRENNECKE FOR EARNING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Kyle Alan Brenncke, 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 1082, and in earning the most prestigious award of Eagle Scout.

Kyle has been very active with his troop, participating in such scout activities as the H.

Roe Bartle Scout Reservation for 4 years. Over the 9 years he has been involved in scouting, he has earned 29 merit badges. Additionally, Kyle has held several leadership positions, serving as quarter master, historian, patrol leader, assistant patrol leader, senior patrol leader and troop guide. Kyle also has been honored for his numerous scouting achievements with such awards as the Arrow of Light Award, the God and Country Award, and Brave in the Tribe of Mic-O-Say.

For his Eagle Scout Project, Kyle painted the playground at the Buckner Elementary School in Buckner, Missouri. Additionally, Kyle painted two four squares, basketball lanes and playground signs.

Mr. Speaker, I proudly ask you to join me in commending Kyle Alan Brennecke for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

A TRIBUTE TO DONA ZACZKIEWICZ, THE DELAWARE WOMEN IN BUSINESS ADVOCATE OF THE YEAR

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. CASTLE. Mr. Speaker, I rise today to pay tribute to Dona Zaczkiewicz, winner of Delaware Women in Business Advocate of the Year Award. She is given this honor as president of Dona Z Consulting.

As you know, advocates for women in business have always been extremely important to the economic vitality of each State and to our national economy. Small businesses account for the majority of all new jobs being created daily, and provide opportunities for millions of people to earn a living and provide financial stability for their families. Through her work, Dona has distinguished herself and many other women business owners in Delaware's small business community.

Through out my years in public service I have consistently counted Delaware's women owned businesses to be amongst the very best in the Country, and recognition of Ms. Zaczkiewicz further confirms my belief.

Dona Zaczkiewicz's accomplishments and innovative leadership in the business community have placed Dona Z Consulting in a position to rise above and meet the challenges of the future; I commend her on her receipt of this award and I look forward to Ms. Zaczkiewicz's continued success.

A TRIBUTE TO MR. MARK LUPPI, WINNER OF THE MID-ATLANTIC REGION AND DELAWARE FINANCIAL SERVICE ADVOCATE AWARD

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. CASTLE. Mr. Speaker, I rise today to pay tribute to Mr. Mark Luppi—winner of the Mid-Atlantic and Delaware Financial Service Advocate Award. Mr. Luppi earned this recognition through his work as Senior Vice President of Citizens Bank.

Mr. Luppi focuses his advocacy efforts on growth and small business leadership. In just a short time after expanding into Delaware, Citizens Bank financed 59 loans to Delaware small businesses. As you know, advocates for small business have always been extremely important to the economic vitality of each State and to our national economy. Small businesses account for the majority of all new jobs being created daily, and provide opportunities for millions of people to earn a living and provide financial stability for their families.

Throughout my years in public service I have consistently counted Delaware's small businesses to be amongst the very best in the Country. Recognition of Mr. Luppi further confirms my belief.

Mr. Luppi's accomplishments and innovative leadership in the community have placed Citizens Bank and many small businesses in a position to rise above and meet the challenges of the future; I commend him on his receipt of this award and I look forward to Mr. Luppi's continued success.

RECOGNIZING ALFRED HERRERA

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Ms. SOLIS. Mr. Speaker, I rise today to recognize a great educator with a humble and caring heart, Mr. Alfred Herrera, for his commitment to students.

Mr. Herrera has a remarkable record helping underrepresented, first generation, and low-income students gain access to a college education. As the Director of UCLA's Community College Partnership Program, Mr. Herrera understands the importance of reaching out to students in community colleges who face many challenges in their pursuit of a four-year college education. He prepares students with the information and counsel that will allow them to make a successful transition from a community college to a four-year university and provides guidance for future opportunities.

Mr. Herrera's commitment to students and their academic success is unwavering; he goes far and beyond the call of duty to ensure access and opportunity for students. He has played a significant role in nurturing and providing a highly accelerated learning environment for students of diverse backgrounds.

But his commitment to educational opportunities for all students is exemplified by his work in promoting the passage and implementation of AB540, a California law that allows undocumented students an opportunity to participate in California's public higher education institutes by allowing them to pay in-state tuition rates.

I am honored to call him my dear friend. I commend him for his vision and dedication to create and extend learning opportunities for those least able to access it.

NATIONAL LANDSCAPE ARCHITECTURE WEEK

HON. HENRY E. BROWN, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. BROWN of South Carolina. Mr. Speaker, I stand today to recognize the tremendous contribution landscape architects make to the scenic beauty of the United States. Last week marked National Landscape Architecture Week. I would like to thank the industry and the American Society of Landscape Architects for all they do to improve our beautiful country.

Landscape architects play a special role in creating the places in which we live, work, and play. They are dedicated to promoting the careful stewardship, planning, and artful design of our cultural and natural environments. The work of landscape architects reflects the variety and breadth of the profession, from the design of residential and commercial developments, office building sites, and public parks, to public sector comprehensive planning, environmental planning, and town planning.

Though National Landscape Architects Week has passed, I urge all Americans to consider and recognize the many contributions made by landscape architects.

BUDD AND SYLVIA MIZDAIL CELEBRATE 50TH WEDDING ANNIVERSARY

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. KANJORSKI. Mr. Speaker, I would like to call the attention of the House of Representatives to the 50th wedding anniversary of my friends Budd and Sylvia Mizdail of Mocanaqua, Pennsylvania. Their family and friends will honor them with a party on May 3, 2003, at St. Mary's Church in Mocanaqua, the same church where they were married on May 2, 1953.

They are the proud parents of two children: John, of Emmaus; and Brenda, of Plymouth Meeting; and the proud grandparents of four grandchildren.

Both of the Mizdails have given generously of their time over the years to their church, including running the church picnics for several years. They are retired from the Borden plant in Berwick, where he worked as a laboratory technician and she worked as a secretary.

She is the Democratic chairwoman for the Second District in Luzerne County and a 20-year member of the Greater Nanticoke Area School Board. She has been president of the school board for approximately 10 years and is secretary of the Luzerne Intermediate Unit 18 board, of which she has been a member for 11 years. She also continues to be involved with the Conyngham Township Democratic Committee, of which she is a past chair.

Mr. Speaker, I am pleased to call to the attention of the House of Representatives the 50th wedding anniversary of Budd and Sylvia Mizdail, and I wish them and their family all the best.

A TRIBUTE TO MS. OLAKUNLE OLUDINA, A WINNER OF THE DELAWARE MINORITY BUSINESS ADVOCATE AWARD

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. CASTLE. Mr. Speaker, I rise today to pay tribute to Ms. Olakunle Oludina, winner of the Delaware Minority Business Advocate Award. Ms. Oludina earned this honor through her work at the YMCA of New Castle County.

As you know, advocates for minorities in business have always been extremely important to the economic vitality of each State and to our national economy. In her work, Olakunle Oludina develops and implements training and education programs for entrepreneurs, thus helping to energize Delaware's small business community.

Throughout my years in public service I have consistently counted Delaware's minority run organizations to be amongst the very best in the country, and recognition of Ms. Oludina further confirms my belief.

Olakunle Oludina's accomplishments and innovative leadership in the community have placed the YMCA of New Castle County in a position to rise above and meet the challenges of the future; I commend her on her receipt of this award and I look forward to Ms. Oludina's continued success.

RECOGNIZING TAIWAN FOR ITS HANDLING OF SARS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. TOWNS. Mr. Speaker, I rise to recognize Taiwan for its efforts in effectively addressing the Severe Acute Respiratory Syndrome (SARS). Taiwan has done an admirable job of dealing with this new, global, and fatal disease.

Taiwan's response to SARS has far outpaced many of its neighbors in that region of the world. It has been forthright about the problem and has worked with the international community to stem the spread of this deadly disease.

Quoting Dr. Scott Dowell, Director of the International Emerging Infections Program in Thailand, Center for Disease and Control and Prevention, ''the health authorities in Taiwan were taking unprecedented measures to respond to the outbreak, and we thought that they were doing a very good job. . . . They were quite capable in doing that in Taiwan, and we were encouraged by the lack of transmission to healthcare workers during the first weeks we were there.''

Even more remarkable is that Taiwan has responded so effectively to this global problem without being a member of the World Health Organization (WHO). Because of its lack of statehood, Taiwan, home to nearly 24 million people, has been denied membership status in the organization. This made it even more difficult for health experts to gather important information about SARS on the island and highlights the need for Taiwan to receive observer status at the WHO.

In a relatively short period of time, SARS has shown that it knows no borders. When infecting people, this disease does not stop at man-made borders. Thus, I would call on the World Health Organization and its members to grant observer status to Taiwan so that they can be properly integrated into the global health network. The SARS outbreak is a stark reminder of the importance of working with the entire international community in finding solutions to global problems like the spread of disease. Failing to do so prolongs the problem and puts more people at risk.

Mr. Speaker, the leaders of Taiwan have worked hard on their own and with the international community to detect and treat SARS. As such, its leaders are worthy of receiving our recognition today.

CONGRATULATIONS TO STEGALL FAMILY IN CORINTH, TX

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. BURGESS. Mr. Speaker, I rise today to express my sincere congratulations to the Stegall Family in Corinth, Texas and their entire staff at the American Eagle Harley-Davidson/Buell Dealership. They celebrate one year of successful sales and customer service in the Denton County area with a team of dedicated and diligent employees.

The community of motorcyclist enthusiasts in North Texas are also to be commended for supporting local businesses, contributing to the success of American Eagle. This developing relationship not only benefits the motorcycle industry, it also cultivates the economy of Denton County, which continues to develop with the expansion of commerce across North Texas.

Once more, I articulate my best wishes to American Eagle. May their efforts continue to be rewarded.

ASIAN PACIFIC AMERICAN HERITAGE MONTH

HON. DAVID WU

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. WU. Mr. Speaker, I rise on this first day of Asian Pacific American Heritage Month to honor our Nation's Asian Pacific American community. This month marks the 25th year that our nation has rightly recognized and celebrated the many contributions and achievements of Asian Pacific Americans.

Mr. Speaker, America draws its strength from its tremendous diversity. The Asian Pacific American community is one of the fastest growing segments of the United States with over 12.5 million people. We have greatly enriched the American landscape, and I am honored to take part in Asian Pacific American Heritage Month by celebrating the many achievements of APAs in American history.

Asian Pacific Americans have made tremendous advances in countless fields such as, politics, medicine, technology, business, music, literature, film, athletics, and agriculture. APAs helped build the Transcontinental Railroad and develop the Internet, and APAs have served honorably to defend the United States in times of armed conflict, from the Civil War through today. And, as I speak today, an Asian Pacific American astronaut, Edward Lu, is stationed aboard the International Space Station. As Chair of the Congressional Asian Pacific American Caucus, I am proud to recognize these achievements.

The Asian Pacific American community has made these achievements despite the obstacles of past discriminatory laws, such as the Chinese Exclusion Act of 1882, the Alien Law Act of 1920, and the forced internment of Japanese Americans during World War II. Like so many other segments of America, the APA community has thrived in the face of opposition.

While Asian Pacific Americans as a whole have flourished in the United States, there are still challenges facing certain segments of the APA community today. Many immigrants, refugees, and particular ethnic groups, including Southeast Asians and Pacific Islanders, are still working to achieve the American dream. We must not forget those who are struggling to overcome obstacles, including language and cultural barriers, as well as the discrimination that still exists today.

Mr. Speaker, the Asian Pacific American community is itself a diverse group of people with distinct languages and cultures. Therefore, I cannot stress enough the importance of improving our data collection on APAs. Today, Government data tends to lump various Asian Pacific Americans together in a single category. Better data will allow us to recognize the diversity and distinct cultures of the many communities that make up the Asian Pacific American community as a whole. This knowledge will allow the United States to better address the different needs of what is a very diverse community; so that all Americans have the same opportunity to attain the American dream.

Mr. Speaker, in closing, I would like to encourage Congress and the American people to spend the month of May learning about the legacy, culture, rich traditions, and achievements of the Asian Pacific American Community.

A TRIBUTE TO MS. SALLY HAWKINS, WINNER OF THE DELAWARE SMALL BUSINESS JOURNALIST AWARD

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. CASTLE. Mr. Speaker, I rise today to pay tribute to Ms. Sally Hawkins- winner of the Delaware Small Business Journalist Award. Ms. Hawkins earned this honor through her work as owner and President of the WILM–AM radio station.

As you know, small businesses have always been extremely important to the economic vitality of each State and to our national economy. Small businesses account for the majority of all new jobs being created daily, and provide opportunities for millions of people to earn a living and provide financial stability for their families. Through her work, Sally has distinguished herself as an outstanding leader in small business and journalism.

Through out my years in public service I have consistently counted Delaware's small businesses and Delaware's journalists to be amongst the very best in the Country. Recognition of Ms. Hawkins further confirms my belief.

Sally Hawkins' accomplishments and innovative leadership in the community have placed WILM in a position to rise above and meet the challenges of the future; I commend her on her receipt of this award and I look forward to Ms. Hawkins' continued success.

JOHN KLUGE

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. EHLERS. Mr. Speaker, I rise today to recognize John W. Kluge for his constant and unwavering support for the Library of Congress.

Mr. Kluge is the greatest individual benefactor in the history of the Library of Congress.

He came to this country as a young boy from Germany, with virtually nothing but a china Dresden Horse—which he still has. From these humble origins, and through hard work, he received a full scholarship to Columbia University. After service in the United States Army during World War II, he went on in the business world to create a vast media empire which he converted into a great engine of philanthropy, supporting many educational programs, aimed in particular toward helping minorities.

Mr. Kluge is the founding chairman of the James Madison Council, the Library of Congress's private sector philanthropic organization, where he has inspired many others to join in support of the Library and its programs.

Through his generosity, John Kluge helped the Library of Congress bridge the gap into its third century by enabling it to invest heavily in technologies that bring the vast collections of the Library to people all over the world.

Thanks to an endowment from Mr. Kluge, the Library of Congress established the John W. Kluge Center, which brings some of the world's best minds—the Kluge Scholars—into residence to use the rich resources of the Library and interact with national policy makers. The Kluge Center also accommodates Kluge post-doctoral Fellows who are pursuing interdisciplinary and cross-cultural subjects using the Library's rich and diverse collections. The first million dollar John W. Kluge Prize in the Human Sciences will be awarded this fall for lifetime achievement in the humanities.

The work and the generosity of spirit of this great American will live on for generations. For years to come, individuals will be able to attend college on a John W. Kluge Scholarship who might otherwise be unable to afford it. Countless future national leaders will benefit from the intellectual stimulation that this man has made possible through his work at the Library of Congress. He is a man who has made a difference. During a lifetime of philanthropic activity and quiet assistance for those in need, John W. Kluge has touched countless lives and truly deserves the recognition of this body.

2003 ONCOLOGY NURSING DAY AND MONTH

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mrs. MYRICK. Mr. Speaker, I rise today to pay tribute to oncology nurses. May is the ninth annual Oncology Nursing Day and Month. The celebration kicks off on Thursday, May 1, 2003, on Oncology Nursing Day, during the opening ceremonies of the Oncology Nursing Society's 28th Annual Congress in Denver, CO, and continues until May 31, 2003. Oncology Nursing Month recognizes oncology nurses, educates the public about oncology nursing, provides an opportunity for special educational events for oncology nurses, and celebrates the accomplishments of oncology nurses.

The Oncology Nursing Society (ONS), the largest professional oncology group in the United States composed of more than 30,000 nurses and other health professionals, exists to promote excellence in oncology nursing and the provision of quality care to those individuals affected by cancer. As part of its mission, the Society honors and maintains nursing's historical and essential commitment to advocacy for the public good. ONS was founded in 1975, and held its first Annual Congress in 1976. Since the Society was established, 218 local chapters have been formed to provide a network for education and peer support at the community level.

In my state of North Carolina there are more than 939 oncology nurses and health professionals that care for individuals with cancer and their families. In addition, North Carolina has 6 local Oncology Nursing Society chapters located in the areas of Charlotte—my district—Wilmington, Canton, Greenville, Durham, and Trinity.

Over the last ten years, the setting where treatment for cancer is provided has changed dramatically. An estimated 80 percent of all Americans receive cancer care in community settings including cancer centers, physicians' offices, and hospital outpatient departments. Treatment regimens are as complex, if not more so, than regimens given in the inpatient setting a few short years ago. Oncology nurses are on the front-lines of the provision of quality cancer care for individuals with cancer. Nurses are involved in the care of a cancer patient from the beginning through the end of treatment. Oncology nurses are the front-line providers of care by administering chemotherapy, managing patient therapies and side-effects, working with insurance companies to ensure that patients receive the appropriate treatment, provide counseling to patients and family members, in addition to many other daily acts on behalf of cancer patients.

With an increasing number of people with cancer needing high quality health care coupled with an inadequate nursing workforce, our nation could quickly face a cancer care crisis of serious proportion, with limited access to quality cancer care, particularly in traditionally underserved areas. Without an adequate supply of nurses there will not be enough qualified oncology nurses to provide the quality cancer care to a growing population of people in need. I was proud to support the passage of the ''Nurse Reinvestment Act'' in the 107th Congress. This important piece of legislation expanded and implemented programs at HRSA to address the multiple problems contributing to the nationwide nursing shortage, including the decline in nursing student enrollments, shortage of faculty, and dissatisfaction with nurse workplace environments. Mr. Speaker, I plan to work with my colleagues to ensure that the Nurse Reinvestment Act receives funding during the FY 2004 appropriations process.

I commend the Oncology Nursing Society for all of its hard work to prevent and reduce suffering from cancer and to improve the lives of those 1.3 million Americans who will be diagnosed with cancer in 2003. I wish the Oncology Nursing Society the best of luck in its endeavors and urge all Americans to support its important efforts.

TRIBUTE TO THE DENVER AREA LABOR FEDERATION

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Ms. DEGETTE. Mr. Speaker, I would like to recognize the impressive history and notable accomplishments of an exceptional organization in the 1st Congressional District of Colorado. It is both fitting and proper that we recognize this outstanding organization for its civic leadership and record of extraordinary service benefiting the working men and women of the Denver area. It is to commend this remarkable organization that I rise to honor the Denver Area Labor Federation (DALF) on the occasion of its 120th Anniversary.

While the Denver Area Labor Federation has weathered great adversity and tremendous change over the last century, it has always remained in the vanguard for economic and social justice. In the many struggles for dignity in the workplace, the labor movement in the Denver area continues to be a vital force for the rights of workers, for a living wage, a safe workplace, good benefits and for the continued well being of working families. Since its founding in 1882, DALF has led the way in forging strong alliances within the local labor movement, with the AFL–CIO, and with numerous community organizations including the Colorado Progressive Coalition, Jobs with Justice and the Colorado Coalition for Immigrant Rights. It has provided leadership for local unions in organizing drives, strikes and contract campaigns. It has conducted numerous trainings and education programs for Metro Area union members on common sense economics, organizing, political activism and community engagement. It has formed the Front Range Economic Strategy Center to enable working people to command the expertise and resources needed to hold local governments accountable for the development of affordable housing, secure health care, and the creation of jobs of sufficient quality to support families. It comes as no surprise that DALF was honored by the National AFL–CIO Convention for ''moving the fastest and the farthest on the road to becoming a Union City'' and that its political program is recognized nationwide for its innovation and success.

Working people built our communities and our nation and it is the sacrifices of the men

and women of the member locals of the Denver Area Labor Federation, past and present, to whom we owe a great debt of gratitude. Many of us in this country forget how far we've come. There was a time when fundamental decency and equity for working people were not a part of our shared values—a time when collective bargaining, workplace safety, minimum wage and benefits were not part of our common experience. For many of us in our community, decent working conditions and the basic employment benefits needed to subsist in our society are still out of reach. I am deeply appreciative of the invaluable work that the Denver Area Labor Federation and its member locals continue to do to advance the cause of a livable wage, worker rights and protections and to promote decent health care. DALF has made a tremendous impact on our community and implicit in its success has been the fundamental recognition that good wages, job security and quality health care builds a healthy and prosperous community.

Please join me in commending the Denver Area Labor Federation. It is the strong leadership that this organization exhibits on a daily basis that continually enhances our lives and builds a better future for all Americans.

CONGRATULATING FORT BENNING ON RECEIVING THE ARMY COMMUNICATIONS OF EXCELLENCE CHIEF OF STAFF AWARD

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. COLLINS. Mr. Speaker, I have been a Member of Congress for ten full years, going on my eleventh year now. Since 1993, when I was elected, the ''Home of the Infantry,'' Fort Benning has consistently been selected as the best installation in the nation, and a few times as best in the world.

As a politician, something inside me wants to take credit for that, but as a statesman, I realize that it has been the fine leadership of people like Major General Paul Eaton and Colonel Joe Torres and those who have preceded them who are really responsible for the outstanding performance of Fort Benning.

As a major power projection platform for the Army, Benning serves a very transitional community of soldiers. With our war in Iraq and Afghanistan, more than 7,000 Fort Benning troops are stationed overseas. Obviously, this kind of deployment leaves a hole. Additionally, several thousand more soldiers from other bases have passed through Benning's gates to receive specialized training before deploying to the field. This has placed a great deal of demand on the services offered.

But, in spite of all of these challenges, Fort Benning has been recognized again this year as one of the top 10 military installations in the world with the Communities of Excellence Chief of Staff Award. Competing on the Training and Doctrine Command level, Benning has demonstrated a better, more efficient, faster way to provide outstanding service to the community which calls Fort Benning home.

Additionally, Fort Benning is an integral part of the tri-community, Columbus, GA, Phenix City, AL, and Fort Benning. The military and the civilian communities strive to mutually support one another and each community compliments the others. This is the result of tireless effort by the military, the community leaders of Columbus, and Phenix City. Their effort has paid off and I am glad to see it recognized with this award.

Fort Benning, while it has a proud legacy as the foremost training center of the Army, is only a patch of Earth and some buildings. It is the people who work there that make it an outstanding example of military efficiency and service. It is the dedication of those people and the leadership of its commanders which drive the level of excellence higher each year.

The consistent performance of Fort Benning reflects well on the Army and demonstrates why Fort Benning is a shining example of the Army being all it can be.

I congratulate Major General Eaton and his fine staff on receiving this award and thank them for their service to America and to the community which makes Benning its home.

Daily Digest

HIGHLIGHTS

See Résumé of Congressional Activity.

Senate confirmed the nomination of Edward C. Prado, of Texas, to be United States Circuit Judge for the Fifth Circuit.

The House passed H.R. 1298, United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act.

Senate

Chamber Action

Routine Proceedings, pages S5619–S5694

Measures Introduced: Twenty-one bills and two resolutions were introduced, as follows: S. 965–985, and S. Res. 130–131. **Pages S5650–51**

Measures Reported:

S. Res. 75, commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers.

S. Con. Res. 15, commemorating the 140th anniversary of the issuance of the Emancipation Proclamation. **Page S5650**

Measures Passed:

Underground Storage Tank Compliance Act: Senate passed S. 195, to amend the Solid Waste Disposal Act to bring underground storage tanks into compliance with subtitle I of that Act, to promote cleanup of leaking underground storage tanks, to provide sufficient resources for such compliance and cleanup, after agreeing to a committee amendment in the nature of a substitute. **Pages S5684–89**

Taiwan WHO Participation: Senate passed S. 243, concerning participation of Taiwan in the World Health Organization. **Page S5689**

Central Asia Human Rights: Senate passed S.J. Res. 3, expressing the sense of Congress with respect to human rights in Central Asia, after agreeing to the following amendments proposed thereto: **Pages S5689–91**

McConnell (for Lugar) Amendment No. 533, in the nature of a substitute. **Pages S5689–90**

McConnell (for Lugar) Amendment No. 534 (to the preamble), in the nature of a substitute. **Page S5690**

Ottawa National Wildlife Refuge Complex Expansion and Detroit River International Wildlife Refuge Expansion Act: Senate passed H.R. 289, to expand the boundaries of the Ottawa National Wildlife Refuge Complex and the Detroit River International Wildlife Refuge, clearing the measure for the President. **Page S5691**

Emancipation Proclamation Anniversary: Senate agreed to S. Con. Res. 15, commemorating the 140th anniversary of the issuance of the Emancipation Proclamation. **Page S5691**

Commemorating Law Enforcement Officers: Senate agreed to S. Res. 75, commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers. **Pages S5691–92**

Energy Policy Act—Agreement: A unanimous-consent agreement was reached that at a time determined by the Majority Leader, after consultation with the Democratic Leader, Senate proceed to the consideration of S. 14, to enhance the energy security of the United States, on Tuesday, May 6, 2003; provided further that no amendments be in order to the bill prior to Thursday, May 8, 2003, or one day following the reports availability, whichever is later. **Page S5683**

Committee Authority—Agreement: A unanimous-consent agreement was reached providing that, notwithstanding the adjournment of the Senate, the Committee on Commerce, Science, and Transportation was authorized to file S. 824, Aviation Investment and Revitalization Vision Act, from 10 a.m. to 12 noon, on Friday, May 2, 2003. **Page S5692**

Nomination Considered: Senate continued consideration of the nomination of Priscilla Richman

Owen, of Texas, to be United States Circuit Judge for the Fifth Circuit. **Pages S5620–29**

During consideration of this nomination today, Senate took the following action:

By 52 yeas to 44 nays (Vote No. 137), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate failed to agree to the motion to close further debate on the nomination. **Page S5629**

Nomination Considered: Senate resumed consideration of the nomination of Miguel A. Estrada, of Virginia, to be United States Circuit Judge for the District of Columbia Circuit. **Page S5683**

A fifth motion was entered to close further debate on the nomination and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Monday, May 5, 2003, at 6 p.m. **Page S5683**

A unanimous-consent-time agreement was reached providing that following the disposition of the nomination of Deborah L. Cook (listed above), Senate will resume consideration of the nomination of Miguel A. Estrada. **Page S5692**

Nomination Agreement: A unanimous-consent-time agreement was reached providing for consideration of the nomination of Deborah L. Cook, of Ohio, to be United States Circuit Judge for the Sixth Circuit, at 12:45 p.m., on Monday, May 5, 2003, that there be 4 hours for debate equally divided between the Chairman and Ranking Member of the Committee on the Judiciary, and that following the use or yielding back of time, Senate will vote on confirmation of the nomination at 4:45 p.m. **Pages S5630–31**

Nominations Confirmed: Senate confirmed the following nominations:

By unanimous vote of 97 yeas (Vote No. Ex. 138), Edward C. Prado, of Texas, to be United States Circuit Judge for the Fifth Circuit. **Pages S5633–39, S5694**

Lawrence Mohr, Jr., of South Carolina, to be a Member of the Board of Regents of the Uniformed Services University of the Health Sciences for a term expiring June 20, 2003.

Sharon Falkenheimer, of Texas, to be a Member of the Board of Regents of the Uniformed Services University of the Health Sciences for a term expiring June 20, 2007.

Mark W. Everson, of Texas, to be Commissioner of Internal Revenue for a term of five years.

Richard W. Moore, of Alabama, to be Inspector General, Tennessee Valley Authority. (New Position)

Linton F. Brooks, of Virginia, to be Under Secretary for Nuclear Security, Department of Energy.

1 Army nomination in the rank of general.

2 Marine Corps nominations in the rank of general.

1 Navy nomination in the rank of admiral.

Routine lists in the Army, Marine Corps. **Pages S5683–84, S5694**

Nominations Received: Senate received the following nominations:

D. Michael Fisher, of Pennsylvania, to be United States Circuit Judge for the Third Circuit.

Roger T. Benitez, of California, to be United States District Judge for the Southern District of California.

Larry Alan Burns, of California, to be United States District Judge for the Southern District of California.

Kathleen Cardone, of Texas, to be United States District Judge for the Western District of Texas.

James I. Cohn, of Florida, to be United States District Judge for the Southern District of Florida.

Marcia A. Crone, of Texas, to be United States District Judge for the Eastern District of Texas.

Dale S. Fischer, of California, to be United States District Judge for the Central District of California.

William Q. Hayes, of California, to be United States District Judge for the Southern District of California.

John A. Houston, of California, to be United States District Judge for the Southern District of California.

Frank Montalvo, of Texas, to be United States District Judge for the Western District of Texas.

R. David Proctor, of Alabama, to be United States District Judge for the Northern District of Alabama.

Xavier Rodriguez, of Texas, to be United States District Judge for the Western District of Texas.

Dana Makoto Sabraw, of California, to be United States District Judge for the Southern District of California.

Earl Leroy Yeakel III, of Texas, to be United States District Judge for the Western District of Texas.

Gretchen C. F. Shappert, of North Carolina, to be United States Attorney for the Western District of North Carolina for the term of four years.

George A. Krol, of New Jersey, to be Ambassador to the Republic of Belarus.

Thomas W. O'Connell, of Virginia, to be an Assistant Secretary of Defense.

Routine lists in the Air Force, Navy. **Pages S5693–94**

Messages From the House: **Page S5648**

Measures Referred: **Page S5648**

Measures Placed on Calendar: **Page S5648**

Executive Communications: **Pages S5648–50**

Executive Reports of Committees: Page S5650
Additional Cosponsors: Pages S5651–52
Statements on Introduced Bills/Resolutions: Pages S5652–79
Additional Statements: Pages S5645–48
Amendments Submitted: Page S5679
Authority for Committees to Meet: Pages S5679–80

Record Votes: Two record votes were taken today. (Total—138) Pages S5629, S5639

Adjournment: Senate met at 9:15 a.m., and adjourned at 6:38 p.m., until 12 noon, on Monday, May 5, 2003. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S5692.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS: SAA/CAPITOL POLICE

Committee on Appropriations: Subcommittee on Legislative Branch concluded hearings to examine proposed budget estimates for fiscal year 2004 for the U.S. Capitol Police and the Senate Sergeant-at-Arms, after receiving testimony from Terrance W. Gainer, Chief, United States Capitol Police; and William H. Pickle, Senate Sergeant at Arms and Doorkeeper, and Chairman, United States Capitol Board.

APPROPRIATIONS: HOMELAND SECURITY

Committee on Appropriations: Subcommittee on Homeland Security concluded hearings to examine proposed budget estimates for fiscal year 2004 for the Secret Service and Coast Guard, after receiving testimony from W. Ralph Basham, Director, U.S. Secret Service, and Admiral Thomas H. Collins, Commandant, U.S. Coast Guard, both of the Department of Homeland Security.

APPROPRIATIONS: NASA

Committee on Appropriations: Subcommittee on Veterans Affairs, Housing and Urban Development, and Independent Agencies concluded hearings to examine proposed budget estimates for fiscal year 2004 for the National Aeronautics and Space Administration, after receiving testimony from Sean O'Keefe, Administrator, National Aeronautics and Space Administration.

BUSINESS MEETING

Committee on Commerce, Science, and Transportation: Committee ordered favorably reported the following business items:

S. 824, to reauthorize the Federal Aviation Administration, with an amendment in the nature of a substitute;

S. 886, to ratify otherwise legal appointments and promotions in the commissioned corps of the National Oceanic and Atmospheric Administration that failed to be submitted to the Senate for its advice and consent as required by law;

S. 929, to direct the Secretary of Transportation to make grants for security improvements to over-the-road bus operations, with an amendment; and

Certain nomination lists for promotion in the United States Coast Guard.

NANOTECHNOLOGY RESEARCH AND DEVELOPMENT

Committee on Commerce, Science, and Transportation: Committee concluded hearings to examine S. 189, to authorize appropriations for nanoscience, nanoengineering, and nanotechnology research, after receiving testimony from James Murday, Acting Chief Scientist, Office of Naval Research, Department of Defense; James B. Roberto, Associate Laboratory Director for Physical Sciences, Oak Ridge National Laboratory, Department of Energy; E. Clayton Teague, Director, National Nanotechnology Coordination Office, on behalf of the Nanoscale Science, Engineering, and Technology Subcommittee of the National Science and Technology Council; Davis Baird, University of South Carolina, Columbia; Jun Jiao, Portland State University, Oregon; Kent A. Murphy, Luna Innovations, Blacksburg, Virginia; and James R. Von Ehr II, Zyvex Corporation, Richardson, Texas.

NOMINATIONS

Committee on Foreign Relations: Committee concluded hearings to examine the nomination of Roger Francisco Noriega, of Kansas, to be an Assistant Secretary of State (Western Hemisphere Affairs), after the nominee, who was introduced by Senator Brownback, testified and answered questions in his own behalf.

HOMELAND SECURITY GRANT PROGRAMS

Committee on Governmental Affairs: Committee concluded hearings to examine the Department of Homeland Security, focusing on streamlining and enhancing homeland security grant programs, after receiving testimony from Tom Ridge, Secretary of Homeland Security.

Hearings recessed until Thursday, May 15.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the following business items:

S. Res. 75, commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers;

S. Con. Res. 15, commemorating the 140th anniversary of the issuance of the Emancipation Proclamation; and

The nominations of Patricia Head Minaldi, to be United States District Judge for the Western District of Louisiana, and Adam Noel Torres, to be United States Marshal for the Central District of California, Department of Justice.

Also, Committee ordered reported, without recommendation, the nomination of J. Leon Holmes, to be United States District Judge for the Eastern District of Arkansas.

AUTHORIZATION—INTELLIGENCE

Select Committee on Intelligence: Committee ordered favorably reported an original bill authorizing funds for fiscal year 2004 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System.

House of Representatives

Chamber Action

Measures Introduced: 46 public bills, H.R. 1902–1947; 1 private bill, H.R. 1948; and 7 resolutions, H. Con. Res. 159, and H. Res. 212–217, were introduced. **Pages H3634–37**

Additional Cosponsors: **Pages H3637–38**

Reports Filed: Reports were filed today as follows:

H.R. 1261, to enhance the workforce investment system of the Nation by strengthening one-stop career centers, providing for more effective governance arrangements, promoting access to a more comprehensive array of employment, training, and related services, establishing a targeted approach to serving youth, and improving performance accountability, amended (H. Rept. 108–82);

H.R. 1527, to amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2003 through 2006 (H. Rept. 108–83);

H.R. 281, to designate the Federal building and United States courthouse located at 200 West 2nd Street in Dayton, Ohio, as the ''Tony Hall Federal Building and United States Courthouse'' (H. Rept. 108–84);

H.R. 1018, to designate the building located at 1 Federal Plaza in New York, New York, as the ''James L. Watson United States Court of International Trade Building'' (H. Rept. 108–85);

H. Con. Res. 53, authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby, amended (H. Rept. 108–86);

H. Con. Res. 96, authorizing the use of the Capitol Grounds for the National Peace Officers' Memorial Service (H. Rept. 108–87);

H. Con. Res. 128, authorizing the use of the Capitol Grounds for the D.C. Special Olympics Law Enforcement Torch Run (H. Rept. 108–88). **Page H3634**

Guest Chaplain: The prayer was offered by the guest Chaplain, Rev. Steven M. Torrence, Chaplain, Key West Police Department, Key West, Florida. **Page H3573**

United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act: The House passed H.R. 1298, to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, by recorded vote of 375 ayes to 41 noes, Roll No. 158. **Pages H3577–H3618**

Pursuant to the rule amendment in the nature of a substitute recommended by the Committee on International Relations now printed in the bill (H. Rept. 108–60) was considered as an original bill for the purpose of amendment. **Pages H3588–96**

Agreed To:

Tauzin amendment no. 1 printed in H. Rept. 108–80 that establishes priorities for the distribution of resources; commissions a report to compare success rates of various programs and methods; restricts administrative costs; requires various reports including audit reports provided to the Global fund; encourages the Center for Disease Control in coordination the Global AIDS coordinator to develop strategies to improve injection safety and education and information provided to the public and health professionals; and directs the Department of Health and Human Services to study the illegal importation in the United States of prescription drugs donated or sold for humanitarian efforts; **Pages H3596–H3600**

Crowley amendment no. 2 printed in H. Rept. 108–80 that requires programs to combat HIV/AIDS to include a curriculum for men and boys that

emphasize gender equality and respect for women and girls; **Pages H3600–01**

Biggert amendment no. 3 printed in H. Rept. 108–80 that expresses the sense of Congress that the President should conduct an outreach campaign to inform the public of the existence of the Global Fund and any entity that will accept private contributions intended for use by the fund; **Pages H3601–02**

Stearns amendment no. 4 printed in H. Rept. 108–80 that limits the top salary level of the Global Fund to that of the Vice President of the United States (agreed to by recorded vote of 276 ayes to 145 noes, Roll No. 155); **Pages H3602, H3607–08**

Ballance amendment no. 5 printed in H. Rept. 108–80 that expresses the sense of Congress that United States food assistance should be accepted by countries with large populations of individuals infected or living with HIV/AIDS, particularly African countries, in order to help feed such individuals; **Pages H3602–03**

Lantos amendment no. 7 printed in H. Rept. 108–80 that calls for a pilot program to ensure the importance of inheritance rights of women, particularly in African countries due to the exponential growth in the number of young widows, orphaned girls, and grandmothers becoming heads of households as a result of the HIV/AIDS pandemic; **Pages H3603–04**

McCollum amendment no. 8 printed in H. Rept. 108–80, as modified by the previous order of the House, that requires AIDS orphans and vulnerable children to receive ten percent of funding of which at least fifty percent shall be provided through nonprofit, nongovernmental organizations, including faith-based organizations, that implement programs on the community level; **Pages H3604–05**

Jackson-Lee of Texas amendment no. 9 printed in H. Rept. 108–80 that expresses the sense of Congress that United States businesses should be encouraged to provide assistance to sub-Saharan African countries to prevent and reduce the incidence of HIV/AIDS; **Pages H3608–09**

Smith of New Jersey amendment no. 10 printed in H. Rept. 108–80 that clarifies that organizations that are qualified to prevent or treat HIV/AIDS shall not be required to endorse, utilize, or participate in a prevention method or treatment program to which the organization has a religious or moral objection; and **Pages H3609–12**

Pitts amendment no.11 printed in H. Rept. 108–80 that requires at least 33 percent of HIV/AIDS prevention funds be expended for abstinence-until-marriage programs (agreed to by recorded vote of 220 ayes to 197 noes, Roll No. 157). **Pages H3612–17**

Rejected:

Smith of Michigan amendment no. 6 printed in H. Rept. 108–80 that sought to reduce the funding authorization in fiscal year 2004 from $3 billion to $2 billion and increase that amount by $500,000 in subsequent years until it reaches $4 billion in fiscal year 2008; **Pages H3605–07, H3608**

H. Res. 210, the rule that provided for consideration of the bill was agreed to by voice vote. Earlier, agreed by unanimous consent to modify McCollum amendment no. 8 printed in H. Rept. 108–80. **Pages H3575–78**

Legislative Program: The Majority Whip announced the Legislative Program for the week of May 5. **Page H3619**

Meeting Hour—Monday, May 5 and Tuesday, May 6: Agreed that when the House adjourns today, it adjourn to meet at 2 p.m. on Monday, May 5. Agreed that when the House adjourns on Monday, it adjourn to meet at 12:30 p.m. on Tuesday, May 6, for morning hour debate. **Page H3619**

Calendar Wednesday: Agreed to dispense with the Calendar Wednesday business of Wednesday, May 7. **Page H3619**

Senate Messages: Message received from the Senate today appears on page H3573.

Referral: S. 196 was referred to the Committees on Science and Education and the Workforce. **Page H3632**

Quorum Calls—Votes: Four recorded votes developed during the proceedings of the House today and appear on pages H3607–08, H3608, H3617, H3618. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 5:21 p.m.

Committee Meetings

DEFENSE APPROPRIATIONS

Committee on Appropriations: Subcommittee on Defense met in executive session to hold a hearing on Missile Defense. Testimony was heard from Lt. Gen. Ronald Kadish, USAF, Director, Missile Defense Agency, Department of Defense.

HOMELAND SECURITY APPROPRIATIONS

Committee on Appropriations: Subcommittee on Homeland Security held a hearing on Federal Law Enforcement Training Center. Testimony was heard from Connie Patrick, Director, Federal Law Enforcement Training Center, Department of the Treasury.

LABOR, HHS, EDUCATION AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, Education and Related Agencies held a hearing on Worker Protection Agencies Panel. Testimony was heard from the following officials of the Department of Labor: John L. Henshaw, Assistant Secretary, Occupational Safety and Health; Dave D. Lauriski, Assistant Secretary, Mine Safety and Health Administration; Ann L. Combs, Assistant Secretary, Employee Benefits Security Administration; Victoria A. Lipnic, Assistant Secretary, Employment Standards Administration; and Jorge Perez-Lopez, Director, Office of International Economic Affairs, Occupational Safety and Health Administration.

DEFENSE TRANSFORMATION FOR THE 21ST CENTURY ACT

Committee on Armed Services: Held a hearing on the Defense Transformation for the 21st Century Act. Testimony was heard from the following officials of the Department of Defense: Paul D. Wolfowitz, Deputy Secretary; Gen. Richard B. Myers, USAF, Chairman, Joint Chiefs of Staff; E.C. ''Pete'' Aldridge, Under Secretary, Acquisition, Technology and Logistics; and David S.C. Chu, Under Secretary, (Personnel and Readiness); David M. Walker, Comptroller General, GAO; and a public witness.

Hearings continue tomorrow.

LOS ALAMOS NATIONAL LABORATORY—REVIEW UNIVERSITY OF CALIFORNIA'S CONTRACT

Committee on Energy and Commerce: Subcommittee on Oversight and Investigations held a hearing entitled ''Review of the University of California's Contract for Los Alamos National Laboratory.'' Testimony was heard from the following officials of the Department of Energy: Kyle E. McSlarrow, Deputy Secretary; Ambassador Linton F. Brooks, Under Secretary, Nuclear Security and Acting Administrator, Nuclear Security, National Nuclear Security Administration; and Gregory H. Friedman, Inspector General; and Richard C. Atkinson, President, University of California.

BALANCED BUDGET AMENDMENT

Committee on the Judiciary: Subcommittee on the Constitution approved for full Committee action H.J. Res. 22, proposing a balanced budget amendment to the Constitution of the United States.

YOUTH SMOKING PREVENTION AND STATE REVENUE ENFORCEMENT ACT

Committee on the Judiciary: Subcommittee on Courts, the Internet, and Intellectual Property held a hearing on H.R. 1839, Youth Smoking Prevention and State Revenue Enforcement Act. Testimony was heard from Paul L. Jones, Director, Homeland Security and Justice, GAO; and public witnesses.

SIKES ACT REAUTHORIZATION ACT

Committee on Resources: Subcommittee on Fisheries Conservation, Wildlife and Oceans approved for full Committee action, as amended, H.R. 1497, Sikes Act Reauthorization Act of 2003.

NANOTECHNOLOGY RESEARCH AND DEVELOPMENT ACT; GLOBAL CHANGE RESEARCH AND DATA MANAGEMENT ACT

Committee on Science: Ordered reported, as amended, H.R. 766, Nanotechnology Research and Development Act of 2003.

A motion to report H.R. 1578, Global Change Research and Data Management Act of 2003, was defeated.

REGULATORY FLEXIBILITY ACT—IRS COMPLIANCE

Committee on Small Business: Held a hearing entitled ''IRS Compliance with the Regulatory Flexibility Act.'' Testimony was heard from Pamela F. Olson, Assistant Secretary, Tax Policy, Department of the Treasury; John Graham, Administrator, Office of Information and Regulatory Affairs, OMB; Thomas Sullivan, Chief Counsel for Advocacy, SBA; and public witnesses.

COORDINATING HUMAN SERVICES TRANSPORTATION

Committee on Transportation and Infrastructure, and the Committee on Education and the Workforce held a joint hearing on Coordinating Human Services Transportation. Testimony was heard from Jennifer L. Dorn, Administrator, Federal Transit Administration, Department of Transportation; William F. Raub, Acting Assistant Secretary, Planning and Evaluation, Department of Health and Human Services; David Dye, Deputy Assistant Secretary, Employment and Training, Department of Labor; Loretta Petty, Deputy Assistant Secretary, Office of Special Education and Rehabilitative Services, Department of Education; Kate Siggerud, Acting Director, Physical Infrastructure Issues, GAO; Joann Hutchinson, Director, Commission for the Transportation Disadvantaged, Department of Transportation, State of Florida; and public witnesses.

MEDICARE COST-SHARING AND MEDIGAP

Committee on Ways and Means: Subcommittee on Health held a hearing on Medicare Cost-Sharing and Medigap. Testimony was heard from Glenn M.

Hackbarth, Chairman, Medicare Payments Advisory Commission; and public witnesses.

SOCIAL SECURITY PROVISIONS AFFECTING PUBLIC EMPLOYEES

Committee on Ways and Means: Subcommittee on Social Security held a hearing on Social Security Provisions Affecting Public Employees. Testimony was heard from Robert M. Wilson, Deputy Commissioner, Legislation and Congressional Affairs, SSA; Barbara Bovbjerg, Director, Education, Workforce, and Income Security, GAO; and public witnesses.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, *p. D410)*

H.R. 1770, to provide benefits and other compensation for certain individuals with injuries resulting from administration of smallpox countermeasures. Signed on April 30, 2003. (Public Law 108–20)

S. 151, to prevent child abduction and the sexual exploitation of children. Signed on April 30, 2003. (Public Law 108–21)

COMMITTEE MEETINGS FOR FRIDAY, MAY 2, 2003

(Committee meetings are open unless otherwise indicated)

Senate

No meetings/hearings scheduled.

House

Committee on Armed Services, to continue hearings on the Defense Transformation for the 21st Century Act, 9 a.m., 2118 Rayburn.

CONGRESSIONAL PROGRAM AHEAD

Week of May 5 through May 10, 2003

Senate Chamber

On *Monday,* at 12:45 p.m., Senate will consider the nomination of Deborah L. Cook, of Ohio, to be United States Circuit Judge for the Sixth Circuit, with a vote on confirmation of the nomination to occur at 4:45 p.m.; following which, Senate will resume consideration of Miguel A. Estrada, of Virginia, to be United States Circuit Judge for the District of Columbia Circuit, with a vote on the fifth motion to close further debate on the nomination to occur at 6 p.m.

On *Tuesday,* Senate will begin consideration of S. 14, Energy Policy Act.

During the balance of the week, Senate may also consider the proposed NATO Expansion bill; S. 15, Project BioShield Act; S. 925, Foreign Relations Authorization Act; S. 113, Foreign Intelligence Surveillance Act, and any other cleared legislative and executive business.

Senate Committees

(Committee meetings are open unless otherwise indicated)

Committee on Appropriations: May 6, Subcommittee on Homeland Security, to hold hearings to examine proposed budget estimates for fiscal year 2004 for border and transportation security, 10 a.m., SD–124.

May 7, Subcommittee on Defense, to hold hearings to examine the National Guard and Reserve, 10:15 a.m., SD–192.

May 8, Subcommittee on Legislative Branch, to hold hearings to examine proposed budget estimates for fiscal year 2004 for the Secretary of the Senate and the Architect of the Capitol, 1:30 p.m., SD–124.

Committee on Armed Services: May 6, Subcommittee on Emerging Threats and Capabilities, closed business meeting to mark up those provisions, which fall within the jurisdiction of the subcommittee, of proposed legislation authorizing appropriations for fiscal year 2004 for military activities of the Department of Defense, 2:30 p.m., SR–222.

May 6, Subcommittee on SeaPower, closed business meeting to mark up those provisions, which fall within the jurisdiction of the subcommittee, of proposed legislation authorizing appropriations for fiscal year 2004 for military activities of the Department of Defense, 3:30 p.m., SR–232A.

May 6, Subcommittee on Personnel, closed business meeting to mark up those provisions, which fall within the jurisdiction of the subcommittee, of proposed legislation authorizing appropriations for fiscal year 2004 for military activities of the Department of Defense, 4:30 p.m., SR–222.

May 7, Subcommittee on Airland, closed business meeting to mark up those provisions, which fall within the jurisdiction of the subcommittee, of proposed legislation authorizing appropriations for fiscal year 2004 for military activities of the Department of Defense, 9 a.m., SR–232A.

May 7, Subcommittee on Readiness and Management Support, closed business meeting to mark up those provisions, which fall within the jurisdiction of the subcommittee, of proposed legislation authorizing appropriations for fiscal year 2004 for military activities of the Department of Defense, 10 a.m., SR–222.

May 7, Subcommittee on Strategic Forces, closed business meeting to mark up those provisions, which fall within the jurisdiction of the subcommittee, of proposed legislation authorizing appropriations for fiscal year 2004 for military activities of the Department of Defense, 11:30 a.m., SR–232A.

May 7, Full Committee, closed business meeting to mark up proposed legislation authorizing appropriations

for fiscal year 2004 for military activities of the Department of Defense, 2:30 p.m., SR–222.

May 8, Full Committee, closed business meeting to mark up proposed legislation authorizing appropriations for fiscal year 2004 for military activities of the Department of Defense, 9:30 a.m., SR–222.

May 9, Full Committee, closed business meeting to mark up proposed legislation authorizing appropriations for fiscal year 2004 for military activities of the Department of Defense, 9:30 a.m., SR–222.

Committee on Banking, Housing, and Urban Affairs: May 7, business meeting to consider S. 709, to be immediately followed by oversight hearings to examine the impact of the global settlement, 10 a.m., SD–538.

Committee on Commerce, Science, and Transportation: May 6, to hold hearings to examine media ownership, 9:30 a.m., SR–253.

May 7, Full Committee, to hold hearings to examine climate change, 9:30 a.m., SR–253.

May 7, Subcommittee on Science, Technology, and Space, to hold hearings to examine Hydrogen, 2:30 p.m., SR–253.

May 8, Full Committee, to hold hearings to examine the nomination of Annette Sandberg, of Washington, to be Administrator of the Federal Motor Carrier Safety Administration, to be immediately followed by hearings to examine the reauthorization of National Highway Traffic Safety Administration, 9:30 a.m., SR–253.

Committee on Energy and Natural Resources: May 6, Subcommittee on National Parks, to hold hearings to examine S. 324, to amend the National Trails System Act to clarify Federal authority relating to land acquisition from willing sellers for certain trails in the National Trails System, S. 634, to amend the National Trails System Act to direct the Secretary of the Interior to carry out a study on the feasibility of designating the Trail of the Ancients as a national historic trail, S. 635, to amend the National Trails System Act to require the Secretary of the Interior to update the feasibility and suitability studies of four national historic trails, and S. 651, to amend the National Trails System Act to clarify Federal authority relating to land acquisition from willing sellers for the majority of the trails in the System, 10 a.m., SD–366.

May 6, Full Committee, to hold oversight hearings to examine the Department of the Interior program's addressing western water issues, 2:30 p.m., SD–366.

Committee on Environment and Public Works: May 8, Subcommittee on Clean Air, Climate Change, and Nuclear Safety, to hold hearings to examine S. 485, to amend the Clean Air Act to reduce air pollution through expansion of cap and trade programs, to provide an alternative regulatory classification for units subject to the cap and trade program, 9:30 a.m., SD–406.

Committee on Foreign Relations: May 7, Subcommittee on International Economic Policy, Export and Trade Promotion, to hold hearings to examine U.S. energy security, focusing on Latin America and West Africa, 2:30 p.m., SD–419.

Committee on Indian Affairs: May 7, to hold hearings to examine S. 550, to amend the Indian Land Consolidation Act to improve provisions relating to probate of trust and restricted land, 10 a.m., SR–485.

Committee on the Judiciary: May 6, Subcommittee on Constitution, Civil Rights and Property Rights, to hold hearings to examine judicial nominations, filibusters, and the Constitution, focusing on when a majority is denied its right to consent, 2:30 p.m., SD–226.

May 7, Full Committee, to hold hearings to examine the nominations of Consuelo Maria Callahan, of California, to be United States Circuit Judge for the Ninth Circuit, and Michael Chertoff, of New Jersey, to be United States Circuit Judge for the Third Circuit, 9:30 a.m., SD–226.

May 8, Full Committee, to hold hearings to examine the nominations of Robert D. McCallum, Jr., of Georgia, to be Associate Attorney General, and Peter D. Keisler, of Maryland, to be an Assistant Attorney General, both of the Department of Justice, 2 p.m., SD–226.

Special Committee on Aging: May 6, to hold hearings to examine Medicare reform and competition, 10 a.m., SD–562.

House Chamber

To be announced.

House Committees

Committee on Appropriations, May 6, Subcommittee on Labor, Health and Human Services, Education and Related Agencies, on Members of Congress, 9:45 a.m., 2358 Rayburn.

May 6, Subcommittee on Transportation and Treasury, and Independent Agencies, on Secretary of Transportation. 2 p.m., 2358 Rayburn.

May 7, Subcommittee on Foreign Operations, Export Financing, and Related Programs, on Global Health Issues, 2 p.m., 2359 Rayburn.

May 7, Subcommittee on Homeland Security, on Bureau of Customs and Border Protection, 10 a.m., 2358 Rayburn.

May 7 and 8, Subcommittee on Labor, Health and Human Services, Education, and Related Agencies, on public witnesses. 9:45 a.m., and 2 p.m., 2358 Rayburn.

May 7, Subcommittee on Transportation, and Treasury, and Related Agencies, on IRS Fiscal Year 2004 Compliance Proposals, 2 p.m., 2358 Rayburn.

May 8, Subcommittee on Homeland Security, on Bureau of Immigration and Customs Enforcement, 2 p.m., 2359 Rayburn.

May 8, Subcommittee on Transportation and Treasury, and Independent Agencies, on Management and Cost Oversight of Federal Highway Funding, 10 a.m., and on Secretary of Treasury, 2 p.m., 2358 Rayburn.

Committee on Education and the Workforce, May 6, Subcommittee on Education Reform, hearing on ''Protecting Children: The use of Medication in our Nation's Schools, 2 p.m., 2176 Rayburn.

Committee on Energy and Commerce, May 7, Subcommittee on Oversight and Investigations, hearing entitled ''SARS: Assessment, Outlook, and Lessons Learned,'' 2 p.m., 2123 Rayburn.

May 8, Subcommittee on Commerce, Trade and Consumer Protection, hearing entitled ''Trade in Services and E-Commerce: The Significance of the Singapore and Chile Free Trade Agreements,'' 9:30 a.m., 2123 Rayburn.

Committee on Financial Services, May 6, Subcommittee on Oversight and Investigations, hearing entitled ''Increasing the Effectiveness of State Consumer Protections,'' 3 p.m., 2128 Rayburn.

May 8, Subcommittee on Financial Institutions and Consumer Credit, hearing entitled ''The Importance of the National Credit Reporting System to Consumers and the U.S. Economy,'' 10 a.m., 2128 Rayburn.

Committee on Government Reform, May 5, Subcommittee on National Security, Emerging Threats and International Relations, hearing on Homeland Security: Improving Public Health Surveillance, 2 p.m., 2154 Rayburn.

May 6, full Committee, oversight hearing on ''Instilling Agility, Flexibility and a Culture of Achievement in Critical Federal Agencies: A review of H.R. 1836, Civil Service and National Security Personnel Improvement Act of 2003,'' 10 a.m., 2154 Rayburn.

May 6, Subcommittee on Technology, Information Policy, Intergovernmental Relations and the Census, hearing entitled ''Can Factual Data Analysis Strengthen National Security,'' Part 1, 3 p.m., 2154 Rayburn.

May 7, Subcommittee on Human Rights and Wellness, hearing on ''Consumer Choice and Implementing Full Disclosure in Dentistry,'' 10 a.m., 2154 Rayburn.

May 8, full Committee, hearing entitled ''Out of Many, One: Assessing Barriers to Information Sharing in the Department of Homeland Security,'' 10 a.m., 2154 Rayburn.

Committee on House Administration, May 6, to mark up Omnibus Committee Funding resolution, 5 p.m., 1334 Longworth.

Committee on International Relations, May 7, full Committee, to mark up the following: the Foreign Relations Authorization Act for Fiscal Years 2004 and 2005; and the Millennium Challenge Account Act of 2003, 10:15 a.m., 2172 Rayburn.

May 8, Subcommittee on Europe and the Subcommittee on International Terrorism, Nonproliferation and Human Rights, joint hearing on U.S. Cooperative Threat Reduction and Nonproliferation Programs, Part I, 1:30 p.m., 2165 Rayburn.

Committee on the Judiciary, May 6, Subcommittee on Crime, Terrorism, and Homeland Security, oversight hearing on Reauthorization of the U.S. Department of Justice: Bureau of Alcohol, Tobacco and Firearms; FBI and DEA, 2 p.m., 2141 Rayburn.

May 6, Subcommittee on Crime, Terrorism and Homeland Security, to mark up H.R. 21, Unlawful Internet Gambling Funding Prohibition Act, 4 p.m., 2141 Rayburn.

May 6, Subcommittee on Immigration, Border Security and Claims, hearing on the following bills: H.R. 1685, to amend the Immigration and Nationality Act relating to posthumous citizenship through death while on active-duty service during periods of military hostilities to eliminate the prohibition on immigration benefits for surviving family members and to provide such benefits for spouses and children; H.R. 1714, Armed Forces Citizenship Act of 2003; H.R. 1799, Fallen Heroes Immigrant Spouse Fairness Act of 2003; H.R. 1275, to amend the Immigration and Nationality Act to change the requirements for naturalization to citizenship through service in the Armed Forces of the United States; and H.R. 1814, Nationalization and Family Protection for Military Members Act of 2003, 10 a.m., 2141 Rayburn.

May 7, full Committee, to mark up the following measures: H.R. 1086, Standards Development Organization Advancement Act of 2003; H.R. 1437, to improve the United States Code; H.R. 1529, Involuntary Bankruptcy Improvement Act of 2003; S. 330, Veterans Memorial Preservation and Recognition Act of 2003; H.R. 1302, Federal Courts Improvement Act of 2003; H.R. 1303, to amend the E-Government Act of 2002 with respect to rulemaking authority of the Judiciary Conference; H.R. 982, to clarify the tax treatment of bonds and other obligations issued by the Government of American Samoa; H. Res. 180, supporting the goals and ideals of ''National Correctional Officers and Employees Week'' and honoring the service of correctional officers and employees; and S.J. Res. 8, expressing the sense of Congress with respect to raising awareness and encouraging prevention of sexual assault in the United States and supporting the goals and ideals of National Sexual Assault Awareness and Prevention Month; and to consider Rules for consideration of Private Claims and Private Immigration bills, 10 a.m., 2141 Rayburn.

May 7, Subcommittee on the Constitution, hearing and markup of H.J. Res. 4, proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States, 3 p.m., 2237 Rayburn.

May 8, full Committee, oversight hearing on ''Direct Broadcasting Satellite Service in the Multichannel Video Distribution Market,'' 10 a.m., 2141 Rayburn.

May 8, Subcommittee on Immigration, Border Security and Claims, oversight hearing on War on Terrorism: Immigration Enforcement Since September 11, 2001, 2 p.m., 2237 Rayburn.

Committee on Resources, May 6, hearing on H.R. 1835, National Security Readiness Act of 2003, 2 p.m., 1324 Longworth.

Committee on Science, May 8, Subcommittee on Research, hearing on the National Earthquake Reduction Program: Past, Present, and Future, 2 p.m., 2318 Rayburn.

May 8, Subcommittee on Space and Aeronautics, hearing on NASA's Integrated Space Transportation Plan and Orbital Space Plan Program, 10 a.m., 2318 Rayburn.

Committee on Small Business, May 6, Subcommittee on Workforce, Empowerment and Government Programs, hearing on the Current and Future States of the SBIR, FAST and MEP Program, 10 a.m., 2360 Rayburn.

May 7, full Committee, hearing entitled ''Are Big Businesses Being Awarded Contracts Intended for Small Businesses? 2 p.m., 2360 Rayburn.

May 8, Subcommittee on Tax, Finance, and Exports, hearing on Overcoming Obstacles Facing the Uninsured: How the Use of Medical Savings Accounts, Flexible

Spending Accounts and Tax Credits Can Help, 2 p.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, May 7, Subcommittee on Highways, Transit and Pipelines, hearing on Highway and Transit Needs: The State and Local Perspective, 10 a.m., 2167 Rayburn.

May 7, Subcommittee on Water Resources and Environment, hearing on H.R. 135, Twenty-First Century Water Commission Act of 2003, 2 p.m., 2167 Rayburn.

May 8, Subcommittee on Aviation, hearing on the Status of the Federal Flight Deck Officer Program, 10 a.m., 2167 Rayburn.

May 8, Subcommittee on Aviation, to mark up H.R. 765, to amend title 49, United States Code, to allow cargo pilots to participate in the Federal flight deck officer program, 2 p.m., 2167 Rayburn.

May 8, Subcommittee on Economic Development, Public Buildings and Emergency Management, oversight hearing on the Administration's Proposal to Reauthorize the Economic Development Administration, 10 a.m., 253 Rayburn.

Committee on Veterans' Affairs, May 6, Subcommittee on Health, to mark up pending business; followed by a hearing on the status of homeless-assistance programs for veterans conducted by the Department of Veterans Affairs, including its coordination with community based providers and other agencies, 1 p.m., 334 Cannon.

May 7, Subcommittee on Benefits, to mark up pending business, 11:30 a.m., 334 Cannon.

May 7, Subcommittee on Oversight and Investigations, hearing to review the progress of the Department of Veterans Affairs concerning the collections of its Medical Care Collection Fund, 2 p.m., 334 Cannon.

May 8, full Committee, hearing on past and present efforts to identify and eliminate fraud, waste, abuse and mismanagement in programs administered by the Department of Veterans Affairs, 10 a.m., 334 Cannon.

Joint Meetings

Joint Economic Committee: May 6, to hold joint hearings to examine financing the nation's roads, 10 a.m., SD–628.

Résumé of Congressional Activity

FIRST SESSION OF THE ONE HUNDRED EIGHTH 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 April 30, 2003

	Senate	*House*	*Total*
Days in session	58	43	..
Time in session	464 hrs., 12′	273 hrs., 54′	..
Congressional Record:			
Pages of proceedings	5,617	3,572	..
Extensions of Remarks	..	819	..
Public bills enacted into law	4	17	21
Private bills enacted into law	..	..	..
Bills in conference	4	..	..
Measures passed, total	155	182	337
Senate bills	42	6	..
House bills	13	62	..
Senate joint resolutions	1	..	..
House joint resolutions	5	7	..
Senate concurrent resolutions	12	2	..
House concurrent resolutions	11	23	..
Simple resolutions	71	82	..
Measures reported, total	70	76	146
Senate bills	43	..	..
House bills	3	48	..
Senate joint resolutions	2	..	..
House joint resolutions	..	..	..
Senate concurrent resolutions	2	..	..
House concurrent resolutions	..	1	..
Simple resolutions	20	27	..
Special reports	5	1	..
Conference reports	1	4	..
Measures pending on calendar	30	21	..
Measures introduced, total	1,143	2,324	3,467
Bills	961	1,901	..
Joint resolutions	12	54	..
Concurrent resolutions	41	158	..
Simple resolutions	129	211	..
Quorum calls	3	1	..
Yea-and-nay votes	136	105	..
Recorded votes	..	48	..
Bills vetoed	..	..	..
Vetoes overridden	..	..	..

* These figures include all measures reported, even if there was no accompanying report. A total of 40 reports have been filed in the Senate, a total of 81 reports have been filed in the House.

DISPOSITION OF EXECUTIVE NOMINATIONS

January 7 through April 30, 2003

Civilian Nominations, totaling 320, disposed of as follows:	
Confirmed	136
Unconfirmed	181
Withdrawn	3
Other Civilian Nominations, totaling 1,070, disposed of as follows:	
Confirmed	1,039
Unconfirmed	31
Air Force Nominations, totaling 5,322, disposed of as follows:	
Confirmed	4,474
Unconfirmed	848
Army Nominations, totaling 1,265, disposed of as follows:	
Confirmed	626
Unconfirmed	639
Navy Nominations, totaling 111, disposed of as follows:	
Confirmed	46
Unconfirmed	65
Marine Corps Nominations, totaling 1,529, disposed of as follows:	
Confirmed	1,259
Unconfirmed	270

Summary

Total Nominations carried over from the First Session	0
Total Nominations Received this Session	9,617
Total Confirmed	7,580
Total Unconfirmed	2,034
Total Withdrawn	3
Total Returned to the White House	0

Next Meeting of the SENATE
12 noon, Monday, May 5

Senate Chamber

Program for Monday: After the transaction of any morning business (not to extend beyond 12:45 p.m.), Senate will consider the nomination of Deborah L. Cook, of Ohio, to be United States Circuit Judge for the Sixth Circuit, with a vote on confirmation of the nomination to occur at 4:45 p.m.; following which, Senate will resume consideration of Miguel A. Estrada, of Virginia, to be United States Circuit Judge for the District of Columbia Circuit, with a vote on the fifth motion to close further debate on the nomination to occur at 6 p.m.

Next Meeting of the HOUSE OF REPRESENTATIVES
2 p.m., Monday, May 5

House Chamber

Program for Monday: Pro forma session.

Extensions of Remarks, as inserted in this issue

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